

Annex 1 to

Prosecution response to 'Joint Defence Motion for Judicial Notice of Adjudicated Facts'

Public

No.	DEFENCE PROPOSED ADJUDICATED FACT	SOURCE ¹	PROSECUTION OBJECTION(S)
HISTORICAL BACKGROUND: PERIOD PRIOR TO 1998			
1.	Under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, Kosovo was an autonomous province within the Republic of Serbia.	<i>Limaj</i> , para. 37.	
2.	On 28 March 1989, the Serbian Assembly amended the Constitution of Serbia and thus effectively revoked Kosovo's autonomous status.	<i>Limaj</i> , para. 38.	
3.	On 2 July 1990 the Kosovo Albanian delegates of the Assembly of Kosovo gathered outside the parliament building and declared that the revocation of Kosovo's autonomy was unlawful and that the province would participate in the Federation only if it was granted the same status as the other republics. The statement was	<i>Limaj</i> , para. 40.	

¹ The judgments and short forms used herein are consistent with those set out in Annex A to the Defence Motion, KSC-BC-2020-06/F01331: ICTY, *Prosecutor v. Limaj et al*, IT-03-66-T, Trial Judgment, 30 November 2005; ICTY, *Prosecutor v. Haradinaj et al*, IT-04-84-T, Trial Judgment, 3 April 2008 (*Haradinaj*) and Retrial Judgment, 29 November 2012; *Prosecutor v. Milutinović et al*, IT-05-87-T, Trial Judgment, 26 February 2009; *Prosecutor v. Đorđević*, IT-05-87/1, 23 February 2011; EULEX (Mitrovica), *Dejanović & Bojković*, Judgment of Court of Appeals, PaKr 503/13, 27 May 2014; UNMiK (Gjilan), *Krasniqi et al*, Prizren District Court Judgment, P. No. 85/2005, 10 August 2006; *Prosecutor v. Momčilo Trajković*, District Court of Gjilan/Gnjilane, P. No. 17/02, 28 November 2003 EULEX, Basic Court of Gjakove, *Prosecutor v. Fatmir Limaj (Belanica)*, PKR. No. 154/16, Judgment, 9 March 2018; and Court of Appeals of Kosovo, PAKR. No. 206/2018, Judgment, 30 October 2018; *Prosecutor v. Arben Krasniqi et al.*, Judgement of Basic Court of Prishtinë/Priština. P. 766/12, p. 50; *Prosecutor v. Aleksandar Bulatović*, District Court of Prishtine/Pristina, P. No. 673/2012, 23 November 2012; *Prosecutor v. Ivan Radivojević*, Basic Court of Prishtinë/Priština, Pkr. 955/13, First Instance Verdict, 12 February 2014; *Prosecutor v. Saša Grković*, District Court of Prizren, P. No. 45/2002, First Instance Verdict, 4 September 2002; *Prosecutor v. Vukmir Cvetković*, P. No 285/10, District Court of Peje/Pec, First Instance Verdict, 9 November 2010; *Prosecutor v. Vukotić*, Basic Court of Mitrovica, P. nr. 54/17, 25 May 2018. (herein '*Limaj*'; '*Haradinaj*', '*Haradinaj RT*', '*Milutinović*', '*Đorđević*', '*Dejanović*', '*Selim Krasniqi*', '*Trajković*', '*Limaj (Belanica)*', '*Arben Krasniqi*', '*Bulatović*', '*Radivojević*', '*Saša Grković*', '*Cvetković*', '*Vukotić I*').

	declared illegal by the Serbian authorities but it provoked a feeling of euphoria among Kosovo Albanians.		
4.	In 1990, the Assembly of Kosovo and provincial government were abolished.	<i>Limaj</i> , para. 39.	
5.	From March 1990, education in the Albanian language was curtailed, as an increasing number of Albanian language schools were closed, and Albanian students and professors were denied access to universities.	<i>Limaj</i> , para. 39; <i>Milutinović</i> Vol. 1, para. 225; <i>Dorđević</i> , para. 31.	
6.	In 1990 and 1991, in response to the school closures, the LDK set up a parallel system of education in the Albanian language, which remained in place until the end of the conflict in 1999, in which classes were taught in private facilities and financed through private contributions.	<i>Dorđević</i> , para. 31; <i>Milutinović</i> Vol. 1, para. 225. <i>See also</i> <i>Limaj</i> , para. 39.	
7.	In September 1991 a referendum for independence was held in Kosovo, in which the Serbian population of the province did not participate. The overwhelming majority of the Kosovo Albanians voted for independence. In May 1992 elections were held in Kosovo and the LDK led by Ibrahim Rugova won the majority of votes. However, the Parliament never convened.	<i>Limaj</i> , para. 42.	
8.	Between 1990 and 1997, laws, policies and practices were instituted that discriminated against the Albanians. Kosovo Albanians were dismissed from industries,	<i>Limaj</i> , paras 39, 47; <i>Dorđević</i> ,	

	business enterprises, and public institutions, including the Ministry of the Interior, the judiciary, and other political, economic and educational institutions.	para. 29; <i>Milutinović</i> Vol. 1, para. 224, 228-230, 237.	
9.	In the early 1990s, Kosovo Albanian newspapers, radio and television stations were closed down.	<i>Dorđević</i> , para. 27; <i>Milutinović</i> Vol. 1, para. 224.	
10.	Starting from 1990 and continuing until 1997, the number of human rights violations against Kosovo Albanians increased, and Kosovo Albanians were arrested in large numbers and mistreated by the Serbian police.	<i>Limaj</i> , paras 39, 47; <i>Dorđević</i> , para. 33.	
11.	In 1993 Kosovo Albanians who had previously worked in the police force in Kosovo purported to set up a ministry of defence as a mechanism to defend against the possibility of attacks by Serbian police or army forces, however, a number of its members were immediately arrested and by 1995, most of its members were in detention or had fled the country.	<i>Dorđević</i> , paras. 32.	
12.	On 1 October 1997, at a peaceful student demonstration in Prishtinë/Priština, the police intervened using tear gas and beating a large number of Kosovo Albanian students.	<i>Dorđević</i> , para. 34.	
13.	Between 1989 and 1996, approximately 350,000 Kosovo Albanians left the country, while the Serbian government	<i>Dorđević</i> , para. 29; <i>Milutinović</i>	- Inaccurate reformulation: '[B]etween 1989 and 1996' differs in a substantial way from the original finding.

	set up various incentives, such as housing benefits, to encourage Serbians and Montenegrins to move to Kosovo.	Vol. 1, para. 227.	- Recitation of evidence: In the original judgement, '350,000 Kosovo Albanians' is preceded by 'Some evidence puts the figure at [...]', see <i>Dorđević</i> , para.29.
PERIOD AFTER 1998: FRY AND SERBIAN COMMON CRIMINAL PLANS			
14.	Starting in 1998 and continuing throughout the war, a leadership reaching across the political, military and police arms of governments of the FRY and Serbia directed and coordinated a campaign of terror and extreme violence implemented in Kosovo by Serbian forces and directed against the Kosovo Albanian population of Kosovo, which included deportations, murders, forcible transfers and persecutions, pursuant to a common criminal plan.	<i>Dorđević</i> , paras. 2007, 2126, 2129-2130.	- Relevance - Legal findings: 'directed and coordinated a campaign of terror and extreme violence [...] directed against the Kosovo Albanian population of Kosovo' and 'deportations, murders, forcible transfers and persecutions, pursuant to a common criminal plan'.
15.	The crimes committed by the forces of the FRY and Serbia in Kosovo in 1998-1999 follow a clearly discernible pattern of forcible displacement and were not committed in a random and un-orchestrated manner, but rather according to a common purpose. The common purpose was to forcibly displace a number of Kosovo Albanians both within and outside Kosovo through a widespread and systematic campaign of terror and violence.	<i>Milutinović</i> TJ, Vol. 3, paras. 41, 44, 46, 94-95.	- Relevance - Legal findings: 'common purpose', 'forcibly displace', 'widespread and systematic campaign'.
16.	As well as destroying whole villages and killing whole groups, Serbian forces also engaged in the killing of individual Kosovo Albanians or smaller groups together with the purpose of warning others that they would undergo the same fate if they did not leave their homes, and indeed, Kosovo.	<i>Dorđević</i> , para. 2129.	- Relevance

17.	One of the commonly known tactics of FRY forces in the conflict was to intimidate the Kosovar-Albanian population by way of making their lives totally insecure and to make them either by way of direct threats and use of force or by way of indirect pressure to leave their places of residence and in fact flee from Kosovo. Various crimes such as murders, robberies and different type of violence were either endorsed or at least tolerated by the FRY authorities towards Kosovar Albanian population at that time, thus effectively turning them into outlaws.	<i>Dejanović</i> AJ, page 19.	- Relevance
18.	Upon the commencement of the NATO bombing, the forces of FRY and Serbia launched a broad campaign of violence against the Kosovo Albanian civilian population using the bombing as a window of opportunity to do this. Neither the NATO bombing or the KLA were the cause of over 700,000 people moving <i>en masse</i> both within Kosovo and across the border.	<i>Milutinović</i> , Vol. 2, paras. 1156, 1178, Vol. 3, paras. 41-42, 92.	- Relevance - Legal finding: 'broad campaign of violence against the Kosovo Albanian civilian population'.
19.	Due to a campaign of violence directed against the Kosovo Albanian civilian population, during which there were incidents of killing, sexual assault, and the intentional destruction of mosques, at least 700,000 Kosovo Albanians left Kosovo in the short period of time between the end of March and beginning of June 1999, constituting almost 40 per cent of the population, or around 46 per cent of the Kosovo Albanian population.	<i>Milutinović</i> , Vol. 2, para. 1178, and AJ, para. 521; <i>Dorđević</i> , para. 2009.	- Relevance - Legal finding: 'a campaign of violence directed against the Kosovo Albanian civilian population [...]'
20.	Persons and entities who participated in the common purpose and shared the intent to modify the demographic balance of Kosovo by a campaign of terror and violence included the senior political leadership of the Supreme	<i>Dorđević</i> , paras. 2126- 2128.	- Relevance - Legal finding

	Defence Council and the Joint Command, the 3rd Army and the Priština Corps, the MUP [<i>Ministry of the Interior of Serbia (Ministarstvo Unutrasnjih Poslova)</i>] through the use of Secretariats of Interior ('SUPs') and local and border police, as well the special police units ('PJPs') and special anti-terrorist units.		
21.	Identified members of the JCE were: Slobodan Milošević, President of the FRY, Nikola Šainović, Deputy Prime Minister of the FRY responsible for Kosovo, Vlajko Stojiljković, Minister of the Interior, Vlastimir <i>Dorđević</i> , Chief of the RJB, Radomir Marković, Chief of the RDB, Sreten Lukić, head of the MUP Staff for Kosovo, Obrad Stevanović, chief of the RJB Police Administration, Dragan Ilić, chief of the RJB Crime Police Administration, Dragolub Ojdanić, Chief of the VJ General Staff/Supreme Command Staff, Nebojša Pavković, Commander of the VJ 3rd Army and Vladimir Lazarević, Commander of the Priština Corps.	<i>Dorđević</i> , para. 2127.	- Relevance - Legal finding
PERIOD AFTER 1998: FRY AND SERBIAN MILITARY STRUCTURE			
22.	In the spring of 1999, the VJ [<i>forces of the Army of the FRY ('Vojska Jugoslavija' or 'VJ')</i>] in Kosovo had a total manpower of 61,892.	<i>Dorđević</i> , paras. 270, 2060.	
23.	In October 1998, there were also around 14,000 personnel from the Ministry of Internal Affairs of Serbia ('MUP') in Kosovo, which increased to 15,779 in April 1999.	<i>Dorđević</i> , para. 269.	

24.	In addition to these regular forces, various paramilitary groups under the control of Serbia and acting in concert with the Serbian MUP were also present in Kosovo.	<i>Dorđević</i> , paras. 194, 209-216.	
25.	The paramilitary groups operating in Kosovo during 1998-1999 included the Scorpions, Arkan's Tigers, the White Eagles (aka Šešelj's men), and the Pauk Spiders.	<i>Dorđević</i> , paras. 75, 83, 204-205, 209-210, 212, 214, 216.	
26.	Starting in 1998, Serbian Forces armed and trained the local population holding non-Albanian ethnicity in Kosovo so that, by July 1998, 243 reserve police stations had been formed, and at least 54,683 non-Albanian civilians in Kosovo had been issued weapons by the VJ and MUP.	<i>Dorđević</i> , paras. 92, 217-223, 324; <i>Milutinović</i> Vol. 1, paras. 764, 775, 784; Vol. 3, para. 52.	
27.	The structure and functioning of the Army of the Federal Republic of Yugoslavia (Vojska Jugoslavije '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	<i>Milutinović</i> Vol. 1, para. 413.	

	VJ was intended to serve as the main body of rules regulating the organisation and function of the VJ.		
28.	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.	<i>Milutinović</i> Vol. 1, para. 417.	
29.	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).	<i>Milutinović</i> Vol. 1, para. 418.	
30.	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. 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.	<i>Milutinović</i> Vol. 1, para. 468.	

31.	Within the land forces, subordinate to the General Staff, was the 3rd Army, whose zone of responsibility encompassed southern Serbia. The 3rd Army was divided into two corps, the Niš Corps and the Priština Corps, with the latter having responsibility for the area of Kosovo.	<i>Milutinović</i> Vol. 1, para. 482.	
32.	The MUP consisted of two main organizational units, the Public Security Department (Resor Javne Bezbednosti) ('RJB') responsible for maintaining public order and the State Security Department (Resor Državne Bezbednosti) ('RDB') responsible for maintaining state security and responding to threats to the state.	<i>Milutinović</i> Vol. 1, para. 659.	
33.	According to Article 4 of the Rules on Organisation of the MUP, the Kosovo SUPs were in the municipalities of Gjilan/Gnjilane, Gjakovë/Đakovica, Mitrovicë/Kosovska Mitrovica, Pejë/Peć, Prizren, Prishtinë/Priština, and Ferizaj/Uroševac.	<i>Milutinović</i> Vol. 1, para. 660.	
34.	Special Police Units (Posebne Jedinice Policije) ('PJPs') were established pursuant to Article 6 of the Rules on Organisation of the MUP by the former Minister of the Interior, to carry out special security tasks in regular circumstances and in the case of a state of emergency.	<i>Milutinović</i> Vol. 1, paras. 665- 666.	
35.	Pursuant to the Rules of the Internal Organisation of the State Security Department (Resora Drzavne Bezbednosti) ('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 of counterintelligence,	<i>Milutinović</i> Vol. 1, paras. 680, 683.	

	intelligence, countering extremism and terrorism and other security tasks of the Republic and FRY. RDB Centres were set up in various locations in Kosovo, including Gjilan/Gnjilane, Prizren, and Prishtinë/Priština. The Prishtinë/Priština centre had offices in Lipjan/Lipljan, Obiliq/Obilić, and Podujevë/Podujevo.		
36.	Throughout 1998, the area of responsibility of the 125th mtbr [<i>Motorised brigade</i>] – which was subordinated to the Prishtina Corps - covered a number of municipalities, including Kline/Klina, Istog/Istok, Pejë/Peć, and Decan/Dečani, which overlapped significantly with what would become the Dukagjin Zone. The strength of the 125th mtbr was increased from 1,400 men in January 1998 to 1,880 towards the end of the year to counter disruptions on the state border with Albania. A forward command post of the 125th mtbr was established in Peje/Peć in or after April 1998 as organised groups of armed Kosovo Albanians were developing in an increasing number of villages and were attacking MUP controls. Combat group 2 of the 125th mtbr was also located in Peje/Peć. The military strength of the forward command post in Pejë/Peć was around 400 men in April and May 1998. The Priština Corps Command set up a forward command post in Gjakovë/Đakovica on 21 April 1998 with 10-15 men. The command of the VJ Priština Corps under General Nebojša Pavković was based in Prishtinë/Priština. The units in the so-called Metohija area, which covered Pejë, Prizren, Gjakove, and the border battalions, comprised a total of 3,000 to 4,000 men.	<i>Haradinaj</i> RT, para. 126.	

ATTACKS ON ALBANIAN VILLAGES: FEBRUARY 1998 – FEBRUARY 1999			
37.	On 28 February 1998 and 1 March 1998, Serbian special police forces attacked the villages of Qirez/Cirez and Likoshan/Likosane in Drenica, attacking without warning and firing indiscriminately at civilians. One of the fatalities at Qirez/Cirez was a pregnant woman who was shot in the face. Many of the victims were shot at a very close range.	<i>Limaj</i> , para. 49.	
38.	Around 5 March 1998 a police action was carried out in the area of Kline/Klina-Laushe/Lausa, located southwest of Prekazi/Prekaze. Reports indicated that buildings were attacked with heavy weapons and mortars. A group of diplomats who visited Prekazi/Prekaze on 8 March 1998 reported great devastation to a limited number of buildings, continuing heavy police presence and a complete absence of civilian activities. Houses were torched, burned, or fired at. Serbian forces from the Ministry of the Interior ('MUP') and forces associated with Serbian special units equipped with armoured personnel carriers and other heavy vehicles were involved in the operation.	<i>Limaj</i> , para. 136.	
39.	The attack on the Jashari compound in Prekaz, Skënderaj/Srbica municipality killed the entire Jashari family, including a baby. The sole survivor was an 11-year-old girl.	<i>Limaj</i> , para. 49.	
40.	The Serbian attacks on Qirez/Cirez, Likoshan/Likosane and Prekazi/Prekaze in February and March 1998 in Drenica left at least 24 women and children dead.	<i>Limaj</i> , para. 49.	

41.	On or about 19 May 1998, Serbian forces attacked the village of Grabanicë in Kline/Klina municipality. This attack lasted three days, after which the Serbian forces overran the village.	<i>Haradinaj</i> RT, paras. 155, 444.	
42.	Around 6-8 July 1998, Loxhë, Peja Municipality, was attacked by Serbian forces from the direction of Peja. FARK forces participated in the retaking of the town.	<i>Haradinaj</i> RT, para. 284.	
43.	The villages Brestovc/Brestovac, Ratkovc, Xerce, and Pirana were set on fire on 17 and 18 July. When Kosovar Albanians were expelled to Albania, those villages were set on the fire for the second time and on that occasion other villages like Krushe were set on the fire as well.	<i>Selim Krasniqi</i> , p. 31.	<ul style="list-style-type: none"> - Relevance - Recitation of evidence: In the original judgement, the section constitutes a summary of the 'evidence establishing the armed conflict' and the relevant paragraph starts with 'Witness 'B' stated that [...]', see <i>Selim Krasniqi</i>, pp.25, .31. Findings drawn from this summary of evidence are set out in the section 'conclusion on the issue of armed conflict', see <i>Selim Krasniqi</i>, pp.51-52.
44.	On 17 July 1998 Serbian forces launched an attack on the town of Rahovec/Orahovac. A PJP unit was sent to Orahovac/Rahovec in order 'to liberate' the town. PJP, SAJ, and VJ units took part in the operation.	<i>Dorđević</i> , para. 312.	
45.	On 25 and 26 July 1998, the KLA lost control of Llapushnik/Lapusnik in a battle with Serbian forces, which were comprised of Special MUP units, two detachments of 200 men each, an anti-terrorist unit.	<i>Limaj</i> , para. 79.	
46.	Between May and July 1998, more than 80 people were killed in the village of Celine; more than 200 people were killed and more than 100 went missing from the village of Krushe e Madhe; more than 100 people were killed from	<i>Selim Krasniqi</i> , p. 42.	<ul style="list-style-type: none"> - Relevance - Recitation of evidence: In the original judgement, the section constitutes a summary of the 'evidence establishing the armed conflict' and the relevant section is summarising

	the village of Pastasel; about 100 or 200 from Rahovec/Orahovac; about 40 from Reti village, more than 50 from Brestovc/Brestovac village and from Hoqe e Vogel and Nagevc.		the evidence of a Defence witness, <i>see Selim Krasniqi</i> , pp.41-42. Findings drawn from this summary of evidence are set out in the section 'conclusion on the issue of armed conflict', <i>see Selim Krasniqi</i> , pp.51-52.
47.	In August/September 1998, a large number of Albanian villages along the Pejë/Peć -Prishtinë/Priština road, and parts of Malishevë/Mališevo, were looted, burned, and eventually destroyed by Serbian forces.	<i>Milutinović</i> Vol. 1, paras. 878, 883, 886, 890, 893- 894.	<ul style="list-style-type: none"> - Relevance - Recitation of evidence: In the original judgement, the paragraph starts with 'Crosland testified that [...]'; see <i>Milutinović</i> Vol. 1, para.878. Para.883 of the same judgment states: 'Crosland referred by way of example to [...]'. Likewise, paragraphs 890 and 893 are recitations of evidence. Paragraph 894 contains findings, but is not consistent with the proposed fact. - Misleading: The Chamber also noted discrepancies in language, drawing distinctions between language used by the witness and clarifying that, while parts of Malishevë/Mališevo were badly damaged, they were not completely destroyed. <i>See Milutinović</i> Vol. 1, para.886.
48.	The advancement of the Serbian offensive in the summer of 1998 left an estimated 300,000 people displaced throughout Kosovo.	<i>Limaj</i> , para. 62.	
49.	On or around 2 or 3 August 1998, Serbian forces overran the KLA from Jabllanicë/Jablanica in Gjakovë/Đakovica municipality.	<i>Haradinaj</i> <i>RT</i> , para. 289.	
50.	Sometime between 8 and 13 August 1998, the Serbian forces conducted operations in the villages including Prilep, Isniq, Baballoq, Rastavicë, Carrabreg, Kodralija,	<i>Haradinaj</i> <i>RT</i> , paras 292-293.	

	Dubravë, Irzniq, Shaptej, Gramaqel, and Glllogjan, in Deçan/Deçani municipality, among others.		
51.	Sometime between 10 and 12 August 1998, the Serbian forces conducted a successful attack on the KLA headquarters in Glllogjan in Decan municipality, causing the KLA to withdraw.	<i>Haradinaj RT, para. 294.</i>	
52.	From 10 – 15 September 1998, MUP forces carried out an operation in the area of Bajgora/Bajgore and Stari Trg/Stanterg, Mitrovica municipality. In one house in Stari Trg/Stanterg a witness saw members of the police raping a young woman and killing two older women and two men. The house was subsequently set on fire. In Bajgora/Bajgore a witness saw a police commander killing civilians in a house and setting the house on fire.	<i>Dorđević, para. 335.</i>	- Relevance
53.	At the end of September 1998, a Serbian offensive took place in Drenica in the municipalities of Skënderaj/Srbica, Glllogoc/Glogovac and Kline/Klina. On 26 September 1998, the villages of Ujmire/ Dobra Voda, Plocice/Pllaquice and Abri-e-Eperme/Gornje Obrinje were burned. Property including livestock and food stores were destroyed.	<i>Dorđević, para. 337.</i>	- Relevance
54.	On 26 September 1998, Serbian Security Forces killed 21 members of the Delijaj family, including women, children and elderly in the village of Abri-e-Epërme/Gornje Obrinje, Glllogoc/Glogovac municipality.	<i>Dorđević, para. 339; Milutinović Vol. 1, paras. 899, 901-902, 912.</i>	- Relevance

55.	In late September 1998, Serbian security forces surrounded villages in Vushtrri/Vucitrn municipality including Kolle/Kolo, Dubovac/Duboc, Galica/Galice, Becic/Beciq, Oslanje/Oshlan and Zilivoda/Zhilivode and in Skënderaj/Srbica municipality the villages of Ljubovac/Lubavec and Mikusnica/Mikushnice. Most of the houses in the villages were shelled or burned. In one village a witness found 11 dead bodies which were naked and appeared to have been mutilated. In Oslanje/Oshlan 14 dead bodies were found and three further bodies were found in nearby villages.	<i>Dorđević,</i> para. 340.	- Relevance
56.	On 27 September 1998, the village of Vraniq/Vranic in Suharekë/Suva Reka municipality was shelled. When the people returned to the village, the police separated the men from the women and around 250 men were detained and sent to Prizren. Two men from this group were killed and others were beaten. The Serbian police then set the houses on fire, so that 280 of the 300 houses in the village were affected by the fire.	<i>Dorđević,</i> para. 343.	- Relevance
57.	In September 1998, a Serbian operation was conducted in Rahovec/Orahovac municipality and the Albanian villages of Pastaselle/Pusto Selo and Drenovac/Drenoc were shelled. The villages were unarmed and were not resisting. Four or five persons were killed in Drenovac/Drenoc. Three quarters of the village of Pastaselle/Pusto Selo was destroyed by fire.	<i>Dorđević,</i> para. 344.	- Relevance
58.	The number of internally displaced persons in Kosovo in September 1998 was very high. A British military report estimated that 5,000 – 15,000 were seen in Drenica, Mount	<i>Dorđević,</i> para. 345.	

	Cicavica/Qiqavica and Bajgora/Bajgore and there were around 171,000 internally displaced persons in Kosovo at that time. The UNHCR's estimates were that there were some 250,00 internally displaced persons in Kosovo in September 1998.		
59.	In early 1999, the scale and frequency of the crimes committed by Serbian Forces increased, despite the ceasefire negotiated in the Holbrooke-Milošević agreement of October 1998.	<i>Dorđević</i> , paras. 2011, 2026.	- Relevance - Inaccurate reformulation: The proposed fact differs in a substantial way from the formulation of in the original judgment (<i>inter alia</i> , there is no finding in the relevant paragraphs that the 'scale and crimes committed by Serbian Forces increased'), see <i>Dorđević</i> , paras 2011, 2026.
60.	On 15 January 1999, no less than 45 Kosovo Albanian civilians, including a woman and a child, were killed in Reçak/Račak, Shtime/Štimlje municipality. At least one victim was decapitated. Most of those killed were over 50 years old. Many had been shot in the head apparently at close range. The victims were wearing civilian clothes when they were killed.	<i>Dorđević</i> , para. 416.	- Relevance
61.	At the end of January 1999, VJ and MUP Units were seen razing the village of Llapashtice-e-Eperme/Gornje Lapastica and Llapashtice-e-Pshtme/Donja Lapastica as well as the villages of Bradas/Bradash and Dobrotin/Dobratin.	<i>Dorđević</i> , para. 429.	- Relevance
62.	In late February to mid-March 1999, large operations occurred in Kacanik/Kacanik and Vushtrri/Vucitrn municipalities. The VJ and MUP carried out an offensive	<i>Dorđević</i> , para. 441.	

	and sealed off the areas where they were conducting operations denying entry to KVM.		
ATTACKS ON ALBANIAN VILLAGES: FEBRUARY 1999-JUNE 1999			
PRIZREN MUNICIPALITY			
63.	On 25 March 1999, Serbian forces shelled and burned down houses in Pirane/Pirane, Prizren municipality. Kosovo Albanian civilians living in the area were systematically attacked. An estimated 1,900 people left in fear. There were no KLA fighters in Pirane/Pirane and the Serbian forces targeted Kosovo Albanian civilians by burning their homes, hence forcing the population to flee.	<i>Dorđević,</i> paras. 583, 587; <i>Milutinović</i> Vol. 2, paras. 259, 1160, 1199- 1200.	- Relevance - Imprecise: 'estimated 1,900 people' does not appear in the listed paragraphs.
64.	On 26 and 27 March 1999, Serbian forces deliberately burnt approximately 90 houses in the village of Landovicë/Landovica, Prizren municipality, and destroyed the minaret of the mosque and partly burnt the mosque. By virtue of the actions of the Serbian forces, most of the population, some 1,300 civilians left the village. 16 victims were killed.	<i>Dorđević,</i> para. 594.	- Relevance
65.	On 28 March 1999, in the Dushanovë/Dušanovo suburb of Prizren alone, 4,000-5,000 Kosovo Albanians were expelled by Serbian Forces. Kosovo Albanian residents were expelled from their homes, beaten, threatened, robbed, and directed towards Albania. A convoy was formed of displaced Kosovo Albanians which stretched from the town of Prizren to the Albanian town of Kukës i.e. for some 16 kilometers.	<i>Dorđević,</i> paras. 571, 573, 1626; <i>Milutinović</i> Vol. 2, paras. 286, 1162, 1199, 1201-1203.	- Relevance - Imprecise: '28 March 1999, in the Dushanovë/Dušanovo suburb' does not appear in the listed paragraphs.

RAHOVEC MUNICIPALITY			
66.	On 25 March 1999, in the course of an attack on the village of Bellacërkë/Bela Crkva, Rahovec/Orahovac municipality, Serbian forces shot at least 14 Albanian civilians in the Belaja River, 13 of the 14 died and 10 of the 14 were women and children. Serbian Forces killed two civilians on the Belaja Bridge, Nisim and Shedent Popaj. The MUP then ordered a group of 65 male civilians into the stream and then opened fire on them, killing at least 41. Serbian Forces also substantially destroyed the mosque and several other buildings in the village. As a result of the Serbian attack on the village of Bellacërkë/Bela Crkva, Rahovec/Orahovac municipality, only two of the approximately 350 houses in the village had not been burned down.	<i>Dorđević,</i> para. 465, 469-470, 472, 476- 477.	- Relevance
67.	On or around 25 March 1999, MUP and VJ forces shelled the village of Celinë/Celina, Rahovec/Orahovac municipality. When the MUP entered Celine/Celina they killed 20 unarmed Kosovo Albanians. On 26 March 1999, the Serbian Forces also killed 5 members of the family of Agim Jemini who were unarmed civilians. During the rampage by the MUP on 26 March 1999 in the village of Celine/Celina, all except for 20 houses in the village were burnt down along with numerous building including the school. On 28 March 1999, the mosque was destroyed by explosives set and detonated by members of the MUP.	<i>Dorđević,</i> paras. 520, 522, 525, 528;	- Relevance - Inaccurate reformulation: 'On 26 March 1999, the Serbian Forces also killed 5 members of the family of Agim Jemini who were unarmed civilians' has a different meaning in the original judgment, where it states: 'It appeared to Agim Jemini that they were dead' (emphasis added), <i>see Dorđević,</i> para. 525.

68.	On 25 March 1999, Serbian Forces entered the village of Krushë-e-Vogël/Mala Kruša, also in Rahovec/Orahovac municipality. With the help of local Serbians, many in black militia uniforms and some in ordinary clothes, and guided by local Serbian villagers, they set Albanian houses on fire. Nine Kosovo Albanian civilians were burned to death in their houses during the attack on Krushë-e-Vogël/Mala Kruša in Rahovec/Orahovac municipality by Serbian forces.	<i>Dorđević</i> , paras. 482, 485.	<ul style="list-style-type: none"> - Relevance - Inaccurate reformulation: ‘many in black militia uniforms’ (The original judgment states: ‘Some wore black uniforms’ and does not mention the word ‘militia’ (emphasis added), see <i>Dorđević</i>, para.482). - Imprecise: ‘On 25 March 1999, Serbian Forces entered the village of Krushë-e-Vogël/Mala Kruša’ does not appear in the cited paragraphs.
69.	On 26 March 1999, in the course of the attack on Krushe-e-Vogel/Mala Kruša, Rahovec/Orahovac municipality, Serbian forces forced a group of around 114 male villagers into Batusha barn. Serbian forces then shot at them with automatic rifles. The police then came into the barn and shot any villager who raised his head with a pistol. The barn was then set on fire. At least 104 men and young boys were killed by MUP forces at Batusha barn. By 15 June 1999, all the Albanian houses in Krushe-e-Vogel/Mala Kruša, Rahovec/Orahovac municipality, were burned but the Serbian and Roma houses were intact.	<i>Dorđević</i> , paras. 490, 495, 497; <i>Saša Grković</i> , First Instance Verdict, p. 18	<ul style="list-style-type: none"> - Relevance
70.	On 31 March 1999, Serbian forces killed 106 unarmed Albanian men in the village of Pastaselle/Pusto Selo in Rahovec/Orahovac municipality.	<i>Dorđević</i> , para. 541.	<ul style="list-style-type: none"> - Relevance
71.	From March 1999, the Serbian attacks in Rahovec/Orahovac were directed at all Kosovo Albanians and were part of a policy of expelling Kosovo Albanians from the area and destroying their property.	<i>Dorđević</i> , para. 548.	<ul style="list-style-type: none"> - Relevance

72.	On or around 30 March 1999, Serbian policemen surrounded a neighbourhood of Prizren located on the outskirts of Prizren and expelled the population of the neighbourhood. The people leaving were told to go to Albania.	<i>Dorđević,</i> paras. 559, 561.	- Relevance
SKËNDERAJ/SRBICA MUNICIPALITY			
73.	On or around 26 March 1999, up to 25,000 people from surrounding villages had arrived in Izbica/Izbice to seek safety. On 27 March 1999, early in the morning, Izbica/Izbice was shelled. In the course of the day, Serbian forces encircled Izbica/Izbice. Shortly thereafter, VJ forces entered the village and set fire to some houses. On 28 March 1999, at least 93 individuals were killed when shot by Serbian forces in Izbica/Izbice. The victims were unarmed Kosovo Albanians taking no active part in hostilities, who were being detained by Serbian forces at the time they were killed. The operations carried out by Serbian forces in Izbica/Izbice was aimed at killing and expelling Kosovo Albania villagers from their home.	<i>Dorđević,</i> paras 611, 612, 633; <i>Milutinović</i> Vol. 2, paras 679, 1219.	- Relevance
74.	In March and April 1999, VJ and MUP forces in Turicevac/Turiquec, Tusilje/Tushile and Kline/Klina took part in joint operations in which Kosovo Albanians were expelled from Kosovo. The Serbian operational plan to expel Albanian civilian citizen from Kline/Klina included to set their houses on fire. At least two houses were set on fire with a flame thrower.	<i>Dorđević,</i> para. 644; <i>Cvetković,</i> pp. 8, 10.	- Relevance

75.	In early April 1999, MUP and VJ forces expelled Kosovo Albanians from the village of Klladërnicë/Kladernica out of Kosovo.	<i>Dorđević</i> , para. 651.	- Relevance
SUHAREKË/SUVA REKA MUNICIPALITY			
76.	On 20 – 21 March 1999, Serbian forces attacked and shelled Peqan/Pecane village.	<i>Dorđević</i> , para. 704.	- Inaccurate reformulation: ‘On 20 – 21 March 1999’ differs in a substantial way from ‘ on or about 20-21 March 1999’ (emphasis added) in the original finding, <i>Dorđević</i> , para.704.
77.	On 26 March 1999, at least 45 members of the Berisha family, including young children and women (one of whom was pregnant), were killed in Suharekë/Suva Reka by MUP forces, including local and reserve policemen. The bodies were transported and buried in a mass grave at the Batajnica SAJ Centre, in Serbia, from where they were exhumed in 2001.	<i>Dorđević</i> , paras 683, 1377; <i>Milutinović</i> Vol. 2, para. 535.	- Relevance
78.	By 1 April 1999, there were at least 30,000 displaced persons in Bellanice/Belanica village which had a peacetime population of 3,500. Further, in the course of 1 April 1999, Serbian forces shelled Bellanice/Belanica. Upon entering the village, the Serbian forces shot at houses and above people’s heads and began torching houses. The inhabitants of these houses left their homes and joined the rest of the thousands of displaced persons who had gathered in a field. The Serbian forces forced people to leave the town. The Serbian army and police divided the convoy into two groups, the final destination for both groups was the village of Morina/Morine near the Albanian border.	<i>Dorđević</i> , paras. 710, 713, 714, 716 and 718.	- Relevance

GJAKOVË/ĐAKOVICA MUNICIPALITY

79.	<p>Thousands of Kosovo Albanians were deported from the town of Gjakovë/Đakovica in the first days of April 1999.</p> <p>From the start of the NATO bombing through May 1999, both VJ and MUP forces targeted Kosovo Albanian civilians and created an atmosphere of terror in Gjakovë/Đakovica town. The MUP and paramilitaries were responsible for burning the houses of Kosovo Albanians in the town in March and April 1999, and contributed to an atmosphere of fear and violence created by the MUP and, later, the VJ in the town. The MUP and VJ forces controlled the departure of a significant number of Kosovo Albanian residents, and the residents were expelled over the border to Albania. In addition, the VJ was involved in arson and the MUP in arson and looting in the town in May 1999. Kosovo Albanian civilians in the town were targeted.</p>	<p><i>Dorđević,</i> para. 915; <i>Milutinović,</i> Vol. 2, paras. 147, 1159, 1189.</p>	<ul style="list-style-type: none"> - Relevance - Misleading: An omitted part from the original judgment reads: ‘there is evidence indicating KLA activities in the town in May 1999, and consequently there is a possibility that the killings may have been part of legitimate operations against the KLA’ (emphasis added), <i>see Milutinović, Vol. 2, para.147.</i>
80.	<p>On 24-25 March 1999, Serbian forces, in the form of Serbian police, set fire to the historical centre of Gjakovë/Đakovica, causing extensive burning including the destruction of the Hadum mosque and the Islamic library.</p>	<p><i>Dorđević,</i> para. 872.</p>	<ul style="list-style-type: none"> - Relevance
81.	<p>On 1 – 2 April 1999, there was a planned and deliberate offensive operation in Cerim/Qerim neighbourhood of Gjakovë/Đakovica by Serbian police, including local and reserve policemen. Serbian police killed 20 civilians, including 12 children and 7 women. Their houses and properties were also destroyed,</p>	<p><i>Dorđević,</i> paras. 889, 902.</p>	<ul style="list-style-type: none"> - Relevance

82.	On 27-28 April 1999, the MUP and VJ forces killed no less than 281 unarmed civilians in Mejë/Meja and Korenice/Korenica, Gjakovë/Đakovica municipality, during 'Operation Reka'.	<i>Dorđević</i> paras. 1736-1739, 1741; <i>Milutinović</i> Vol. 2, paras 216-217, 238, 1159, 1197.	- Relevance
GJILAN/GNJILANE MUNICIPALITY			
83.	On 28-29 March 1999, Serbian forces, assisted by local Serbian villagers, entered homes of Albanian villagers in Zegra/Zheger, Gjilan/Gnjilane municipality, and shot at the inhabitants in order to drive them out. Out of fear, over 1,300 Kosovo Albanians villagers left. When they returned again to the village in June 1999, they found approximately 120 Albanian houses burned and around 420 partially burned. The Serbian houses remained intact.	<i>Dorđević</i> , paras. 1038-1040, 1048.	- Relevance - Inaccurate reformulation: '[O]ver 1,300 Kosovo Albanians villagers left' differs in a substantial way from the original finding (The original judgment reads ' about 1,300 villagers left' (emphasis added), <i>see Dorđević</i> , para.1040).
84.	On or around 6 April 1999, Serbian forces entered the village of Vlastica/Llashtice, Gjilan/Gnjilane municipality. Despite the fact that there was no resistance from the villagers, the joint Serbian forces entered the houses of Kosovo Albanians, forced out the inhabitants, looted the houses and finally set the houses on fire. They set the mosque on fire. The Serbian forces were accompanied by men from Zegra/Zheger in civilian clothes who assisted the VJ and police by directing them to houses of local LDK activists.	<i>Dorđević</i> , paras. 1054-1055.	- Relevance

85.	On 14 April 1999, a convoy of not less than 4,000 people were deported from the town of Përlepnicë/Prilepnica, in Gjilan/Gnjilane municipality to FYROM, including 3,000 people from Përlepnicë/Prilepnica and 1,000 from other nearby villages.	<i>Dorđević,</i> paras. 1035, 1659.	- Relevance
DRENOVAC/DRENOC MUNICIPALITY			
86.	On 26 March 1999, Serbian police and military forces arrived in Drenovac/Drenoc in Deçan/Dečani municipality. On 26 and 27 March 1999 some of the residents fled to Beleg. Displaced persons from Carrabeg/Crnobreg, Slup/Sllup and other neighbouring villages also gathered in Beleg.	<i>Dorđević,</i> para. 1144.	- Relevance
FERIZAJ/UROŠEVAC MUNICIPALITY			
87.	On 6 April 1999, Serbian forces entered the village of Sojeve/Sojevo in Ferizaj/Urosevac municipality. They burnt 90% of the houses in the Limanaj neighbourhood and two Kosovo Albanians, Qerim Ajvazi and Hamit Hali, died a result of the fires. They also set houses on fire in the Shulhaj neighbourhood and killed two civilians, Nazmi and Haxhere Nebihu. Residents were expelled from the village and forced to walk to Uroševac/Ferizaj town.	<i>Dorđević,</i> paras. 1068- 1069; <i>Milutinović,</i> Vol. 2, paras 998, 1169	- Relevance
88.	Approximately 1,000 displaced people arrived in Mirosavlje/Mirosala, Urosevac/Ferizaj municipality, at the beginning of April 1999 and found that VJ troops had entered the village on 8 April 1999 with a tank, causing people in the village to flee. The Serbian forces operating in Mirosavlje/Mirosala and the other relevant villages at the time either directly ordered the Kosovo Albanians to	<i>Milutinović,</i> Vol. 2, paras. 1000- 1001, 1250- 1251.	- Relevance

	leave their homes, or caused them to leave by their violent and intimidating behaviour.		
VUSHTRRI/VUCITRN MUNICIPALITY			
89.	On or about 2 May 1999, forces of the FRY and Serbia attacked a number of villages north-east of the town of Vushtrri/Vucitrn, including Skromë/Skrovna, Sllakovc/Slakovce, Ceceli/Cecelija and Studime e Epërme/Gornja Sudimlja. The villagers, comprised largely of civilians as well as persons previously displaced from other communities in the Vushtrri/Vucitrn municipality, were forced to form a convoy of between 30,000 and 50,000 travelling on the 'Studime Gorge' road, in the direction of the town of Vushtrri/Vucitrn. From the evening of 2 May 1999, forces of the FRY and Serbia consisting of Serbian Regular Army, Serbian Paramilitaries, Police and Police Reservists repeatedly attacked the convoy of civilians displaced from Vushtrri/Vucitrn municipality and harassed, threatened, beat and killed an extensive number of Kosovo Albanians and robbed and pillaged the valuables of many others. Once they departed, their movement was controlled by the MUP, who also robbed and mistreated them. Upon arrival in the town of Vushtrri/Vucitrn, between 2 and 3 May 1999, thousands of Kosovo Albanians in this convoy were detained by forces of the FRY and Serbia in the agricultural cooperative near the town of Vushtrri/Vucitrn.	<i>Vukotić I</i> , para. 61, quoting <i>Milutinović</i> , Vol. 2, paras. 796, 797.	- Relevance
90.	Between 1 and 3 May 1999, MUP forces separated the convoy of civilians displaced from Vushtrri/Vucitrn	<i>Vukotić I</i> , para. 140,	- Relevance

	municipality into three groups. The first group, comprised of women, children, and elderly people who had vehicles, was sent to Albania; the second group, comprised of women, children, and elderly people who had no means of transportation, was sent to nearby villages, among them Kiçiq/Kičić and Doberlluke/Dobra Luka/ while the third group, containing mainly men of military age, was sent to Smrekovnica/Smerkovnicë prison where they were detained and mistreated.	quoting <i>Milutinović</i> , Vol. 2, para. 800.	- Imprecise: 'civilians displaced from Vushtrri/Vucitrn municipality' lacks indication of source and cannot be located in the relevant paragraphs of the referenced judgments.
91.	During the second half of May 1999, following detention in Smerkovnicë/Smrekovnica for approximately three weeks, the detainees were taken to the Albanian border, where they were forced to surrender their identification documents and cross into Albania.	<i>Vukotić I</i> , para. 61; <i>Milutinović</i> , Vol. 2, para. 800.	- Relevance - Imprecise: 'During the second half of May 1999' cannot be located in the relevant paragraphs of the referenced judgments.
KACANIK/KACANIK MUNICIPALITY			
92.	On 24 March 1999, Serbian forces shelled Kotlinë/Kotlina in Kacanik/Kacanik municipality from around 06.30 until 09.00. When the shelling finished, Serbian infantry and tanks entered Kotlinë/Kotlina. The male population of the village fled in small groups towards a ravine to the South and towards the hill to the North of Kotlinë/Kotlina.	<i>Dorđević</i> , para. 1112.	- Relevance - Inaccurate reformulation: 'Serbian forces shelled [...]' differs in a substantial way from the original judgment, which reads: 'The source of the shelling was not identified but VJ tanks were positioned in Globočica/Glloboçice and in other locations from which they could have shelled the village. ' (emphasis added), <i>see Dorđević</i> , para.1112.
93.	On 24 March 1999, Serbian forces forced a group estimated to comprise 20 men who had been captured on the hill to the North of Kotlina/Kotline, Kacanik/Kacanik municipality, to two wells to the north of the village. They were beaten. All of the men were thrown into the wells.	<i>Dorđević</i> , paras. 1115-1116.	- Relevance

	The wells were then mined. More than 20 men were subsequently found to be dead in the wells.		
94.	On 24 March 1999, Serbian forces gathered the entire population still in Kotlina/Kotline, Kacanik/Kacanik municipality, in a field at around 12.00. At 15.00, two military trucks with canvas backs arrived and the Serbian forces made as many of the women, children and elderly as possible climb inside. The trucks drove to the town of Kacanik/Kacanik. The remaining women, children and elderly had to walk behind the trucks.	<i>Dorđević,</i> paras. 1113-1114.	- Relevance
95.	On 13 April 1999, Serbian forces opened fire in the direction of some villagers from Vata/Vataj, Kacanik/Kacanik municipality. Around 300 people from Vata/Vataj and other villages had sought refuge in the Ljuboten mountains. VJ soldiers captured four residents of Vata/Vataj and killed them. At least two of the bodies had been mutilated. They were Kosovo Albanians who were not taking any active part in hostilities.	<i>Dorđević,</i> para. 1137-1138.	- Relevance
96.	On 14 – 15 April 1999, all of the remaining villagers in Vata/Vataj, Kacanik/Kacanik municipality, fled the village. On 17 July 1999, when they returned, they found that many houses in Vata/Vataj had been burned and others looted.	<i>Dorđević,</i> para. 1140.	- Relevance
FUSHË KOSOVË/KOSOVO POLJE MUNICIPALITY			
97.	In March 1999 approximately 150 Albanian civilians comprising men, women and children were gathered at the bus stop in Fushë Kosovë/Kosovo Polje Municipality. Serbian forces separated the men from the women and	<i>Radivojević,</i> pp. 64-65.	- Relevance

	children. Approximately 40 Albanian men were made to kneel with their hands behind their heads, forced to sing pro-Serbian songs and beaten for at least one hour by the Serbian forces, who used whatever weapons were at their disposal including batons and even a crutch.		
98.	On 8 April 1999 an undefined number of unidentified members of the Serbian Police or paramilitary, violated the bodily integrity and health of a Kosovo Albanian civilian from Fushë Kosovo/Kosovo Polje, by repeatedly beating him and by slitting his throat; [the same individual] was abducted and his remains were later found in a grave in Vragoli/Vragolja village, near Fushë Kosova/Kosovo Polje.	<i>Bulatović</i> , p. 5.	- Relevance
DEÇAN/DEČANI MUNICIPALITY			
99.	On 28 March 1999, police and VJ soldiers arrived in Beleg, Deçan/Dečani municipality. Men and women were separated: on 30 March 1999, the women were escorted in a convoy by Police and army vehicles until it crossed the Albanian border near Kukes. Of the 60 men, 10 were released to drive the women and children to Albanian. The remaining men have not been heard of since that day and are still unaccounted for.	<i>Dorđević</i> , paras. 1149, 1153 – 1154.	- Relevance - Imprecise: 'On 28 March 1999, police and VJ soldiers' is not in the cited paragraphs.
PODUJEVË/PODUJEVO MUNICIPALITY			
100.	On 28 March 1999, Serbian forces killed 14 women and children in Podujevë/Podujevo town in the courtyard of the Bogujevci family.	<i>Dorđević</i> , para. 1259.	- Relevance

PEJË/PEĆ MUNICIPALITY			
101.	On 14 May 1999, Serbian Forces attacked the village of Qyshk/Ćuška in Pejë/Peć municipality. The separated the men from the women and shot and killed around 30 men.	<i>Dorđević</i> , paras. 751, 754-761.	- Relevance - Inaccurate reformulation: '[A]round 30 men' cannot be located in the relevant paragraphs of the referenced judgment.
MITROVICË/KOSOVSKA MITROVICA MUNICIPALITY			
102.	In mid-April 1999, VJ and MUP forces expelled a large number of Kosovo Albanians from Žabare/Zhabar and nearby villages in Kosovska Mitrovica/Mitrovica municipality and forced them to leave Kosovo.	<i>Milutinović</i> , Vol. 2, paras 728, 1165.	- Relevance
KAMENICË/KAMENICA MUNICIPALITY			
103.	On 18 April 1999 the village of Leshtar, in the Kamenica municipality, was surrounded by Serbian and/or Yugoslavian forces including military, paramilitary and police forces. The villagers were expelled from their homes, houses were burnt, considerable shooting took place, and a villager named Bahtije Sinani was shot and injured.	<i>Trajković</i> , p. 11.	- Relevance
104.	On 19 April 1999, the villagers from Petrovc, Kamenica municipality, were driven out of the village by a combination of Serbian and SFRY forces consisting of army, paramilitary and police personnel.	<i>Trajković</i> , pp. 12-13.	- Relevance
105.	On the 11 May 1999, the village of Karaceve, Kamenica municipality, was surrounded by Serbian police forces; civilians were maltreated; five individuals were abducted and murdered.	<i>Trajković</i> , pp. 14-16.	- Relevance - Inaccurate reformulation and recitation of evidence: pp. 14-16 of the <i>Trajković</i> judgment summarise several witness

			statements which are only in part accepted by the trial panel.
KLA STRUCTURE			
106.	In the afternoon and evening of 9 May 1998, the KLA soldiers started to dig trenches and make other fortifications in Llapushnik/Lapusnik village. The trenches were built at night with the help of some young people from the village.	<i>Limaj</i> , para. 77.	
107.	In the Dukagjin zone in 1998, the Serbian forces dominated the big roads, while the KLA by and large held the villages and local roads in the interior of the zone.	<i>Haradinaj</i> RT, paras. 131, 408.	
108.	The months of March and April saw a surge in the number of KLA volunteers, as it gained support among Kosovo Albanian communities abroad. This contributed to the development of a mainly spontaneous and rudimentary military organization at the village level.	<i>Haradinaj</i> , para. 89.	<p>- Misleading and selective: the following sentences of this paragraph are necessary to provide appropriate context:</p> <p>In April, the initial phases of a centralized command structure above the various village commands, in particular through the efforts of Ramush Haradinaj, who was consolidating de facto authority. By this time, the KLA also controlled, by the presence of checkpoints and armed soldiers, a considerable amount of territory in the Dukagjin area. It had established logistics that provided access to considerable numbers of weapons, although they may not have been sufficient to arm all the new recruits. Furthermore, the evidence establishes that KLA soldiers received at least rudimentary military training and used guerrilla tactics. Finally, the KLA issued communiqués in its name.</p>

109.	In the summer of 1998, the KLA in Kosovo had three 'family power bases' – the Haradinajs in Gllogjan; the Jasharis in Prekaz; and the Brahimajs in Jabllanice.	<i>Haradinaj</i> RT, para. 42.	
110.	Small groups of men began to organise themselves in their own villages after the area of the Dukagjin zone began to be shelled and after the Haradinaj family compound was attacked on 24 March 1998. These gatherings of small groups of men in the villages, the village defence organisations, or village guard organisations, were not centrally organised, but were done at the initiative of the villages. This became known as the village defence organisation or the village guard organisation. At least in the first half of 1998, it was common for villages not to have anybody with prior military experience living in the village, and in this situation the villagers then decided on a farmer, village leader or elder to be in charge of the military defence.	<i>Haradinaj</i> RT, para. 47, 407	- Inaccurate reformulation: 'At least in the first half of 1998' is not contained in the original judgment, <i>see Haradinaj</i> RT, paras 47, 407.
111.	[In the first half of 1998] There were approximately 17 villages in Baran/Barane Valley in Pejë/Peć municipality which organised themselves independently; more than half of the villages did not have weapons.	<i>Haradinaj</i> RT, para. 49.	- Inaccurate reformulation and misleading: 'In the first half of 1998' is not contained in the original judgment and differs in a substantial way from it, <i>see Haradinaj</i> RT, para.49. In addition, the formulation 'In the first half of 1998' is misleading and inaccurate, as the first half of a calendar year extends from 1 January to 30 June and there's no indication that the judgment intended to capture this entire period for purposes of this fact, <i>see Haradinaj</i> RT, paras 54 <i>et seqq.</i>

112.	By the end of April/beginning of May 1998 most villages in the Dukagjin Zone were surrounded by Serbian armed forces.	<i>Haradinaj</i> RT, para. 52.	
113.	From March to September 1998, the Dukagjin Operational Zone was an organisation in the process of development.	<i>Haradinaj</i> RT, paras. 84, 407	
114.	Ramush Haradinaj, in his capacity as commander of the Regional Staff, did not exercise authority over all military and civilian matters in the area. While Ramush Haradinaj had responsibilities in the zone and played a coordinating role in trying to unite the sub-zones, the evidence indicates that the individual sub-zones in the Dukagjin zone, up until at least 23 June 1998, operated independently.	<i>Haradinaj</i> RT, para. 65.	- Qualified/negative finding: As indicated in this paragraph in the original judgment, the Chamber took into account, <i>inter alia</i> , the absence of evidence concerning whether orders were followed or implemented, and reached a qualified declaration of doubt inextricably linked to the circumstances of the case.
115.	Most villages in the Dukagjin zone had limited weapons available as they began to organise [around April 1998]. As a village started to get organised, a small group of young men were sent to Gillogjan/Gloñane and then on to Albania to collect weapons. They purchased weapons in Albania including rifles, AK47s, mortars, anti-tank rockets, sniper rifles, ammunition, some grenades, and a hand-held mortar. These were then brought back to the village.	<i>Haradinaj</i> RT, para. 46.	
116.	While the formation of Brigades and Battalions at various times in the second half of 1998 represents a further and significant stage in the progressive development of a more formalised and more typical military type structure by the KLA, it should not be imagined that they were descriptive	<i>Limaj</i> , para. 65.	

	of a body of soldiers of the numerical strengths typically to be found in Brigades and Battalions respectively of modern European armies. Many KLA Brigades and Battalions, when first formed, were little more than a shell to which soldiers were recruited or transferred at various times; typically they comprised the existing KLA points in a given area. The rate of their growth in numbers of men appears to have varied considerably from place to place.		
117.	As commander of the 121 Brigade, Fatmir LIMAJ did not have effective control over the brigade's territory – which included the village of Bellanice - and his subordinates, because after the offensive of the Serbian forces on 29-30 July 1998 and the fall of Bllaca point, the KLA lost control over the free territories.	<i>Limaj (Belanica)</i> , pp. 38-39.	<ul style="list-style-type: none"> - Qualified/negative finding: This finding is based, at least in part, on the absence of evidence in the context of that case and reached a qualified declaration of doubt inextricably linked to the circumstances of the case. <i>See, inter alia, Limaj (Belanica)</i>, p.38 ('the prosecution office failed to present a single piece of evidence to show who these masked people were. [...] Further, it failed to prove that they were under the command of the accused. [...] it did not provide a single piece of evidence to fulfil the fundamental element required for a superior to incur penal command responsibility [...]'). - Legal finding concerning the 'effective control' of the accused in that case.
118.	On 2 October 1998, when deceased Ramiz HOXHA and Selman BINISHI had been killed, accused Fatmir LIMAJ was not a member of the General Staff and director of the Military Police Department, which was established at the end of November or the beginning of December 1998.	<i>Limaj (Belanica)</i> , p. 40; Appeals Judgment, p. 4.	<ul style="list-style-type: none"> - Recitation of evidence: In the original judgment, the sentence reads '[...] The testimony provided by these witnesses [...] according to the testimony of these witnesses [...]' (emphasis added), <i>see Limaj (Belanica)</i>, p. 40. - Qualified/negative finding: This finding is based, at least in part, on the absence of evidence in the context of that case. <i>See Limaj (Belanica)</i>, p.40 (noting that the Prosecution

			failed to show who had issued the document or was behind the declaration).
119.	The 'vertical structure' of the Dukagjin zone was not implemented, and instead the village representatives at the meeting agreed upon a 'horizontal command'. Under the horizontal command, each of the commanders of the different sub-zones, elected by all the village representatives present at the meeting, would be responsible for their particular sub-zones.	<i>Haradinaj</i> RT, para. 61.	- Recitation of evidence: In the original judgment, the sentence starts with 'While [a vertical structure] was the proposal, Skender Rexhahmetaj gave evidence that it was not implemented, and instead, [the village representatives at the meeting agreed upon a 'horizontal command' [...]]' (emphasis added), <i>see Haradinaj</i> RT, para.61.
120.	There were also instances of abduction undertaken by local elements of the KLA, who were acting independently of any central KLA control because, at the relevant time, the KLA had only limited capacity to exert effective control.	<i>Limaj</i> , para. 217.	- Vague: The finding does not specify the instances of abduction it refers to or what geographical area or KLA units it concerns. - Qualified/negative finding: This finding is based, at least in part, on the absence of evidence in the context of that case and reached a qualified declaration of doubt inextricably linked to the circumstances of the case. - Misleading: The proposed fact is taken out of context and incomplete. For example, in the same paragraph of the original judgment, the Chamber considered 'the effect of the evidence is to indicate that the KLA had a policy of targeting only those who were believed to have, or suspected of having, links with the Serbian regime. Evidence before the Chamber indicates there was a limited level of co-ordination and organization to such targeted attacks. The existence of the Llapushnik/Lapusnik prison camp itself demonstrates the co-ordinated and organised nature of the targeting of suspected collaborators.'. Further, para.228 of the original judgment reads: 'however,

			<p>as indicated earlier there is evidence of a level of systematic or coordinated organisation to the abduction and detention of certain individuals', <i>see Limaj</i>, para. 228.</p> <p>- '[E]ffective control' is of a legal nature.</p>
GENERAL STAFF			
121.	<p>The KLA General Staff did not have a single location where it was based in 1998. At least until June 1998, the KLA General Staff had no main building. Due to the difficult security situation and the fact that they had to operate underground the General Staff did not meet regularly. The members would move around for security reasons and usually independently of each other; not all the members knew all the other members; and they did not all communicate with one another.</p>	<p><i>Haradinaj</i>, para. 68; <i>Haradinaj RT</i>, paras. 20, 406; <i>Limaj</i>, paras 46, 104.</p>	<ul style="list-style-type: none"> - Recitation of evidence: For example, <i>Haradinaj</i>, para. 68, reads: 'Jakup Krasniqi [...] confirmed that [...]. He testified that [...].'<i> Haradinaj RT</i>, para.406, reads: 'the Chamber discussed evidence that [...]' - Misleading as to context: The facts are taken out of context and alter the substance of the original judgment. For example, the proposed fact that the General Staff met irregularly, and at different places, is followed by the following sentence in the original judgment: 'There were, however, a number of local KLA headquarters in various places in Kosovo [...] major KLA headquarters were located in [...]', <i>see Limaj</i>, para.104. <i>See also Limaj</i>, para.46: 'The main governing body of the KLA was the General Staff' and 'In 1996, however, the General Staff expanded its operations in Kosovo'. - Inaccurate reformulation: Different sentences were lifted, without relevant context, from the different judgments causing the formulation proposed to be inconsistent with the original findings.
122.	<p>To become a member of the KLA the approval of the KLA General Staff was not required.</p>	<p><i>Haradinaj RT</i>, para. 36.</p>	<ul style="list-style-type: none"> - Misleading: The proposed sentence is taken out of context. It forms part of a larger paragraph in the original judgment concerning the KLA recruitment process. <i>See, for example:</i>

			'Many persons were willing to join the KLA', 'Personal information about the candidates would be recorded and they would be asked why they wanted to join the KLA', 'New recruits would start training immediately and later they would give their oath at a ceremony', <i>see Haradinaj</i> RT, para.36.
EQUIPMENT			
123.	At least until near the end of 1998 the KLA was not adequately equipped with communications equipment, either for linking headquarters with units or between units.	<i>Limaj</i> , para. 124.	<ul style="list-style-type: none"> - Misleading: In the original judgment, the proposed fact is followed by: 'There were some radio transmitters, however, and some units came to use two way radios and mobile phones, often provided by individual members.', <i>see Limaj</i>, para. 124. - Vague: reference to 'the KLA' in this context is overly broad.
COMMUNIQUÉS			
124.	KLA communiques were part of the KLA 'propaganda campaign'. The information contained in the KLA communiques may have been exaggerated or altered for the purposes of this campaign.	<i>Haradinaj</i> RT para. 635; <i>Limaj</i> , para. 216.	<ul style="list-style-type: none"> - Misleading: The cited paragraph in the <i>Limaj</i> judgement 'accept[ed] that communiques were intended partly for propaganda purposes' and found that 'there was a KLA policy, linked to its military objectives, to target those individuals thought to be collaborating with the Serbian forces'. - Imprecise/qualified: On its plain language ('may have been'), the proposed fact is qualified.
125.	Certain KLA commanders issued communiqués independently on behalf of the KLA, without the knowledge of the General Staff.	<i>Haradinaj</i> RT, para. 630.	<ul style="list-style-type: none"> - Misleading: In the original judgment, this paragraph begins with the following context: 'The communiques were compiled based on information received from sources within Kosovo. Most of the communiqués were

			issued by the KLA General Staff, although [...]', <i>see Haradinaj RT, para.630.</i>
FARK			
126.	FARK forces were deployed to Kosovo sometime before 25 June 1998.	<i>Haradinaj RT para. 85.</i>	
127.	On 10 July 1998, a meeting was held to devise a solution to organise FARK and KLA forces where it was decided that they would form 3 brigades, however, the brigades did not have the necessary equipment, capacity or uniforms to function properly.	<i>Haradinaj RT para. 91.</i>	<ul style="list-style-type: none"> - Inaccurate reformulation: The first part of this proposed fact is not contained in the source. The proposed paragraph thereby differs from the original judgment, <i>see Haradinaj RT para. 91.</i> - Recitation of evidence: The cited source paragraph contains the following statement: 'According to Cufë Krasniqi [...]', <i>see Haradinaj RT para.91.</i>
128.	On 20 July 1998, there was a swearing-in or oath-taking ceremony in Baranë for new KLA soldiers, in which both KLA and FARK commanders participated, including Tahir Zemaj and Ramush Haradinaj.	<i>Haradinaj RT para. 280.</i>	<ul style="list-style-type: none"> - Recitation of evidence: In the original judgment, the sentence starts with 'The Chamber also received evidence that [...]', <i>see Haradinaj RT para.280.</i>
129.	On 8 September 1998, FARK forces withdrew from Kosovo.	<i>Haradinaj RT para. 99.</i>	
130.	On or about 20 August 1998, at a meeting in Prapacane, Tahir Zemaj became the commander of the Dukagjin Operational Zone after Ramush Haradinaj conceded he could no longer lead the forces, and a majority of village representatives voted in favour of the change.	<i>Haradinaj RT, para. 95.</i>	
131.	On 3 September 1998, Tahir Zemaj informed local staffs within the Dukagjin Operational Zone that the same	<i>Haradinaj RT, para. 98.</i>	

	command structure that was in place up until 20 August 1998 would be reinstated.		
132.	FARK forces were deployed to Kosovo sometime before 25 June 1998.	<i>Haradinaj</i> RT. para. 85.	
WAR CRIMES			
ARMED CONFLICT			
133.	An armed conflict existed in Kosovo and lasted until the terms of the international peace plan that was agreed between NATO and the FRY on 9 June 1999.	<i>Radivojević, p. 14; Arben Krasniqi, p. 50.</i>	- This proposal should be assessed in light of the following agreed fact: An armed conflict not of an international character existed in Kosovo between 30 November 1998 and 9 June 1999. As agreed by the Parties, this is without prejudice to the Parties' respective positions concerning the start and end of the armed conflict. As alleged in the Indictment (KSC-BC-2020-06/F00999/A01), between at least March 1998 through September 1999, an armed conflict existed between the KLA and forces of the FRY and Republic of Serbia, including units of the Yugoslav Army ('VJ'), police and other units of the Ministry of Internal Affairs ('MUP'), and other groups fighting on behalf of the FRY and Serbia.
134.	A report signed by the VJ 3rd Army Commander, Pavković, the Commander of the VJ's Air Force, Smiljanić, and Obrad Stevanović for the Serbian MUP, was sent on 20 June 1999 to the KFOR commander, Lieutenant General Michael Jackson, confirming the withdrawal of forces from Kosovo and promising co-operation through the newly established Commission for Co-operation with the	<i>Milutinović</i> Vol. 1, para. 1216.	

	United Nations Mission and the Joint Implementation Commission.		
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