

**Annex 1
to**

Prosecution's motion for judicial notice of adjudicated facts

ADJUDICATED FACTS FOR JUDICIAL NOTICE PURSUANT TO RULE 157(2)
Specialist Prosecutor v. Salih Mustafa
KSC-BC-2020-05

Contents

1. The Armed Conflict..... 3

2. Forces of the Federal Republic of Yugoslavia ('FRY') and Serbia: the VJ..... 4

3. Forces of the FRY and Serbia: MUP forces..... 7

4. The Kosovo Liberation Army ('KLA')..... 10

Fact No.	Source	Adjudicated Fact	Defence Position
1. The Armed Conflict			
1.	<i>Dorđević TJ, para.1532</i>	Following the events in Cirez/Çirez, Likošane/Likoshan and Prekaz/Prekaze at the end of February and early March 1998 armed clashes between members of the MUP of Serbia and the VJ on the one hand, and the KLA on the other became more frequent, especially in western and central Kosovo.	
2.	<i>Dorđević TJ, para.1533</i>	The armed violence in Kosovo increased significantly in June, July, August and September 1998.	
3.	<i>Dorđević TJ, para.1533</i>	In June 1998, the KLA held up to 50 per cent of the territory of Kosovo and controlled three main roads. There were frequent attacks by the KLA on the police and the army.	
4.	<i>Milutinović TJ, para.402</i>	As it became clear that there was not going to be agreement between the parties, on 19 March 1999 the then OSCE Chairman in Office Knut Vollebaek ordered the immediate withdrawal of the KVM from Kosovo.	
5.	<i>Milutinović TJ, para.402</i>	By noon on 20 March 1999 the KVM, consisting by then of approximately 1,300 international personnel, had evacuated to Macedonia.	
6.	<i>Dorđević TJ, para.1580</i>	On 24 March 1999, NATO commenced its military operations in the FRY.	

2. Forces of the Federal Republic of Yugoslavia ('FRY') and Serbia: the VJ			
7.	<i>Dorđević</i> TJ, para.144	In 1998-1999, the Army of the Federal Republic of Yugoslavia (Vojska Jugoslavije) ('VJ') was recognised by the FRY Constitution adopted on 27 April 1992, which provided that the FRY "shall have an Army to defend its sovereignty, territory, independence, and constitutional order" and set out that a federal law should be adopted regulating the VJ. The Law on the VJ was adopted on 18 May 1994.	
8.	<i>Milutinović</i> TJ, para.413	The structure and functioning of the Army of the Federal Republic of Yugoslavia (<i>Vojska Jugoslavije</i> 'VJ') during 1998 and 1999 was governed by, inter alia: (a) the FRY Constitution adopted on 27 April 1992; (b) the FRY Law on Defence adopted in 1994; (c) the Law on the VJ adopted in 1994, in accordance with article 134, paragraph 4, of the FRY Constitution, which provided that "... [a] federal law shall be adopted regulating the Army of Yugoslavia"; and (d) the Rules of Service of the VJ. Of these, the Law on the VJ was intended to serve as the main body of rules regulating the organisation and function of the VJ.	
9.	<i>Milutinović</i> TJ, para.417	The VJ was divided into three services: the Land Forces, the Air Force and Anti-Aircraft Defence, and the Navy. These services were, in turn, divided into combat arms and supporting arms, and divided themselves into sections and specialist services. The "highest professional and staff organ" for the preparation and use of the VJ was its General Staff, which was composed of the Chief of the General Staff and his assistants, along with their support staff.	

10.	<i>Milutinović</i> TJ, para.418	The Land Forces were the biggest and most important force of the VJ and were divided into Armies. In 1998–1999 there were three Armies: the 1st Army (headquartered in Belgrade, Serbia), the 2nd Army (headquartered in Podgorica, Montenegro), and the 3rd Army (headquartered in Niš, Serbia).	
11.	<i>Milutinović</i> TJ, para.468	The military command body immediately subordinated to the civilian leadership of the VJ was the General Staff. The Law on the VJ describes the General Staff as the highest professional and staff organ for the preparation and use of the VJ in times of peace and war. In broad terms, it was responsible for training officers and soldiers, manning the ranks of the VJ, forming plans for the development of the VJ and for the use of the VJ in potential combat situations, and providing the civilian leadership of the VJ with information and proposals to facilitate strategic decision-making.	
12.	<i>Dorđević</i> TJ, para.155	In 1998-1999, the General Staff was the highest military command body immediately subordinate to the civilian leadership.	
13.	<i>Dorđević</i> TJ, para.157	The 1 st , 2 nd and 3 rd Armies were the operational groups subordinated to the General Staff in 1998-1999.	
14.	<i>Milutinović</i> TJ, para.482; <i>Dorđević</i> TJ, para.157	Within the land forces, subordinate to the General Staff, was the 3 rd Army, whose zone of responsibility encompassed southern Serbia. The 3 rd Army was divided into two corps, the Niš Corps and the Priština Corps, with the latter having responsibility for the area of Kosovo.	

15.	<i>Dorđević TJ, para.157</i>	The Priština Corps had responsibility over the territory of Kosovo. The Commander of the Priština Corps in 1999 was General Vladimir Lazarević, who assumed this post on 9 January 1999.	
16.	<i>Dorđević TJ, para.158</i>	The Priština Corps, an element of the 3 rd Army, was the primary VJ unit in Kosovo with a headquarters in Priština/Prishtinë. There was no engagement of the Priština Corps without the approval of the 3 rd Army commander.	
17.	<i>Dorđević TJ, para.159</i>	The Priština Corps consisted of 12 brigades, each of which had responsibility for a particular area within Kosovo in 1999. These included: the 15th Armoured Brigade, the 125th Motorised Brigade, the 243rd Mechanised Brigade, the 549th Motorised Brigade,547 the 52nd Mixed Artillery Brigade,548 the 52nd Air Defence Artillery Rocket Brigade, the 37th Motorised Brigade549 and the 211th Armoured Brigade.	
18.	<i>Milutinović TJ, para.583</i>	The 3rd Army's zone of responsibility encompassed southern Serbia, including all of Kosovo.	
19.	<i>Milutinović TJ, para.584</i>	Subordinate to the 3rd Army were the Priština Corps and the Niš Corps, as well as the Priština and Niš Military Districts and their Military Departments. The commands, units, and institutions of the 3rd Army were grouped in garrisons and garrison towns.	
20.	<i>Milutinović TJ, para.588</i>	Due to the growing complexity of the security situation in the 3rd Army's zone of responsibility during 1999, Pavković, by then 3rd Army Commander, established a Forward Command Post in Priština/Prishtina on 1 February 1999.	

3. Forces of the FRY and Serbia: MUP forces			
21.	<i>Dorđević TJ, para.36</i>	Between 1 January 1999 and 20 June 1999, the Ministry of the Interior of Serbia (<i>Ministarstvo Unutrasnjih Poslova</i>) ('MUP') functioned under the Law on Ministries of 5 February 1991. Its mandate was to perform the duties of state administration in relation to the protection and security of the state, the protection of human lives, safety of persons and property, the prevention and detection of crimes and the capture of the perpetrators and their transfer to the applicable authorities, the maintenance of public order, as well as, inter alia, border crossing control, the monitoring of the movements in the border area, citizenship and identity cards and passports. In essence, it performed the police function of the Republic of Serbia.	
22.	<i>Dorđević TJ, para.37</i>	On 15 April 1997, Vljako Stojiljković was appointed as Minister of the Interior, a post he maintained throughout 1998 and 1999.	
23.	<i>Dorđević TJ, para.39</i> <i>Milutinović TJ, para.659</i>	The MUP consisted of two primary elements, the Public Security Department (<i>Resor Javne Bezbednosti</i>) ('RJB') responsible for maintaining public order and the State Security Department (<i>Resor Državne Bezbednosti</i>) ('RDB') responsible for maintaining state security and responding to threats to the state.	
24.	<i>Dorđević TJ, para.46</i>	The tasks of the MUP were performed on the ground by Secretariats of the Interior (SUPs) established in local areas throughout Serbia. SUPs had responsibility for the security situation in the geographic area for which they were established. There were 33 SUPs altogether in the territory of the Republic of Serbia, all of which were subordinate to the RJB. Of these, in 1998-1999, there were seven SUPs in Kosovo.	

25.	<i>Milutinović</i> TJ, para.660	According to Article 4 of the Rules on Organisation of the MUP, the Kosovo SUPs were in the municipalities of Gnjilane/Gjilan, Đakovica/Gjakova, Kosovska Mitrovica/Mitrovica, Peć/Peja, Prizren, Priština/Prishtina, and Uroševac/Ferizaj.	
26.	<i>Dorđević</i> TJ, para.49	The SUP chief commanded operations in his geographic area of responsibility. In terms of the anti-terrorist actions and operations in Kosovo from June 1998 and in 1999, the SUPs in Kosovo were commanded by the MUP Staff in Priština/Prishtinë, which coordinated and planned operations.	
27.	<i>Dorđević</i> TJ, para.50	The SUPs were composed of Municipal Departments/Sectors of the Interior (<i>Odelenja Unutrnjih Poslova</i>) ('OUPs') and local police stations. [...] In Priština/Prishtinë, OUPs existed in the municipalities of Glogovac/Glllogoc, Kosovo Polje/Fushë Kosovë, Lipljan/Lipjan, Obilić/Obiliq and Podujevo/Podujevë.	
28.	<i>Dorđević</i> TJ, para.51	The OUPs and police stations directly performed tasks related to internal affairs in their geographic area of responsibility, except where a Secretariat had its headquarters, in which case the Secretariat directly performed the tasks. The OUPs were responsible for conducting internal affairs and ensuring personal and property security of the public in the relevant area of responsibility, as well as preventing and solving crimes, finding and capturing perpetrators of crimes and bringing them before the competent authorities, and maintaining public law and order. Each OUP consisted of a police station, with or without branch police stations, a Section or Group for Crime Prevention and an Administration Section or Group. They	

		reported to the SUPs, which remained responsible for the work of the OUPs and police stations.	
29.	<i>Dorđević TJ, para.57</i> <i>Milutinović TJ, para.666</i>	Special Police Units (<i>Posebne Jedinice Policije</i>) ('PJPs') were established pursuant to Article 6 of the Rules on Organisation of the MUP by the former Minister of the Interior, Zoran Sokolović, on 1 August 1993, to carry out special security tasks in regular circumstances and in the case of a state of emergency, with an emphasis on combat tasks and interventions in the case of serious breaches of public law and order. Such tasks included the detection, arrest and destruction of rebel and sabotage and terrorist groups or individual members thereof. To carry out such complex security and combat tasks, the PJP units were to be developed into mobile, rapid, technically well-equipped and professionally trained and drilled units armed with state-of-the-art weapons.	
30.	<i>Dorđević TJ, para.63</i>	In 1998 and 1999, PJP units in Kosovo included the 122nd and 124th Intervention Brigades and the 23rd, 35th, 36th, 37th, 73rd, 85th and 86th PJP Detachments. The 122nd Intervention Brigade was an amalgamation of the 21st and 22nd PJP Detachments. The 124th Intervention Brigade came into being on 18 June 1998 pursuant to a decision of Minister Stojiljković, before which it was the 24th PJP Detachment. In Kosovo, each SUP had at least one PJP, while the Priština/Prishtinë SUP had two.	
31.	<i>Dorđević TJ, para.78</i> <i>Milutinović TJ, para.680</i>	Pursuant to the Rules of the Internal Organisation of the State Security Department (<i>Resora Drzavne Bezbednosti</i>) ('RDB'), the RDB was responsible for the protection of the security of the Republic of Serbia and the FRY and uncovering and preventing activities directed at	

		undermining or toppling the constitutional order of Serbia and the FRY. Its tasks comprised counterintelligence, intelligence, countering extremism and terrorism and other security tasks of the Republic and FRY. RDB Centres were set up in Kosovo in Gnjilane/Gjilan, with a branch in Uroševac/Ferizaj, in Priština/Prishtinë, with a branch in Kosovska Mitrovica/Mitrovicë, and in Prizren, with branches in Đakovica/Gjakovë and Peć/Pejë.	
4. The Kosovo Liberation Army ('KLA')			
32.	<i>Milutinović</i> TJ, para.793	By late 1997, the KLA had achieved some level of organisation.	
33.	<i>Dorđević</i> TJ, para.1537	KLA soldiers appeared in uniform for the first time in public on 28 of November 1997 in the town of Lauša/Laushë, Srbica/Skeneraj municipality, at a funeral of a teacher who was killed by Serbian police.	
34.	<i>Milutinović</i> TJ, para.794	By 1998, the KLA had become a more established organisation, which was further developing in size and capacity.	
35.	<i>Dorđević</i> TJ, para.1576	During 1998, the KLA grew in political relevance and became accepted as a factor which could no longer be ignored in attempts to find a solution of the Kosovo crisis. There was considerable and growing support for the KLA among the Kosovo population during 1998.	
36.	<i>Milutinović</i> TJ, para.797	The attack by Serbian special police on the Jashari family compound in the village of Donje Prekaze/Prekaz i Poshtëm marked the beginning of the "conflict" between the forces of the FRY and Serbia	

		and the KLA. In this incident, which took place on 5 March 1998, Adem Jashari, a known KLA member, was killed along with an estimated 50 others, many of them members of his family and including several women and children. Thereafter, the KLA commenced a gradually increasing series of attacks in Kosovo in the spring of 1998, including attacks on MUP patrols, an attack on a Priština/Prishtina police building, and attacks into Kosovo from across the Albanian border.	
37.	<i>Milutinović TJ, para.798</i>	By May 1998, the strength of KLA forces in Kosovo had increased markedly.	
38.	<i>Selim Kasniqi et al., Supreme Court of Kosovo, p.12</i>	Starting from at least May 1998, the KLA was organised under a responsible command, had control over a part of the territory of Kosovo, and had the ability to carry out sustained and concerted military operations.	
39.	<i>Milutinović TJ, para.815</i>	During the period from January to March 1999, the KLA General Staff was conducting training in Albania, and this training was focused on use of weapons, training commanders and officers from the lowest level to the battalion level, and also preparation for operations and combat actions at these levels.	
40.	<i>Milutinović TJ, para.817</i>	In the first few months of 1999, the KLA had headquarters at 24 separate locations in Kosovo. In particular, in 1998 and early 1999 Mališevo/Malisheva was a major KLA headquarters and was known as the KLA “capital of the free territories”. Right before the NATO bombing started, the “hotspots” for KLA activity, and the areas that the FRY/Serbian forces considered important, were the	

		Podujevo/Podujeva area, because it was on the main route connecting Niš to Priština/Prishtina, the Vučitrn/Vushtrria area, the area around Jablanica/Jabllanica in western Kosovo, and the Kačanik/Kaçanik area, close to the Macedonian border.	
41.	<i>Milutinović</i> TJ, para.819	The situation in Kosovo between 23 February and 11 March 1999 remained tense. The KVM noted continued human rights violations by both the FRY/Serbian authorities and the KLA, including detentions, abductions, and killings.	
42.	<i>Milutinović</i> TJ, para.819	In March 1999, the VJ reported that the KLA was digging trenches, mobilising the local population, and creating a corridor to transport weapons, ammunition and other military equipment from Macedonia to Kosovo.	
43.	<i>Milutinović</i> TJ, para.823	Bislim ZYRAPI served as KLA Chief of Staff between November 1998 and March 1999. During this period, KLA membership was voluntary but later there was a general mobilisation. While ZYRAPI was Chief of Staff, the number of KLA soldiers stood at 17,000 to 18,000.	
44.	<i>Milutinović</i> TJ, para.826	By the end of 1998 the KLA had issued interim regulations on the organisation of its internal affairs, which were later updated. These were distributed to zone commanders and their subordinates. There was also a system for reporting from the zone commanders to the General Staff, for ensuring military discipline, and for appointing commanders at various levels. By this time the KLA zones had been organized into brigades, battalions, companies, platoons and squads.	
45.	<i>Milutinović</i> TJ, para.827	Kosovo was divided into seven KLA operational zones with brigade divisions: the Drenica zone and brigades; the Paštrik/Pashtrik zone	

		and brigades; the Dukagjin zones and brigades; the Šalja/Shala zones and brigades; the Lab/Llap zones and brigades; the Nerodimlje/Nerodime zones and brigades; the Karadak zones and brigades. Each zone had a number ranging from one to seven. Within each zone the territory actually controlled by the KLA varied at different times.	
46.	<i>Latif Gashi et al.</i> , Basic Court 448/2012, pp.2-3 and para.25	Between October 1998 and the end of April 1999, Rrustem MUSTAFA was the KLA Commander of the Llap Zone, Latif GASHI was the Chief of Military Intelligence for the Llap zone, and Nazif MEHMETI the Chief of Military Police for the Llap zone.	
47.	<i>Dorđević TJ</i> , para.1554	Rustem Mustafa was the Commander in Llap Operational Zone. Priština/Prishtinë, Podujevo/Podujevë, Lipljan/Lipjan, Kosovo Polje/Fushë Kosovë, and Obilic/Obiliq were included in this operational zone. This zone had civil protection units to help the population evacuate if fighting occurred in areas where they lived. These units reported to the operational zone command and through the zone command the unit reported to the General Staff.	
48.	<i>Dorđević TJ</i> , para.1554	The 151 st and 152 nd brigades operated in Llap in an area consisting of the left side of the Priština/Prishtinë - Podujevo/Podujevë road including the villages of the Podujevo/Podujevë up to the Bajgora/Bajgorë village, whilst the 153 rd brigade was operating on the other side of the Priština/Prishtinë - Podujevo/Podujevë road including the villages of the Podujevo/Podujevë municipality.	
49.	<i>Dorđević TJ</i> , para.1555	Ahmet Isufi was the Commander for Karadak Operational Zone. The municipalities of Gnjilane/Gjilan, Vitina/Viti, Kamenica/Kamenicë	

		and Novo Brdo/Novobërdë were included in Karadak operational zone. The 171st brigade operated in this zone until March 1999	
50.	<i>Milutinović TJ, para.835</i>	By early 1998, the KLA had large weapons depots. Starting in late 1998, there was an increase in supplies and weapons that enhanced the capability of the KLA to oppose or engage the VJ and MUP forces. Around October 1998, they were using up to date small arms weaponry which included new rifles, sub-machine guns, anti-armour vehicles, anti-armour grenades, and uniforms.	
51.	<i>Dorđević TJ, para.1558</i>	In March 1999, KLA brigades gave orders regarding the security of the population. On or about 25 March 1999, the populations in the villages of Randubrava/Randubravë and Donji Retimlje/Reti-e-Ultë in the border area between Prizren and Orahovac/Rahovec municipality were moved out by the KLA for security reasons and were sheltered in Mamuša/Mamushë village, where there was no KLA presence.	
52.	<i>Milutinović TJ, para.837</i>	By March 1999, 85-90 percent of KLA soldiers had a military uniform and the remainder wore improvised uniforms with KLA emblems. These uniforms were of various colours, but everybody had the same KLA emblem on the left arm, which was red with a black eagle in the centre and read "KLA, Kosovo Liberation Army", and that applied regardless of whether it was a standard uniform or improvised one.	