

7-04-82-T

In the Trial Chamber II

D 18638-D 18637  
20 March 2008

Case No.  
Date :

IT-04-82-T  
19 March 2008

18638  
YB

Before: Judge Kevin Parker, Presiding  
Judge Christine Van Den Wyngaert  
Judge Krister Thelin,

Registrar: Mr. Hans Holthuis, Registrar

**Public Order**

The Prosecutor  
v.  
Ljube BOŠKOSKI  
Johan TARČULOVSKI

**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 04 March 2008 and be edited from the public broadcast of this hearing.

LiveNote SR [04/03/2008 Day 133]

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10:17:14:42 there had been no NLA presence in the village, as the Prosecution claims,  
 11:17:14:48 what were these forces doing in these locations for several hours? After  
 12:17:14:54 the resistance was broken, the security forces proceeded in the direction  
 13:17:15:01 of previously identified targets that were in the Anetovski house and  
 14:17:15:06 then Jashari house, which were identified by Prosecution witnesses as  
 15:17:15:14 houses where sniper and machine-gun fire came from. This will also be  
 16:17:15:23 confirmed by Defence witnesses from the army.  
 17:17:15:28 The two Defence witnesses will corroborate the Prosecution  
 18:17:15:34 witnesses [REDACTED] M-092; Exhibit P206 and P215, that after they  
 19:17:15:51 escaped from the Jashari house, they were not spotted by the police  
 20:17:15:55 forces on the ground but were spotted by the army positioned on Malistena  
 21:17:16:05 or Snok, who opened fire on them and probably killed them. The Defence  
 22:17:16:11 witnesses will testify that it was a legitimate military target because  
 23:17:16:18 the Jashari house was a house identified by the army as a sniper and  
 24:17:16:25 machine-gun position. Surely once the resistance of the NLA was being  
 25:17:16:35 broken down, the NLA terrorists stationed in the Jashari house decided to  
 55:17:16:40 flee towards the NLA positions above Ljuboten and became legitimate  
 2:17:16:46 targets. From the same place, three pieces of weaponry were found and  
 3:17:16:58 are now in the evidence of the Court.  
 4:17:17:03 Your Honours, the theory of the Prosecution that those who  
 5:17:17:14 entered the village intended to murder people presumes a pre surgeries to  
 6:17:17:24 that end cannot be drawn. Further more, the limited number of death  
 7:17:17:31 casualties considering the intensity of the military exchange and of the  
 8:17:17:37 terrorists in the village and of the security forces and the danger of  
 9:17:17:43 this kind of urban fighting positively demonstrates that the death of  
 10:17:17:51 these persons was related to combat activities that they themselves took  
 11:17:18:00 part in such activities. The other 2,000 villagers were left intact. If  
 12:17:18:11 the intent of the group was to kill civilians, they would have gone house  
 13:17:18:16 by house and they would kill everyone they would find in their way. No  
 14:17:18:22 woman, no child or elderly was touched or hurt or searched. As a fact a  
 15:17:18:40 battalion of posebna was sent to save from the local villagers and  
 16:17:18:45 efforts were made for them to be taken to safety. The whole operation  
 17:17:18:51 ended around noon. The forces that entered the village after less than  
 18:17:19:01 an hour withdrew, once they neutralized the NLA positions located at and  
 19:17:19:09 near the Jashari house. The civilians that were held hostage by the  
 20:17:19:16 terrorists left in the direction of Skopje.  
 21:17:19:22 As I explained previously, the tactics of the NLA was to dress  
 22:17:20:03 themselves in civilian clothing after they were defeated this is why the  
 23:17:20:03 police detained Ljuboten villagers and only those with a positive  
 24:17:20:03 paraffin glove test were brought before an investigating judge and before

REDACTIONS - BLACK - PUBLIC ORDER [54/18]

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Kevin Parker  
Presiding Judge