In the Trial Chamber II D 3788-D3

Before:

IT-05-87/1-T 26 August 2009

ST & COD Judge Kevin Parker, Presiding Judge Christoph Flügge Judge Melville Baird

Case No.

Date :

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)

4-05-87/1-T

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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4 09:26:57	NATO forces well, there wasn't any NATO bombing when they were passing	
5/09:27:04	DY. Now, where they were going well, we had some water we didn't	
003:51:11	have any water at Zub where we were but we had to go down there Perhaps	
109:21:18	they had a tents there or something. I really don't know I don't know	
a v 9 : 27 : 20	how they came to be there.	
9 09 : 27 : 22	E. The more was it chat you encountered them tillsty	
10 09:27:30	A. Well, it was below Zub. I don't know,	
11 09 : 27 : 49		
12 09 : 27 : 54	spoke about the killing of some 15 to 20 men who were taken from a column	
13 09:28:07	forced to don KLA uniforms and then shot execution style by members of	
14/09:28:15	the VJ?	
15 09:28:30		
16 09:28:30	Honour	
17 09:28:31		
18 09 : 28 : 39	Just to be clear about your testimony, there's one or two things that The	
1909:28:42	knots entirely clear. I'd like to just go over with you what entirely	
20109:28:48	You saw. Did you see when VJ soldiers separate or may I just withdraw	
2109:28:59	that and put it this way: Did you see how the men were separated from	
22 09:29:04	the women in the column?	
23 09:29:06		
24 09:29:23	$Q_{\rm c}$ Did you see them being taken away to the place where they were	
25 09:29:27	shot?	
11:109:29:28	Α. Υθδ.	
2 09:29:35	Q. And where is it they were when they were forced to change their	
3 09:29:46	civilian clothes into KLA uniforms?	
4 09:29:54	A. Well, they were about a hundred metres away from us roughly.	
5 09:30:02	They were to the left of us. It was the surrounding area of Orahovac.	
609:30:08	don't know which village exactly. They have a different accent so I	
7.09:30:16	can't say which village they came from, but I know that it was in the	
8 09:30:20	surrounding area of Orahovac	
9 09:30:23		
10 09:30:35	incident itself, not generally where they are from.	
11 09:30:42	Did you see the person or the persons who fired on them and	
.	The second second performs who filled on them and	
, Kangi, Yu		2
lev Open Lotar	C Q Q D D C D C D	

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.

Kevin Parker Presiding Judge

Before:

Registrar:

Case No. Date : IT-05-87/1-T 26 August 2009

Judge Kevin Parker, Presiding Judge Christoph Flügge Judge Melville Baird

Mr. John Hocking

Public Order

The Prosecutor v. Vlastimir Đorđević

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The Trial Chamber

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

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

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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 10:07:32 (1) maximum range between 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 10:08:06 Q. When we are on the subject, let me ask you this, do you consider 24 10:08:06 A. I don't know. 25 10:08:07 A. Well, I do agree with him, I suppose he knows about 24 10:08:37 A. Well, I do agree with him, I suppose he knows about 24 10:08:37 Q. K89, I'm asking you this for the simple reason that you said that 310:08:51 from Sulani, and you marked Sulani, that you targeted Smolnica. Now, in 410:08:55 your statements, and I quoted paragraph 15, and you repeated this in the 510:09:38 Ualai. Now, if we take into account the range that I mentioned for the 710:09:38 120 millimetre mortar, can you explain it to us how it was possible to 810:09:38 a. Well, it's like this, I said that we targeted in that direction, 10:09:38 a. Well, it's like this, I said that we targeted in that direction, 10:09:38 a. Well, it's like this, I don't know whether we could have hit 11:10:09:45 Smolnica from Sulani then? 910:09:38 a. Well, it's like this, I don't know what Smolnica is in 14:0:09:56 in hills for tot a town? Perhaps the KLA had a stronghold, 15:0:09:56 in the direction of Smolnica. I don't know what Smolnica is in 14:0:10:20 fact, is it a village or a town? Perhaps the KLA had a stronghold, 15:0:10:20 perhaps the Albanians had a stronghold around the village or in the 16:0:10:20 perhaps the Albanians had a stronghold around the village or in the 16:0:10:20 perhaps the Albanians had a stronghold around the village or in the 16:10:10:21 Q. Can I couclude that you actually don't know if you could hit 16:10:10:24 A. Yes. 21:0:10:44 direction of Smolnica, but you just had the information to fire in the 21:0:10:44 A. Yes. 22:10:10:44 A. Ye		
18 [0:07:32 the maximum range. 19 [0:07:32 the maximum range. 20 [0:07:32 120 millimetre mortar with a 5th range is 5520 ch metres? 21 [0:08:06 A. I don't know. 22 [10:08:06 A. I don't know. 23 [0:08:06 A. I don't know. 24 [0:08:06 A. I don't know. 25 [0:08:30 A. Well, I do agree with him, I I suppose he knows about 24 [0:08:37 these things. 25 [0:08:37 these things. 21 [0:09:38 thin, and you marked Sulani, that you targeted Smolnica. Now, in 41 [0:09:38 to millimetre mortar, can you explain it to us how it was possible to 81 [0:09:38 target Smolnica from Sulani then? 91 [0:09:38 target Smolnica from Sulani then? 91 [0:09:38 target Smolnica is in I don't know whether we could have hit 11 [0:09:36 in the direction of Smolnica. I don't know what Smolnica is in 13 [0:09:56 another village in front of Smolnica, I don't know what Smolnica is in 14 [0:09:26 thill. So I wasn't clear on what we were targeting Perhaps there was 13 [0:09:56 another village in front of Smolnica, I don't know what Smolnica is in 14 [0:10:27 perhaps the Albanians had a stronghold around the village or in the 15 [0:10:20 village itself, but I'm not quite clear on that. I don't actually know. 17 [0:10:47 A. Yes. 21 [0:10:4	07:32 but I think we are talking shout a maximum many har that the t	
19 [0:07:39] Q. Now, witness would you agree with me that the maximum range of a 20 [0:07:42] 120 millimetre mortar with a 5th' range is 5520 ch metres? 21 Lo: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 32 10:08:11 a reliable source information from the commander who was is a captain 24 L0:08:22 now. 25 L0:08:30 A. Well, I do agree with him, I suppose he knows about 24:1 L0:08:31 these things. 21 L0:08:31 these things. 21 L0:08:51 from Sulani, and you marked Sulani, that you targeted Smolnica. Now, in 41 L0:08:51 from Sulani, and you marked Sulani, that you repeated this in the 51 L0:09:06 Millutinovic trial it says that Smolnica was 8 or 9 kilometres away from 61 L0:09:38 Sulani. Now, if we take into account the range that I mentioned for the 71 L0:09:38 Load Millimetre mortar, can you explain it to us how it was possible to 81 L0:09:38 A. Well, it's like this, I said that we targeted in that direction, 10 L0:09:38 A. Well, it's like this, I said that we targeting Perhaps there was 11 L0:09:45 Smolnica from Smolnica. I don't know what Smolnica is in 12 L0:09:51 hill. So I wasn't clear on what we were targeting Perhaps there was 13 L0:09:52 and the Village or a town? Perhaps the KLA had a stronghold, 15 L0:09:50 millage itself, but I'm not quite clear on that. I don't know if you could hit 16 L0:02 perhaps the Albanians had a stronghold around the village or in the 16 L0:02 ovillage itself, but I'm not quite clear on that. I don't actually know. 17 L0:03:55 Smolnica for Sulani with mortar fire? When I say Smolnica, I think of 19 L0:03:55 Smolnica for Sulani with wortar fire? When I say Smolnica, I think of 19 L0:03:55 Smolnica for Sulani with mortar fire? When I say Smolnica, I think of 19 L0:04 4 direction of Smolnica, but you just had the information to fire in the 20 L0:04 4 MR. POPOVIC: [Interpretation] Your Honours, perhaps we could move 21 L0:11:16 to a private session, please. 21 L0:11:16 to a private session, pleas	007-32 the maximum range rate tarking about a maximum range nere that that figure is	
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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, 10:09:39 in the direction of Smolnica. I don't know whether we could have hit 11:0:09:45 Smolnica or not. I couldn't see it. It's not flat land, it's across the 12:0:09:56 another village in front of Smolnica, I don't know what Smolnica is in 14:0:09:56 another village in front of Smolnica, I don't know what Smolnica is in 14:0:09:20 erhaps the Albanians had a stronghold around the village or in the 16:0:02 ovillage itself, but I'm not quite clear on that. I don't actually know. 17:10:10:21 Q. Can I couldned that you actually don't know if you could hit 18:10:10:35 Smolnica, but you just had the information to fire in the 20:10:47 A. Yes. 22:10:10:47 A. Yes. 22:10:10:51 Q. So to continue with Sulani, when you came to Sulani 23:0:11:14 MR. POPOVIC: [Interpretation] Your Honours, perhaps we could move 24:10:11:16 to a private session, please. 4	108:51 from Sulari and you marked Sulari that more the sample reason that you said that	
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Kevin Parker Presiding Judge

Before:

Registrar:

Mr. John Hocking

Public Order

Judge Kevin Parker, Presiding Judge Christoph Flügge Judge Melville Baird

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 highlighted text be omitted from the public transcript of the hearing of 26 August 2009 and be edited from the public broadcast of this hearing.

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4 11:40:36 at.	*
\$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 [L1:40:47 the trucks, did they?	A.
8[11:40:50 THE WITNESS: [Interpretation] Yes, correct, they were attached to 9[11:40:59 the trucks.	د د
10 11:41:01 JUDGE PÄRKER: What weapons did you have?	
1111:41:06 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	
1611:42:05 threat, jeopardized by the fire-power of the opposite side?	
1711:42:05 A. Yes.	
18µ1:42:05 Q. Would you change your testimony if I were to tell you that	
19 11:42:09 Lieutenant whom we've already mentioned, gave a statement to the	
20[11:42:13 Tribunal's investigators and that in that statement be said that you	
21 11:42:16 never approach closer to 1 kilometre from the frontline, infantry	
22 11: 42: 23 frontline?	
2311:42:23 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	
45:111:42:46 together with them. We also went on our own. We were there for a couple	-
211:42:51 of days. Just our mortar unit.	
3h1:42:56 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	
611:43:19 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	
811:43:33 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	
1011:43:39 question is composed of arguments.	
11 11:43:46 JUDGE PARKER: I think you can certainly clarify whether the	
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Kevin Parker Presiding Judge

Before:

Registrar:

Date : Kevin Parker, Presid

Case No.

IT-05-87/1-T 26 August 2009

Judge Kevin Parker, Presiding Judge Christoph Flügge Judge Melville Baird

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 highlighted text be omitted from the public transcript of the hearing of 26 August 2009 and be edited from the public broadcast of this hearing.

	109 26/08/2009 Day 116 - LiveNote, Inc.] ch Annotale Issue Report Options Window Help	- 8 ×
45:111:42:46	together with them. We also went on our own. We were there for a couple of days. Just our mortar unit. Q. There's a difference in what he says and what you say. In fact,	*
4 11:43:09 5 11:43:13	it's the exact opposite. There's an enormous amount of difference. If 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 your testimony if I put it to you that that is what he said? Do you	
8 11: 43: 33 9 11: 43: 37	allow for the possibility of him being right? MR. STAMP: Your Honour, it's asked and answered and most of his	
10 11: 43: 39 11 11: 43: 46	question is composed of arguments.	
12 11: 43: 53	witness holds to his position that at least at times he was just 150 to	
14 11: 44: 07 15 11: 44: 11	200 metres or something like that behind the frontline. If he holds to that, I don't think you need anything more, Mr. Popovic.	
16 11: 44: 27	prompted by what the witness said when he said that perhaps what	
17 11: 44:32 18 11: 44:37	why I went on to ask him my subsequent question but we can move on to	
1911:44:43 2011:44:44	another area. JUDGE PARKER: Ask him whether it remains his view whether they	
2111:44:48 2211:45:04	were at times only 150 to 200 metres behind. You've already told him what the lieutenant said	
23 11:45:04 24 11:45:06	MR. POPOVIC: [Interpretation] Yes, thank you. Q. I'd like to move on to paragraph 28 of your statement dated	
25 11:45:14 46:111:45:29	January 2006 and the events you talked about in the Milutinovic trial. Here you refer to the event when you actually saw the killing and my	
2 11:45:36	question to you linked to this paragraph is this: Was it a terrible	
411:45:50 511:45:56	event that imprinted itself on your mind and do you remember it so well that you can provide us with more detailed information linked to this	
6 11:45:59	A. Well, I was in the army of course. I didn't like seeing what was	
7 11:46:06 8 11:46:14	happening. I didn't take it lightly. Well, I don't know. I saw what I saw and it did embed itself in my memory.	
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Kevin Parker Presiding Judge