

3788
K.S.

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

Registrar: Mr. John Hocking

Public Order

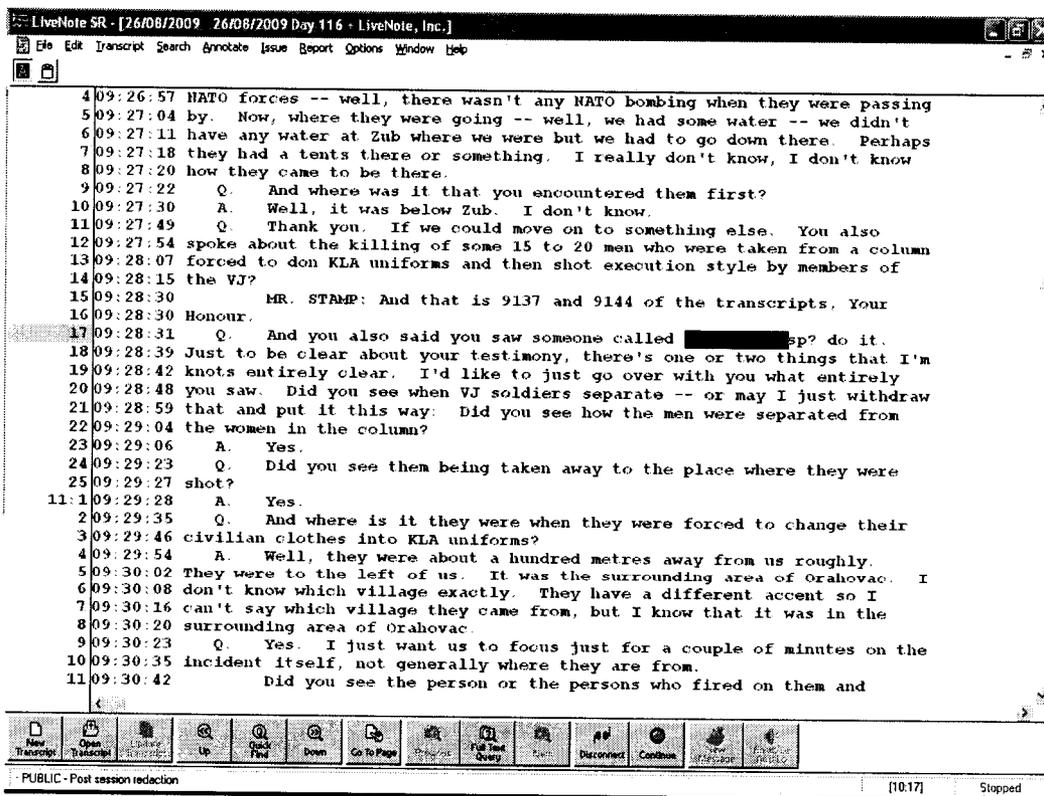
The Prosecutor
v.
Vlastimir Đorđević

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

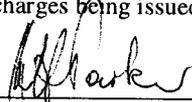
The Trial Chamber

(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.



The blacked-out text, as identified by the passages prior and subsequent thereto, is confidential. Any person or organization, including media organizations, which has possession of the public recording of all or the relevant portion of the proceeding containing the confidential information is hereby enjoined from disclosing it to any other person(s) or organization(s) as of the date and time this order is received. The failure to conform may result in contempt charges being issued by the Tribunal against the disclosing person or organization.


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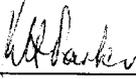
LiveNote SR - [26/08/2009 26/08/2009 Day 116 - LiveNote, Inc.]

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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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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 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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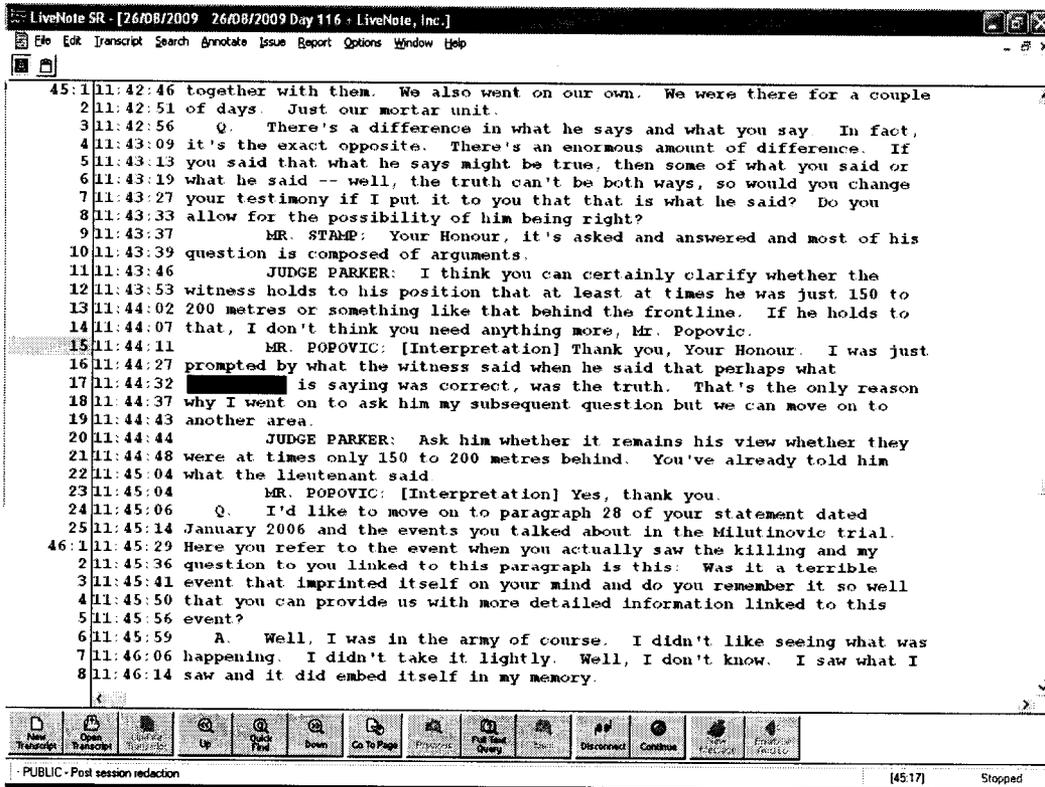
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