

7-05-87/1-T

3788
YB.

In the Trial Chamber II **D 3788 - D 3785** Case No. IT-05-87/1-T
Date : 26 August 2009

28 Aug 2009

Before: Judge Kevin Parker, Presiding
Judge Christoph Flüge
Judge Melville Baird

Registrar: Mr. John Hocking

Public Order

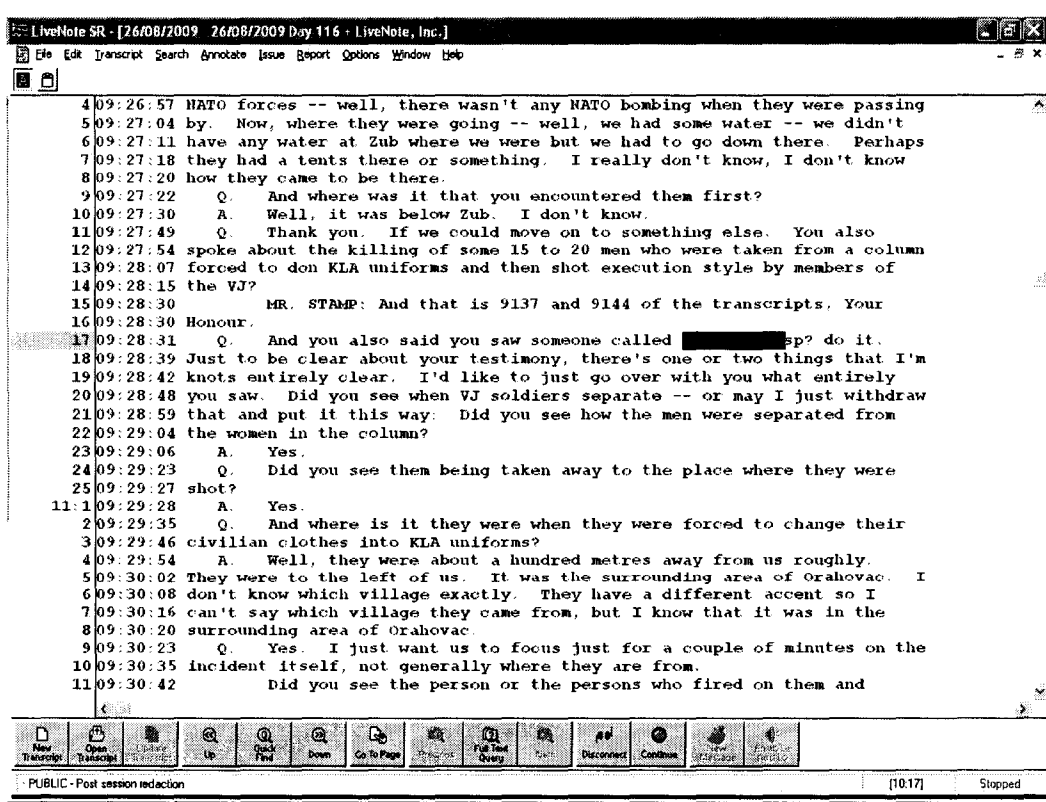
The Prosecutor
v.
Vlastimir Đorđević

**Order to redact the public transcript
and the public broadcast of a hearing**

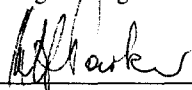
The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following blacked-out text be omitted from the public transcript of the hearing dated 26 August 2009 and be edited from the public broadcast of this hearing.



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LiveNote SR [26/08/2009 26/08/2009 Day 116 - LiveNote, Inc.]

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17 10:07:32 but I think we are talking about a maximum range here that that figure is
18 10:07:32 the maximum range.
19 10:07:39 Q. Now, witness would you agree with me that the maximum range of a
20 10:07:42 120 millimetre mortar with a 5th range is 5520 ch metres?
21 10:08:06 A. I don't know.
22 10:08:06 Q. When we are on the subject, let me ask you this, do you consider
23 10:08:11 a reliable source information from the commander who was -- is a captain
24 10:08:22 now, [REDACTED]
25 10:08:30 A. Well, I do agree with him, [REDACTED] I suppose he knows about
24:10:08:37 these things.
2 10:08:37 Q. K89, I'm asking you this for the simple reason that you said that
3 10:08:51 from Sulani, and you marked Sulani, that you targeted Smolnica. Now, in
4 10:08:59 your statements, and I quoted paragraph 15, and you repeated this in the
5 10:09:06 Milutinovic trial it says that Smolnica was 8 or 9 kilometres away from
6 10:09:38 Sulani. Now, if we take into account the range that I mentioned for the
7 10:09:38 120 millimetre mortar, can you explain it to us how it was possible to
8 10:09:38 target Smolnica from Sulani then?
9 10:09:38 A. Well, it's like this, I said that we targeted in that direction,
10 10:09:39 in the direction of Smolnica. I don't know whether we could have hit
11 10:09:45 Smolnica or not. I couldn't see it. It's not flat land, it's across the
12 10:09:51 hill. So I wasn't clear on what we were targeting. Perhaps there was
13 10:09:56 another village in front of Smolnica, I don't know what Smolnica is in
14 10:10:02 fact, is it a village or a town? Perhaps the KLA had a stronghold,
15 10:10:20 perhaps the Albanians had a stronghold around the village or in the
16 10:10:20 village itself, but I'm not quite clear on that. I don't actually know.
17 10:10:21 Q. Can I conclude that you actually don't know if you could hit
18 10:10:35 Smolnica from Sulani with mortar fire? When I say Smolnica, I think of
19 10:10:41 the village of Smolnica, but you just had the information to fire in the
20 10:10:44 direction of Smolnica wherever that was?
21 10:10:47 A. Yes.
22 10:10:51 Q. So to continue with Sulani, when you came to Sulani --
23 10:11:14 MR. POPOVIC: [Interpretation] Your Honours, perhaps we could move
24 10:11:16 to a private session, please.

PUBLIC - Post session redaction [23/25] Stopped

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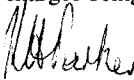
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4 11:40:36 at.
5 11:40:36 JUDGE PARKER: Could you help me with something. You've told us
6 11:40:39 that the mortars, you didn't unload from the trucks. They remained on
7 11:40:47 the trucks, did they?
8 11:40:50 THE WITNESS: [Interpretation] Yes, correct, they were attached to
9 11:40:59 the trucks.
10 11:41:01 JUDGE PARKER: What weapons did you have?
11 11:41:06 THE WITNESS: [Interpretation] We had an automatic rifle.
12 11:41:12 JUDGE PARKER: Thank you.
13 11:41:14 MR. POPOVIC: [Interpretation] Thank you.
14 11:41:34 Q. K89, if you were at a distance 180 to 1200 metres from the
15 11:42:05 infantry frontline, am right to say that you and your mortars were under
16 11:42:05 threat, jeopardized by the fire-power of the opposite side?
17 11:42:05 A. Yes.
18 11:42:05 Q. Would you change your testimony if I were to tell you that
19 11:42:09 Lieutenant [REDACTED] whom we've already mentioned, gave a statement to the
20 11:42:13 Tribunal's investigators and that in that statement he said that you
21 11:42:16 never approach closer to 1 kilometre from the frontline, infantry
22 11:42:23 frontline?
23 11:42:23 A. Well, I don't really know. Perhaps what he said was true, but I
24 11:42:35 know that we were there in that area, and that we were at that distance.
25 11:42:41 Now, why we were at that distance, I'm not quite clear. But we did go
45:1 11:42:46 together with them. We also went on our own. We were there for a couple
2 11:42:51 of days. Just our mortar unit.
3 11:42:56 Q. There's a difference in what he says and what you say. In fact,
4 11:43:09 it's the exact opposite. There's an enormous amount of difference. If
5 11:43:13 you said that what he says might be true, then some of what you said or
6 11:43:19 what he said -- well, the truth can't be both ways, so would you change
7 11:43:27 your testimony if I put it to you that that is what he said? Do you
8 11:43:33 allow for the possibility of him being right?
9 11:43:37 MR. STAMP: Your Honour, it's asked and answered and most of his
10 11:43:39 question is composed of arguments.
11 11:43:46 JUDGE PARKER: I think you can certainly clarify whether the

PUBLIC - Post session redaction [44/19] Stopped

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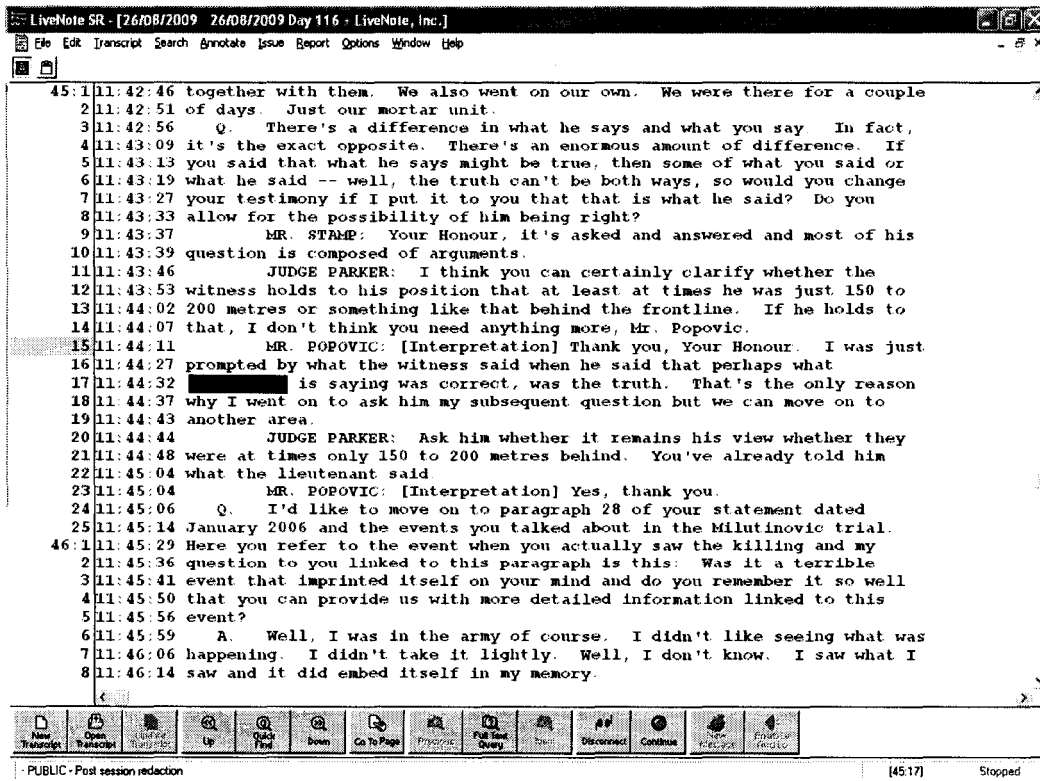
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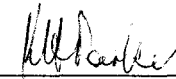
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