

Annex 1

to

Defence Response 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

Proposed facts of common knowledge

Fact no.	Proposed Fact	Categories of Defence Objection	Defence Objection/ Additional Comments
1.	Kukës is a town in Albania located approximately 20 kilometres from the Kosovo border.	Inadequate indication of relevance	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings.
2.	The Kukës Metal Factory is located at the outskirts of Kukës town.	Inadequate indication of relevance	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings.
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.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.

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 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.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing
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.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
6.	The talks lasted for about three weeks but final agreement could not be reached.	Inadequate indication of relevance;	The Prosecution fails to demonstrate how the proposed fact relate to

		Not readily identifiable by reference to a reliable and authoritative source	matters at issue in the current proceedings. Authoritative/primary source missing.
7.	The international mediators asked the parties to sign a declaration of intent indicating their willingness to continue and sign the agreement, which they did. The negotiations were then interrupted and both delegations returned home.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
8.	The talks reconvened three weeks later in Paris but broke down immediately.	The facts are not relevant to the case of the accused person; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
9.	On 19 March 1999 the then OSCE Chairman in Office Knut Vollebaek ordered the immediate withdrawal of the KVM from Kosovo.	The facts are not relevant to the case of the accused person;	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings.

		Not readily identifiable by reference to a reliable and authoritative source	Authoritative/primary source missing.
10.	By noon on 20 March 1999 the KVM, consisting by then of approximately 1,300 international personnel, had evacuated to Macedonia.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
11.	The UNHCR withdrew from Kosovo on 21 March 1999.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
12.	Holbrooke announced the failure of negotiations on 23 March 1999.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings.

			Authoritative/primary source missing.
13.	The NATO campaign was an aerial operation lasting from the evening of 24 March to 10 June 1999.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
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.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.
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.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.

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, demilitarising the KLA, and creating a secure environment for the return of refugees and displaced persons.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	It is unclear why the Security's Council Resolution is relevant to the present case. Authoritative/primary source missing.
17.	The resolution also authorised the creation of an international civil presence, the purpose of which was to provide an interim administration for Kosovo.	Inadequate indication of relevance; Not readily identifiable by reference to a reliable and authoritative source	The Prosecution fails to demonstrate how the proposed fact relate to matters at issue in the current proceedings. Authoritative/primary source missing.