



In: **KSC-BC-2020-06**
**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi,
and Jakup Krasniqi**

Before: **Trial Panel II**
Judge Charles L. Smith III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 17 May 2023

Language: English

Classification: **Public**

**Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with
Annex 1 (Confidential) and Annex 2 (Public)**

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TRIAL PANEL II (“Panel”), pursuant to Articles 3(2)(d) and (3), 12, 21 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 95(5), 104(1)(b), 138, 157(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 18 January 2023, at the Trial Preparation Conference, the Panel ordered: (i) the Specialist Prosecutor’s Office (“SPO”) and the four Defence teams (collectively, “Defence”) to file motions for judicial notice of adjudicated facts by 1 March 2023, at 16:00 hours, and (ii) the other Parties and participants to file responses and replies by 3 April 2023, at 16:00 hours, and 10 April 2023, at 16:00 hours, respectively.¹
2. On 1 March 2023, the SPO filed a motion (“SPO Motion”) for judicial notice of adjudicated facts (“Proposed Adjudicated Facts”).²
3. On 24 March 2023, the SPO submitted a public version of its Proposed Adjudicated Facts and the unredacted, certified, or official versions of certain judgments relevant to the SPO Motion.³
4. On 3 April 2023, the Defence responded to the SPO Motion (“Joint Defence Response”).⁴
5. On 11 April 2023, the SPO replied to the Joint Defence Response (“SPO Reply”).⁵

¹ Transcript of Hearing, 18 January 2023, p. 1903, lines 5-13.

² F01330, Specialist Prosecutor, *Prosecution Motion for Judicial Notice of Adjudicated Facts*, 1 March 2023, with Annexes 1 and 2, confidential.

³ F01395, Specialist Prosecutor, *Prosecution Submission of Public Version of F01330/A01 and Related Matter*, 24 March 2023, with Annex 1, public, and Annex 2, confidential.

⁴ F01417, Specialist Counsel, *Joint Defence Response to Prosecution Motion for Judicial Notice of Adjudicated Facts*, 3 April 2023, with Annex 1, confidential.

⁵ F01443, Specialist Prosecutor, *Prosecution Reply to ‘Joint Defence Response to Prosecution Motion for Judicial Notice of Adjudicated Facts’*, 11 April 2023, with Annex 1, confidential.

6. On 28 April 2023, the SPO filed a notice concerning the SPO Motion (“SPO Notice”), withdrawing its request for judicial notice of certain Proposed Adjudicated Facts and notifying the Panel of certain typographical errors and inadvertent slips and omissions in its list of Proposed Adjudicated Facts.⁶

II. SUBMISSIONS

7. The SPO requests the Trial Panel to take judicial notice of facts relevant to this case which have been adjudicated in trials before the International Criminal Tribunal for the former Yugoslavia (“ICTY”) and Kosovo courts. According to the SPO, the Proposed Adjudicated Facts fulfil the requirements of Rule 157 in that they are relevant, clear and unambiguous. The SPO also submits that taking judicial notice of the Proposed Adjudicated Facts will promote judicial economy, is in the interests of justice, and respects the rights of the Accused to a fair, public and expeditious trial.⁷

8. The Defence opposes “the SPO’s attempt to seek judicial notice of an unprecedented number and breadth of adjudicated facts” and requests that the Panel reject the SPO Motion to admit the Proposed Adjudicated Facts challenged in Annex 1 to the Joint Defence Response.⁸

9. The SPO replies that the Proposed Adjudicated Facts were established in previous, final judgments on the basis of evidence, satisfy all applicable criteria, and are therefore appropriate for judicial notice.⁹ The SPO therefore submits that the Panel should reject the Defence’s objections and take judicial notice of the Proposed Adjudicated Facts.¹⁰

⁶ F01487, Specialist Prosecutor, *Prosecution Notice Concerning Filing F01330*, 28 April 2023, with Annex 1, confidential.

⁷ SPO Motion, paras 1, 18.

⁸ Joint Defence Response, paras 1, 38, *referring to* Annex 1 to the Joint Defence Response.

⁹ SPO Reply, para. 1. *See also* Annex 1 to the SPO Reply.

¹⁰ SPO Reply, para. 17.

III. APPLICABLE LAW

10. Rule 157(2) provides that “[u]pon request by a Party or *proprio motu*, after hearing the Parties and, where applicable, Victims’ Counsel, the Panel may, in the interests of a fair and expeditious trial, take judicial notice of adjudicated facts from other proceedings of the Specialist Chambers or from final proceedings before other Kosovo courts or from other jurisdictions relating to matters at issue in the current proceedings, to the extent that they do not relate to the acts and conduct of the Accused as charged in the indictment.”

11. In addition, relevant jurisprudence suggests that the following factors, among others, are relevant to the Panel’s exercise of discretion when deciding whether to take judicial notice of proposed adjudicated facts: (i) the proposed facts are distinct, concrete, and identifiable; (ii) the proposed facts, as formulated by the moving Party, do not differ in any substantial way from the formulation of the original judgement; (iii) the proposed facts are not unclear or misleading in the context in which they are placed in the moving Party’s motion; (iv) the proposed facts do not contain legal findings or characterisations; (v) the proposed facts are not based on an agreement between the Parties to the original proceedings; and (vi) the proposed facts are not subject to pending appeal or review.¹¹ In exercising

¹¹ See e.g. ICTY, *Prosecutor v. Hadžihasanović and Kubura*, IT-01-47-T, Trial Chamber II, Decision on Judicial Notice of Adjudicated Facts Following the Motions Submitted by Counsel for the Accused Hadžihasanović and Kubura on 20 January 2005 (“[Hadžihasanović and Kubura Decision](#)”), 14 April 2005, p. 5; *Prosecutor v. Karadžić*, IT-95-5/18-T, Trial Chamber, Decision on Accused’s Motion for Judicial Notice of Adjudicated Facts Related to Count One (“[Karadžić 21 January 2014 Decision](#)”), 21 January 2014, para. 6; *Prosecutor v. Popović et al.*, IT-05-88-T, Trial Chamber II, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with Annex (“[Popović et al. Decision](#)”), 26 September 2006, paras 7-11, 14; *Prosecutor v. Blagojević and Jokić*, IT-02-60-T, Trial Chamber I, [Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Documentary Evidence](#), 19 December 2003, para. 16; *Prosecutor v. Prlić et al.*, IT-04-74-PT, Trial Chamber II, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(b) (“[Prlić et al. Decision](#)”), 14 March 2006, para. 12; *Prosecutor v. Krajišnik*, IT-00-39-PT, Trial Chamber I, [Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 bis](#), 28 February 2003, para. 14; *Prosecutor v. Mladić*, IT-09-92, Appeals Chamber, Decision on Ratko Mladić’s Appeal Against the Trial Chamber’s Decisions on the Prosecution Motion for Judicial

its discretion whether to take judicial notice of a proposed fact, the Panel has generally rejected those that go to the core of the prosecution's case.¹² Facts which are broad, vague, tendentious, or conclusory have also been rejected.¹³ Moreover, the Panel has been mindful of the possibility that the opposing Parties might seek to rebut a proposed fact thus consuming time and resources and frustrating the goal of judicial economy which Rule 157(2) is intended to promote.¹⁴

12. The Panel notes that Rule 157(2) of the Rules aims at achieving judicial economy by conferring on the Panel discretionary power to take judicial notice of adjudicated facts from other proceedings of the Specialist Chambers or from final proceedings before other Kosovo courts or from other jurisdictions relating to matters at issue, thus avoiding or reducing the amount of time necessary to the presentation of evidence in relation to facts that have been previously established in other proceedings.¹⁵ In so doing, the Panel must ensure, at the same time, respect for the accused's right to a fair and expeditious trial, as required by Rule 157(2) of the Rules.¹⁶

13. By taking judicial notice of adjudicated facts, the Panel establishes a well-founded presumption of the accuracy of these facts, which therefore do not have

Notice of Adjudicated Facts ("[Mladić Decision](#)"), 12 November 2013, paras 92, 94. The Panel notes that the requirement that the proposed facts do not pertain to the "acts and conduct" of the Accused as charged in the Indictment is not a discretionary factor, but a pre-condition to the possibility of taking judicial notice under Rule 157(2) of the Rules.

¹² See ICTY, *Prosecutor v. Stanišić and Župljanin*, IT-08-91-T, Trial Chamber II, Decision Granting in Part Prosecution's Motions for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B) ("[Stanišić and Župljanin Decision](#)"), 1 April 2010, para. 46; *Prosecutor v. Tolimir*, IT-05-88/2-A, Appeals Chamber, Judgement ("[Tolimir Appeal Judgment](#)"), 8 April 2015, paras 33-35. See also *Prosecutor v. Karadžić*, IT-95-5/18-T, Trial Chamber, Decision on Accused's Motions for Reconsideration of Decisions on Judicial Notice of Adjudicated Facts ("[Karadžić 14 June 2010 Decision](#)"), 14 June 2010, para. 20.

¹³ See also *Prosecutor v. Hadžić*, IT-04-75-T, Trial Chamber, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts and Documents ("[Hadžić Decision](#)"), 23 May 2013, para. 13.

¹⁴ See e.g. ICTY, *Popović et al. Decision*, para. 16; [Stanišić and Župljanin Decision](#), para. 45.

¹⁵ KSC-BC-2020-05, F00191, Trial Panel I, Decision on Judicial Notice of Adjudicated Facts ("[Mustafa Decision](#)"), 7 September 2021, para. 9. See also [Karadžić 21 January 2014 Decision](#), para. 4; ICTR, *Prosecutor v. Bagosora et al.*, ICTR-98-41-A, Appeals Chamber, [Decision on Anatole Nsengiyumva's Motion for Judicial Notice](#), 29 October 2010, para. 10.

¹⁶ *Mustafa Decision*, para. 9. See also [Mladić Decision](#), para. 24.

to be proven again at trial.¹⁷ Since it is a rebuttable presumption, any other Party may present at trial proof which challenges the accuracy of the facts concerned. The Panel has discretion to admit evidence that supplements or corroborates the judicially noted fact.¹⁸

IV. DISCUSSION

A. THE PARTIES' SUBMISSIONS

14. The SPO submits that the Proposed Adjudicated Facts: (i) relate to matters at issue in the current proceedings;¹⁹ (ii) do not relate to the acts and conduct of the accused as charged in the confirmed indictment;²⁰ (iii) are distinct, concrete, and identifiable;²¹ (iv) do not differ in any substantial way from the formulation of the original judgement;²² (v) are not unclear or misleading in the context in which they are placed in the SPO Motion;²³ (vi) do not contain legal findings or characterisations;²⁴ (vii) are not based on an agreement between the parties to the original proceedings;²⁵ and (viii) are not subject to pending appeals or reviews.²⁶ The SPO also maintains that judicial notice of the Proposed Adjudicated Facts ensures an appropriate balance between judicial economy and the fundamental right of the Accused to a fair trial, as it will promote judicial economy and ultimately advance the fair and expeditious conduct of the proceedings.²⁷ The SPO

¹⁷ See e.g. ICTY, *Prosecutor v. Perišić*, IT-04-81-PT, Trial Chamber I, [Decision on Prosecution's Motion for Judicial Notice of Facts Relevant to the Srebrenica Crime Base](#), 22 September 2008, para. 21; *Prosecutor v. Popović et al.*, IT-05-88-A, Appeals Chamber, [Judgement](#), 30 January 2015, para. 620; [Stanišić and Župljanin Decision](#), para. 25.

¹⁸ See e.g. [Tolimir Appeal Judgment](#), para. 25-26.

¹⁹ SPO Motion, paras 3, 5-6.

²⁰ SPO Motion, paras 3, 7.

²¹ SPO Motion, paras 3, 8.

²² SPO Motion, paras 3, 9-10.

²³ SPO Motion, paras 3, 11.

²⁴ SPO Motion, paras 3, 12.

²⁵ SPO Motion, paras 3, 13.

²⁶ SPO Motion, paras 3, 14.

²⁷ SPO Motion, paras 3, 15.

submits that it intends to present evidence on many of the same matters concerned by the Proposed Adjudicated Facts as: (i) it has the right to seek to produce evidence to prove them, even if judicially noticed; and (ii) the same evidence is also relevant to other matters at issue in this case.²⁸

15. The Defence responds that the concept of ‘adjudicated facts’ is a *sui generis* concept, which originated from common law countries, where its use is confined to matters that cannot reasonably be disputed, and then “metamorphosed into a type of ‘factual presumption’ that can be rebutted by the Defence”.²⁹ The Defence submits that adjudicated facts must be confined “within reasonable limits which take into account the importance of what is at stake and maintain the rights of the Defence”.³⁰ The Defence claims that the Panel has a residual duty to ensure that the admission of specific adjudicated facts does not prejudice a fair and impartial resolution of the charges in this case.³¹ The Defence opposes both particular categories of facts and individually framed facts as they are: (i) facts concerning the acts and conduct of the accused;³² (ii) core contested facts concerning either the existence of a joint criminal enterprise or the conduct of subordinates in relation to incidents that directly impact on the accused’s responsibility;³³ (iii) facts which fail to cite to clearly identified evidential sources;³⁴ (iv) facts which are based on evidence that is either anonymous or not-disclosed in this case;³⁵ (v) facts based on statements from suspects who never testified or who cannot be compelled to testify as well as deceased witnesses;³⁶ (vi) facts, where the language is too vague/ambiguous to be relied upon, without reference to the underlying evidence,

²⁸ SPO Motion, para. 16.

²⁹ Joint Defence Response, paras 2-3.

³⁰ Joint Defence Response, paras 3-4.

³¹ Joint Defence Response, para. 6.

³² Joint Defence Response, paras 7, 9-12. *See also* Annex 1 to the Joint Defence Response.

³³ Joint Defence Response, paras 7, 13-14. *See also* Annex 1 to the Joint Defence Response.

³⁴ Joint Defence Response, paras 7, 15-16. *See also* Annex 1 to the Joint Defence Response.

³⁵ Joint Defence Response, paras 7, 17-21. *See also* Annex 1 to the Joint Defence Response.

³⁶ Joint Defence Response, paras 7, 22-25. *See also* Annex 1 to the Joint Defence Response.

or where the facts have been ‘cherry-picked’ from their original context in a manner that obscures or misrepresents the original findings;³⁷ (vii) facts, which are comprised of evidential descriptions rather than factual findings;³⁸ (viii) facts which have legal characterizations;³⁹ (ix) facts, which were not disputed in the first set of proceedings;⁴⁰ and (x) facts based on evidence or witness testimony, which the SPO intends to submit in this case.⁴¹

16. The SPO replies that the legal framework of the Specialist Chambers (“SC”) reflects legislative intent that SC panels should, in the interest of fair and expeditious proceedings, consider the results of ICTY and Kosovo proceedings concerning crimes committed during the conflict in Kosovo, including evidence collected and factual findings reached.⁴² The SPO submits that: (i) the Defence’s overly broad definition of ‘acts and conduct of the Accused’ is not supported by case law;⁴³ (ii) Rule 157(2) is concerned with established facts, not evidence;⁴⁴ (iii) the Defence’s objections attempt to introduce new, unjustified requirements;⁴⁵ (iv) the Proposed Adjudicated Facts are not the result of an agreement between the Parties;⁴⁶ and (v) Proposed Adjudicated Facts based on SPO evidence can be judicially noticed.⁴⁷

B. GENERAL CONSIDERATIONS

17. The Panel has set out above the relevant law, and will briefly outline how it has applied the law in deciding the present application. First, the Panel conducted

³⁷ Joint Defence Response, paras 7, 26-27. *See also* Annex 1 to the Joint Defence Response.

³⁸ Joint Defence Response, paras 7, 28. *See also* Annex 1 to the Joint Defence Response.

³⁹ Joint Defence Response, paras 7, 29. *See also* Annex 1 to the Joint Defence Response.

⁴⁰ Joint Defence Response, paras 7, 30-35. *See also* Annex 1 to the Joint Defence Response.

⁴¹ Joint Defence Response, paras 7, 36-37. *See also* Annex 1 to the Joint Defence Response.

⁴² SPO Reply, paras 2-3.

⁴³ SPO Reply, para. 4.

⁴⁴ SPO Reply, paras 5-8. *See also* Annex 1 to the SPO Reply.

⁴⁵ SPO Reply, paras 9-11.

⁴⁶ SPO Reply, paras 12-13.

⁴⁷ SPO Reply, paras 14-15.

an individualised, fact by fact, analysis. Where a proposed fact contained several sentences and/or factual propositions, the Panel considered each of them. The Panel verified whether each Proposed Adjudicated Fact met the requirements of the Rules and, where it did, whether judicial notice should nevertheless be refused in the exercise of the Panel's discretion. In that context, the Panel has accounted for the fact that the onus of establishing the requirements of the Rules is upon the moving party.⁴⁸

18. In the exercise of its discretion, the Panel has taken into consideration a number of factors, including the following. First, the Panel has rejected facts that had no clear and demonstrable connection to matters at issue in the current proceedings. The Panel also refused to take judicial notice of a number of Proposed Adjudicated Facts where they were ambiguous, unclear, too general or lacked context or sufficient factual specificity to be of assistance to the Panel in the fulfilment of its fact-finding responsibilities. The Panel has also accepted slight reformulation of proposed adjudicated factors suggested by the SPO where the reformulation renders the Proposed Adjudicated Fact more comprehensible and avoids any distortion of the original finding.⁴⁹ The Panel has also exercised its discretion not to take judicial notice of proposed adjudicated facts that are only remotely relevant to the case at hand.

C. EVALUATION OF PROPOSED ADJUDICATED FACTS

19. At the outset, the Panel is satisfied that all the Proposed Adjudicated Facts come from other proceedings of the Specialist Chambers or from final proceedings

⁴⁸ See ICTY, [Popović et al. Decision](#), para. 21; *Prosecutor v. Milošević*, IT-98-29/1-T, Trial Chamber III, [Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts and Prosecution's Catalogue of Agreed Facts with Dissenting Opinion of Judge Harhoff](#), 10 April 2007, para. 29; *Prosecutor v. Popović et al.*, IT-05-88-T, Trial Chamber, Judgement and Sentence, 10 June 2010, para. 1611; [Tolimir Appeal Judgment](#), para. 24.

⁴⁹ See e.g. Annexes 1-2 to the present decision, Adjudicated Fact 298, where "before March 1998" replaces the reference to the "Indictment period" in the original finding.

before other Kosovo courts or from other jurisdictions.

20. Having reviewed each of the Proposed Adjudicated Facts individually, the Panel notes that the SPO has failed to establish that Proposed Adjudicated Facts 33, 35, 37-38, 40, 92-93, 102-109, 152, 157-158, 170, 174, 253-255, 271, and 276 relate to matters at issue in the current proceedings. The Panel therefore declines to take judicial notice of these proposed adjudicated facts.

21. The Panel also notes that Proposed Adjudicated Facts 115, 248, 265, 270, 274 lack sufficient clarity, context, or specificity. The Panel finds that these Proposed Adjudicated Facts will not assist the Panel in fulfilling its fact-finding functions. The Panel therefore exercises its discretion not to take judicial notice of these proposed adjudicated facts.

22. The Panel observes that Proposed Adjudicated Fact 366 merely recounts excerpts of the evidence given by a witness in the ICTY *Haradinaj et al.* case. The Panel finds that Proposed Adjudicated Fact 366 does not contain any actual findings and therefore declines to take judicial notice of it. The Panel also observes that Proposed Adjudicated Fact 299 merely repeats the last sentence of Proposed Adjudicated Fact 298. For this reason, the Panel declines to take judicial notice of Proposed Adjudicated Fact 299. The Panel notes that Proposed Adjudicated Fact 105 differs in substance from the formulation of the original judgements and is, in any case, only marginally relevant. The Panel therefore declines to take judicial notice thereof. The Panel also notes that the SPO withdrew its request for judicial notice of Proposed Adjudicated Facts 608-610.⁵⁰ The Panel therefore declines to take judicial notice of Proposed Adjudicated Facts 608-610.

23. In the exercise of its discretion to take judicial notice of the Proposed Adjudicated Facts, the Panel has *proprio motu* reformulated Proposed Adjudicated Facts 6, 24, 67, 71, 173, 246, 260, 275, and 300 so that they correspond more closely

⁵⁰ SPO Notice, para. 1.

to the original findings. Similarly, the Panel has reformulated Proposed Adjudicated Facts 52-55 so that they are distinctively identifiable and situated in time. The Panel has also reformulated Proposed Adjudicated Facts 200, 420, 498, and 618, pursuant to the SPO Notice.

24. The Panel considers that Proposed Adjudicated Facts 1-32, 34, 36, 39, 41-91, 94-101, 110-114, 116-151, 153-156, 159-169, 171-173, 175-247, 249-252, 256-264, 266-269, 272-273, 275, 277-298, 300-365, 367-607, and 611-734 meet the requirements of Rule 157(2) insofar as they do not relate to the acts and conduct of the Accused as charged in the indictment. In this regard, the Panel notes that, contrary to the Defence's submissions with respect to Proposed Adjudicated Facts 460 and 461,⁵¹ the ICTY and ICTR found that the categorical prohibition on taking judicial notice of facts concerning acts and conduct of the accused does not extend to facts related to, for example, the conduct of physical perpetrators or the existence and activity of a joint criminal enterprise or its members (other than the Accused).⁵²

25. The Panel is also of the view that Proposed Adjudicated Facts 1-32, 34, 36, 39, 41-91, 94-101, 110-114, 116-151, 153-156, 159-169, 171-173, 175-247, 249-252, 256-264, 266-269, 272-273, 275, 277-298, 300-365, 367-607, and 611-734: (i) are distinct, concrete, and identifiable; (ii) do not differ in any substantial way from the formulation of the original judgement; (iii) are not unclear or misleading in the context in which they are placed in the moving Party's motion; (iv) do not contain legal findings or characterisations; (v) are not based on an agreement between the Parties to the original proceedings; and (vi) are not subject to pending appeal or review. The Panel is therefore satisfied that these Proposed Adjudicated Facts should be judicially noted.

26. The Panel stresses that its taking judicial notice of adjudicated facts

⁵¹ Joint Defence Response, paras 7, 9-12. *See also* Annex 1 to the Joint Defence Response.

⁵² ICTR, *Prosecutor v. Karemera*, ICTR-98-44-AR73(C), Appeals Chamber, [Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice](#), 16 June 2006, paras 48-53. *See also* ICTY, [Popović et al. Decision](#), para. 13; [Mladić Decision](#), paras 82-87.

establishes a rebuttable presumption of accuracy of such facts. This does not affect the right and ability of the Defence to challenge any factual allegation that forms part of the Prosecution case or any fact that has been judicially noted by the Panel. Furthermore, the fact that the Panel has taken judicial notice of an adjudicated fact does not eliminate the burden that rests upon the SPO to prove material facts relevant to its case beyond reasonable doubt. It is important that the Panel should be provided with all relevant evidence pertaining to any such facts so as to enable it to perform its fact-finding functions, in particular in respect of facts that are in dispute between the parties.

V. DISPOSITION

27. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the SPO Motion, in part;
- b) **TAKES JUDICIAL NOTICE** of the following Proposed Adjudicated Facts, as they appear in Annex 1 to the present decision: 1-32, 34, 36, 39, 41-91, 94-101, 110-114, 116-151, 153-156, 159-169, 171-173, 175-247, 249-252, 256-264, 266-269, 272-273, 275, 277-298, 300-365, 367-607, and 611-734; and
- c) **DECLINES** to take judicial notice of Proposed Adjudicated Facts 33, 35, 37-38, 40, 92-93, 102-109, 115, 152, 157-158, 170, 174, 248, 253-255, 265, 270-271, 274, 276, 299, 366, and 608-610.



Judge Charles L. Smith, III

Presiding Judge

Dated this Wednesday, 17 May 2023

At The Hague, the Netherlands.