

**Annex 1**

**to**

**Prosecution motion for judicial notice of facts of common knowledge and adjudicated facts**

**FACTS OF COMMON KNOWLEDGE FOR JUDICIAL NOTICE PURSUANT TO RULE 157(1)**

**Public**

## Table of Abbreviations

Short Name <sup>1</sup>	Judgment
I. ICTY	
<i>Dorđević, TJ</i>	ICTY, <i>Prosecutor v. Vlastimir Dorđević</i> , IT-05-87/1-T, Judgement, 23 February 2011 (Volume I, Volume II)
	ICTY, <i>Prosecutor v. Vlastimir Dorđević</i> , IT-05-87/1-A, Judgement, 27 January 2014
<i>Milutinović, TJ</i>	ICTY, <i>Prosecutor v. Milutinović</i> , IT-05-87-T, Judgement, 26 February 2009 (Volume I, Volume II, Volume III, Volume IV)
	ICTY, <i>Prosecutor v. Šainović</i> , IT-05-87-A, Judgement, 23 January 2014
II. Kosovo Courts	
<i>Sabit Geci et al., TJ</i>	<i>Sabit Geci et al.</i> , District Court of Mitrovicë/Mitrovica, P.No. 45/2010, 29 July 2011
	<i>Sabit Geci</i> , Court of Appeals of Kosovo, PAKR 966/2012, 11 September 2013
	<i>Sabit Geci et al.</i> , Supreme Court, Judgment, 7 May 2014

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<sup>1</sup> The Judgments with Short Names are those from which the proposed facts are sourced.

### Proposed Facts of Common Knowledge

Fact no.	Proposed Fact <sup>2</sup>	Source	Indictment	PTB
1.	Kukës is a town in Albania located approximately 20 kilometres from the Kosovo border.	Council of Europe Report entitled 'Inhuman treatment of people and illicit trafficking in human organs in Kosovo', by Dick MARTY, para.9  Google Maps, at <a href="http://google.com/maps/Kukës">http://google.com/maps/Kukës</a>	Paras 5-6	Para.6
2.	The Kukës Metal Factory is located at the outskirts of Kukës town.	Council of Europe Report entitled 'Inhuman treatment of people and illicit trafficking in human organs in Kosovo', by Dick MARTY, paras 109, 119  Republic of Albania, Judicial Police, Photo Board Ref. Nr. 159 prot., Part I (Kukës Mechanical Works / Exterior Views), 065594-065596-ET (the address	Para.6	Para.6

<sup>2</sup> In the alternative to judicial notice under Rule 157(1) and to the extent of any of the proposed facts of common knowledge are based on judicial findings, these facts are also proposed under and satisfy the requirements of Rule 157(2).

		of the Factory is specified at the bottom of page one of this police report).		
3.	On 31 March 1998, the United Nations Security Council passed Resolution 1160 which imposed an arms embargo and called upon the FRY to take measures to achieve a political solution to the situation in Kosovo.	<i>Dorđević, TJ, para.1535</i>  <i>See also Dorđević, TJ, para.294; Milutinović, TJ Vol.1, para.318</i>	Paras 3-5	Para.21
4.	On 23 September 1998 the United Nations Security Council passed Resolution 1199 demanding that all parties, groups and individuals immediately cease hostilities and maintain ceasefire in Kosovo. The resolution called upon the authorities in the FRY and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue. The resolution further demanded the FRY to cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression and to	<i>Dorđević, TJ, paras 346, 1535</i>  <i>See also Milutinović, TJ Vol. 1, para.328</i>	Paras 3-5	Para.21

	enable effective and continuous international monitoring in Kosovo. Resolution 1199 further urged States and international organisations represented in the FRY to make available personnel to carry out effective and continuous international monitoring in Kosovo.			
5.	In February 1999, the international community organised talks in Rambouillet, France between the FRY government and a delegation from Kosovo, which included Ibrahim Rugova, the President of the LDK, representatives of other civil society organisations and representatives of the KLA.	<i>Dorđević, TJ, para.432</i>  <i>See also Milutinović, TJ Vol.1, paras 355-358</i>	Paras 3-5	Para.22
6.	The talks lasted for about three weeks but final agreement could not be reached.	<i>Dorđević, TJ, para.432</i>  <i>See also Milutinović, TJ Vol.1, paras 355-358, 389</i>	Paras 3-5	Para.22
7.	The international mediators asked the parties to sign a declaration of intent indicating their willingness to continue and	<i>Dorđević, TJ, para.432</i>	Paras 3-5	Para.22

	sign the agreement, which they did. The negotiations were then interrupted and both delegations returned home.			
8.	The talks reconvened three weeks later in Paris but broke down immediately.	<i>Dorđević</i> , TJ, para.433  <i>See also Milutinović</i> , TJ Vol.1, paras 389, 392	Paras 3-5	Para.22
9.	On 19 March 1999 the then OSCE Chairman in Office Knut Vollebaek ordered the immediate withdrawal of the KVM from Kosovo.	<i>Milutinović</i> , TJ Vol.1, para.402	Paras 3-5	Para.22
10.	By noon on 20 March 1999 the KVM, consisting by then of approximately 1,300 international personnel, had evacuated to Macedonia.	<i>Milutinović</i> , TJ Vol.1, para.402  <i>See also Dorđević</i> , TJ, para.445	Paras 3-5	Para.22
11.	The UNHCR withdrew from Kosovo on 21 March 1999.	<i>Dorđević</i> , TJ, para.446	Paras 3-5	Para.22
12.	Holbrooke announced the failure of negotiations on 23 March 1999.	<i>Milutinović</i> , TJ Vol.1, para.398	Paras 3-5	Para.22

13.	The NATO campaign was an aerial operation lasting from the evening of 24 March to 10 June 1999.	<i>Milutinović</i> , TJ, Vol. I, para.1209  <i>Dorđević</i> TJ, para.1580  <i>Sabit Geci et al.</i> TJ, para.25	Para.5	Para.23
14.	A Military Technical Agreement between the International Security Force (“KFOR”) and the Governments of the FRY and Serbia was signed and entered into force on 9 June 1999.	<i>Milutinović</i> , TJ Vol.1, para.1215	Paras 3-5	Para.21
15.	The agreement provided that the FRY and Serbian authorities would allow the deployment of KFOR following the adoption of a UN Security Council resolution and, further, that they would allow KFOR to operate without interference.	<i>Milutinović</i> , TJ Vol.1, para.1215	Paras 3-5	Para.21
16.	On 10 June 1999, the Security Council adopted Resolution 1244, which stated that the responsibilities of the international security presence should include ensuring the military withdrawal,	<i>Milutinović</i> , TJ Vol.1, para.1216	Paras 3-5	Para.21

	demilitarising the KLA, and creating a secure environment for the return of refugees and displaced persons.			
17.	The resolution also authorised the creation of an international civil presence, the purpose of which was to provide an interim administration for Kosovo.	<i>Milutinović</i> , TJ Vol.1, para.1216	Paras 3-5	Para.21