

**Public redacted version of ANNEX 2 to  
Decision on the Prosecution motion for judicial notice of facts of common knowledge and adjudicated facts**

**Public**

## Table of Abbreviations

Short Form	Judgment
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>Haradinaj retrial, TJ</i>	ICTY, <i>Prosecutor v. Ramush Haradinaj, Idriz Balaj, Lahi Brahimaj</i> , IT-04-84bis-T, Judgement, 29 November 2012
<i>Limaj, TJ</i>	ICTY, <i>Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu</i> , IT-03-66-T, Judgement, 30 November 2005
	ICTY, <i>Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu</i> , IT-03-66-A, Judgement, 27 September 2007
<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
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
<i>Xhemshit Krasniqi, TJ</i>	<i>Xhemshit Krasniqi</i> , Basic Court of Mitrovicë/Mitrovica, P.No. 184/15, 8 August 2016
	<i>Xhemshit Krasniqi</i> , Court of Appeals, No 648/16, 22 June 2017

**List of adjudicated facts in case KSC-BC-2020-04  
of which judicial notice is taken by Trial Panel I, pursuant to Rule 157(2) of the Rules**

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No.	Proposed Fact	Source	Indictment	PTB
I. The Armed Conflict				
1.	Following the events in Cirez/Çirez, Likošane/Likoshan and Prekaz/Prekaze at the end of February and early March 1998 armed clashes between members of the MUP of Serbia and the VJ on the one hand, and the KLA on the other became more frequent, especially in western and central Kosovo.	<i>Dorđević, TJ,</i> para.1532	Paras 3-4	Para. 21

2.	The armed violence in Kosovo increased significantly in June, July, August and September 1998.	<i>Dorđević</i> , TJ, para. 1533	Paras 3-4	Para. 21
3.	In October 1998, three international agreements were concluded which laid the foundation for the establishment and functioning of an OSCE monitoring mission in Kosovo, the Kosovo Verification Mission or KVM.	<i>Dorđević</i> , TJ, para. 348	Paras 3-5	Para. 21
4.	The KLA used the opportunity of the partial withdrawal of VJ and MUP units following the October Agreements to regroup, regain control over, and launch attacks in, some areas in Kosovo, particularly in the regions of Malishevë/Mališevo, Glogoc/Glogovac and Podujevë/Podujevo.	<i>Dorđević</i> , TJ, para. 2016	Paras 3-5	Para. 21
5.	On 15 January 1999, a joint MUP and VJ operation took place in the village of Reçak/Račak, which is located in the municipality of Shtime/Štimlje, central Kosovo. The operation was carried out in response to the killing of members of a police patrol by the KLA which occurred a few days earlier.	<i>Dorđević</i> , TJ, paras 416, 1920	Paras 3-5	Para. 21
6.	The Račak/Reçak incident of 15 January 1999 essentially signalled the end of the ceasefire agreement.	<i>Dorđević</i> , TJ, para. 2016	Paras 3-5	Para. 21
7.	A broad operation was conducted by the VJ and MUP at the end of March 1999 in an area covering parts of Prizren, Suhareka/Suva Reka, and Rahovec/Orahovac municipalities.	<i>Milutinović</i> , TJ Vol.2, para. 1160	Paras 3-5	Para. 21
8.	Large numbers of Kosovo Albanians began leaving Kosovo and crossing the border to Albania from 24 March 1999.	<i>Dorđević</i> , TJ, para. 903  <i>See also Milutinović</i> , TJ Vol.2, para. 1150	Paras 3-5	Para. 21
9.	As estimated by UNHCR, from 24 March 1999 to 10 June 1999, some 800,000 Kosovo Albanians left Kosovo, constituting almost 40 per cent of the population, or around 46 per cent of the Kosovo Albanian population.	<i>Dorđević</i> , TJ, para. 2009	Paras 3-5	Para. 21

II. Forces of the Federal Republic of Yugoslavia ('FRY') and Serbia: the 'VJ'				
10.	In 1998-1999, the Army of the Federal Republic of Yugoslavia ( <i>Vojska Jugoslavije</i> ) ('VJ') was recognised by the FRY Constitution adopted on 27 April 1992, which provided that the FRY "shall have an Army to defend its sovereignty, territory, independence, and constitutional order" and set out that a federal law should be adopted regulating the VJ. The Law on the VJ was adopted on 18 May 1994.	<i>Dorđević</i> , TJ, para. 144	Para. 3	Paras 19, 21, 25
11.	The structure and functioning of the Army of the Federal Republic of Yugoslavia ( <i>Vojska Jugoslavije</i> 'VJ') during 1998 and 1999 was governed by, <i>inter alia</i> : (a) the FRY Constitution adopted on 27 April 1992; (b) the FRY Law on Defence adopted in 1994; (c) the Law on the VJ adopted in 1994, in accordance with article 134, paragraph 4, of the FRY Constitution, which provided that "... [a] federal law shall be adopted regulating the Army of Yugoslavia"; and (d) the Rules of Service of the VJ. Of these, the Law on the VJ was intended to serve as the main body of rules regulating the organisation and function of the VJ.	<i>Milutinović</i> , TJ Vol. I, para. 413	Para. 3	Paras 19, 21, 25
12.	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> , TJ Vol. I, para. 417	Para. 3	Paras 19, 21, 25
13.	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	<i>Milutinović</i> , TJ Vol. I, para. 468	Para. 3	Paras 19, 21, 25

	and use of the VJ in times of peace and war. In broad terms, it was responsible for training officers and soldiers, manning the ranks of the VJ, forming plans for the development of the VJ and for the use of the VJ in potential combat situations, and providing the civilian leadership of the VJ with information and proposals to facilitate strategic decision-making.			
14.	In 1998-1999, the General Staff was the highest military command body immediately subordinate to the civilian leadership.	<i>Dorđević</i> , TJ, para. 155	Para. 3	Paras 19, 21, 25
15.	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 2 <sup>nd</sup> Army (headquartered in Podgorica, Montenegro), and the 3 <sup>rd</sup> Army (headquartered in Niš, Serbia).	<i>Milutinović</i> , TJ Vol.I, para. 418	Para. 3	Paras 19, 21, 25
16.	Within the land forces, subordinate to the General Staff, was the 3 <sup>rd</sup> 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> , TJ Vol.I, para. 482	Para. 3	Paras 19, 21, 25
17.	The Priština Corps had responsibility over the territory of Kosovo. The Commander of the Priština Corps in 1999 was General Vladimir Lazarević, who assumed this post on 9 January 1999.	<i>Dorđević</i> , TJ, para. 157	Para. 3	Paras 19, 21, 25
18.	The Priština Corps, an element of the 3rd Army, was the primary VJ unit in Kosovo with a headquarters in Priština/Prishtinë. There was no engagement of the Priština Corps without the approval of the 3 <sup>rd</sup> Army commander.	<i>Dorđević</i> , TJ, para. 158	Para. 3	Paras 19, 21, 25
19.	The Priština Corps consisted of 12 brigades, each of which had responsibility for a particular area within Kosovo in 1999. These included: the 15th Armoured Brigade, the 125th Motorised Brigade, the 243rd Mechanised Brigade, the 549th Motorised Brigade, the 52 <sup>nd</sup> Mixed Artillery Brigade, the	<i>Dorđević</i> , TJ, para. 159	Para. 3	Paras 19, 21, 25

	52nd Air Defence Artillery Rocket Brigade, the 37th Motorised Brigade and the 211th Armoured Brigade.			
20.	Due to the growing complexity of the security situation in the 3 <sup>rd</sup> Army's zone of responsibility during 1999, Pavković, by then 3 <sup>rd</sup> Army Commander, established a Forward Command Post in Priština/Prishtina on 1 February 1999.	<i>Milutinović</i> , TJ Vol. I, para. 588	Para. 3	Paras 19, 21, 25
21.	Between 1 January 1999 and 20 June 1999 there were also a number of units in Kosovo outside of the 3 <sup>rd</sup> Army's chain of command, namely units of the Air Force and Anti-Aircraft Defence, which were subordinated to the command of the Air Force and the Air-Defence. Although the 3 <sup>rd</sup> Army and Priština Corps Commanders were not in command of these units at any stage during the NATO bombing, they liaised with representatives of those forces at the Priština Corps Command.	<i>Milutinović</i> , TJ Vol.1, para. 654	Para. 3	Paras 19, 21, 25
III. Forces of the Federal Republic of Yugoslavia ('FRY') and Serbia: the 'MUP'				
22.	Between 1 January 1999 and 20 June 1999, the Ministry of the Interior of Serbia ( <i>Ministarstvo Unutrasnjih Poslova</i> ) ('MUP') functioned under the Law on Ministries of 5 February 1991. Its mandate was to perform the duties of state administration in relation to the protection and security of the state, the protection of human lives, safety of persons and property, the prevention and detection of crimes and the capture of the perpetrators and their transfer to the applicable authorities, the maintenance of public order, as well as, <i>inter alia</i> , border crossing control, the monitoring of the movements in the border area, citizenship and identity cards and passports. In essence, it performed the police function of the Republic of Serbia.	<i>Dorđević</i> TJ, para. 36	Para. 3	Paras 19, 21, 25

23.	On 15 April 1997, Vljako Stojiljković was appointed as Minister of the Interior, a post he maintained throughout 1998 and 1999.	<i>Dorđević</i> TJ, para.37	Para. 3	Paras 19, 21, 25
24.	The MUP consisted of two primary elements, the Public Security Department ( <i>Resor Javne Bezbednosti</i> ) ('RJB') responsible for maintaining public order and the State Security Department ( <i>Resor Državne Bezbednosti</i> ) ('RDB') responsible for maintaining state security and responding to threats to the state.	<i>Dorđević</i> TJ, para.39 <i>Milutinović</i> , TJ Vol. I, para. 659	Para. 3	Paras 19, 21, 25
25.	The tasks of the MUP were performed on the ground by Secretariats of the Interior (SUPs) established in local areas throughout Serbia. SUPs had responsibility for the security situation in the geographic area for which they were established. There were 33 SUPs altogether in the territory of the Republic of Serbia, all of which were subordinate to the RJB. Of these, in 1998-1999, there were seven SUPs in Kosovo.	<i>Dorđević</i> TJ, para. 46	Para. 3	Paras 19, 21, 25
26.	According to Article 4 of the Rules on Organisation of the MUP, the Kosovo SUPs were in the municipalities of Gnjilane/Gjilan, Đakovica/Gjakova, Kosovska Mitrovica/Mitrovica, Peć/Peja, Prizren, Priština/Prishtina, and Uroševac/Ferizaj.	<i>Milutinović</i> , TJ Vol. I, para. 660	Para. 3	Paras 19, 21, 25
27.	The SUP chief commanded operations in his geographic area of responsibility. In terms of the anti-terrorist actions and operations in Kosovo from June 1998 and in 1999, the SUPs in Kosovo were commanded by the MUP Staff in Priština/Prishtinë, which coordinated and planned operations.	<i>Dorđević</i> , TJ, para. 49	Para. 3	Paras 19, 21, 25
28.	Despite the constraints of the existing constitutional and legal regimes, a Joint Command was created and functioned for about a year, by decisions and actions at the very highest political, military and police levels, so as to coordinate and jointly command the operations of the Federal VJ and the Provincial MUP, with some other Serbian forces, in anti-terrorist and defence measures in Kosovo.	<i>Dorđević</i> , TJ, para. 231	Para. 3	Paras 19, 21, 25

29.	The Joint Command operated at least until 1 June 1999.	<i>Dorđević, TJ, para. 236</i>	Para. 3	Paras 19, 21, 25
IV. The Democratic League of Kosovo ('LDK')				
30.	One of the main political parties in Kosovo, the Democratic League of Kosovo ("LDK"), was formed on 23 December 1989.	<i>Dorđević, TJ, para.30; See also Limaj, TJ, para. 41</i>	Para. 3	Paras 19, 21, 25
31.	Ibrahim Rugova was elected president of the LDK.	<i>Dorđević, TJ, para. 30</i>	Para. 3	Paras 19, 21, 25
32.	The LDK advocated a policy of non-violent resistance to the authorities in Serbia. <b>LDK's position was that independence should be achieved by peaceful, diplomatic, and democratic methods and violence should not be used.</b>	<i>Dorđević, TJ, para. 30</i>	Para. 3	Paras 19, 21, 25
33.	The LDK supported the view that Kosovo should have the status of a republic within the Yugoslav federation while it continued to exist and be independent if the federation ceased to exist.	<i>Dorđević, TJ, para. 30</i>	Para. 3	Paras 19, 21, 25
V. The Kosovo Liberation Army ('KLA')				
34.	Border control in Albania in 1996 and 1997 was weak and the KLA brought weapons and other equipment across the border to Kosovo. The majority of arms for the KLA were smuggled over from northern Albania into Kosovo. Most weapons were purchased in Albania, however arms were also imported from other countries.	<i>Dorđević, TJ, para. 1566</i>	Para. 3	Paras 19, 21, 25
35.	KLA soldiers appeared in uniform for the first time in public on 28 of November 1997 in the town of Lauša/Laushë, Srbica/Skenderaj	<i>Dorđević, TJ, para.1537</i>	Para. 4	Paras 19, 21-22, 24,

	municipality, at a funeral of a teacher who was killed by Serbian police.			26
36.	From at least the spring of 1998 onwards the KLA had a sufficiently formal structure including a General Staff and a clear chain of command to a territorial organisation. The KLA had established rules setting out a military code of conduct, increasingly used uniforms and had a developed communication system.	<i>Dorđević, TJ,</i> para. 1578	Para. 4	Paras 19, 21-22
37.	During 1998, the KLA grew in political relevance and became accepted as a factor which could no longer be ignored in attempts to find a solution of the Kosovo crisis. There was considerable and growing support for the KLA among the Kosovo population during 1998.	<i>Dorđević, TJ,</i> para. 1576	Para. 4	Paras 19, 21-22, 24, 26
38.	By the end of 1998 the KLA had issued interim regulations on the organisation of its internal affairs, which were later updated. These were distributed to zone commanders and their subordinates. There was also a system for reporting from the zone commanders to the General Staff, for ensuring military discipline, and for appointing commanders at various levels. By this time the KLA zones had been organized into brigades, battalions, companies, platoons and squads.	<i>Milutinović, TJ Vol.</i> I, para. 826	Para. 4	Paras 24- 26
39.	A Rulebook on the Organisation of Internal Affairs in the KLA set out the code of conduct for everyone under the authority of the General Staff. The Rulebook distributed to the KLA soldiers included rules established by Western armies. The Rulebook was distributed to KLA soldiers throughout all seven operational zones and the zone commanders were responsible for the distribution of the books within their area of responsibility.	<i>Dorđević, TJ,</i> para. 1571	Para. 4	Paras 24- 26
40.	Kosovo was divided into seven KLA operational zones with brigade divisions: the Drenica zone and brigades; the Paštrik/Pashtrik zone and brigades; the Dukagjin zones and brigades; the Šalja/Shala zones and	<i>Milutinović, TJ Vol.</i> I, para. 827	Para.3	Paras 19, 21-22, 24, 26

	brigades; the Lab/Llap zones and brigades; the Nerodimlje/Nerodime zones and brigades; the Karađak zones and brigades. Each zone had a number ranging from one to seven. Within each zone the territory actually controlled by the KLA varied at different times.			
41.	Each KLA operational zone had a zone commander, appointed by the General Staff, heading its command structure.	<i>Dorđević, TJ, para. 1546</i>	Para. 4	Paras 19, 21-22, 24, 26
42.	The zone commander proposed a commander and deputy commander for each brigade and the General Staff approved the proposals.	<i>Dorđević, TJ, para. 1547</i>	Para. 4	Paras 19, 21-22, 24, 26
43.	Brigades were further divided into battalions, usually three to four infantry battalions, and battalions into companies and platoons.	<i>Dorđević, TJ, para. 1547</i>	Para. 4	Paras 19, 21-22, 24, 26
44.	Within the General Staff and the operational zones, personal Motorola two-way radios, with a range of only a few kilometres, were used. This was an official form of communication, with each zone having its own radio communication base and the General Staff, primarily based in the Pashtrik Zone, having a radio repeater to increase the range of the radios to approximately 50 kilometres.	<i>Dorđević, TJ, para. 1570</i>  <i>See also Milutinović, TJ Vol.1, para. 828</i>	Para. 4	Paras 19, 21-22, 24, 26
45.	Satellite telephones were issued to the General Staff and each zone commander.	<i>Dorđević, TJ, para. 1570</i>	Para. 4	Paras 19, 21-22, 24, 26
46.	Couriers were also used as an official means of communication between the General Staff and the operational zone commands.	<i>Dorđević, TJ, para. 1570</i>	Para. 4	Paras 19, 21-22, 24, 26

47.	A system for recording orders and other documents was in place within the KLA. There were archives of the General Staff of the KLA, containing combat reports and other documents, which were sent to Priština/Prishtinë immediately after the war.	<i>Dorđević</i> , TJ, para. 1545	Para. 4	Paras 19, 21-22, 24, 26
48.	Every written document was archived in the relevant operational zone and with the General Staff, which obtained a seal in November or December 1998. Orders were archived with minutes, and oral orders issued by the General Staff to the zone commanders, or by zone commanders to brigades, would be followed up in writing, and then archived.	<i>Dorđević</i> , TJ, para. 1545	Para. 4	Paras 19, 21-22, 24, 26
49.	During the period from January to March 1999, the KLA General Staff was conducting training in Albania, and this training was focused on use of weapons, training commanders and officers from the lowest level to the battalion level, and also preparation for operations and combat actions at these levels.	<i>Milutinović</i> , TJ Vol.I, para. 815	Para. 4	Paras 19, 21-22, 24, 26
50.	On 9 April 1999 the KLA prepared and launched an attack from Albania in the Košare/Koshare border post area, Đakovica/Gjakovë municipality.	<i>Dorđević</i> TJ, para. 1559	Para. 4	Paras 19, 21-22, 24, 26
VI. Kukës				
51.	In 1999, the KLA converted a factory in Kukës, Albania into a military camp.	<i>Sabit Geci et al.</i> , TJ, para. 56	Paras 4-6	Paras 5-8
52.	Declined.			
53.	[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were all detained in the KLA camp in Kukës, <del>in three different locations.</del>	<i>Sabit Geci et al.</i> , TJ, para. 64	Paras 6, 14-15	Paras 30, 30, 31-41

54.	Declined.			
55.	The toilet was located outside. The detainees had to ask permission to go to the toilet and would be escorted and guarded by soldiers during this time.	<i>Sabit Geci et al.</i> , TJ, para. 78	Para. 18	Para.44
56.	[REDACTED] died while he was detained at the Kukës camp on or about [REDACTED] June 1999.	<i>Sabit Geci et al.</i> , TJ, para. 122	Para. 28	Paras 30, 58-65
VII. Role and presence of JCE members at the Kukës Metal Factory				
57.	Declined.			
58.	Declined.			
59.	Sabit GECE was a senior member of the KLA with a command role, holding authority and control over soldiers below him.	<i>Sabit Geci et al.</i> , TJ, paras 191, 221	Paras 10, 14,18-23, 26	Para.71
60.	Xhemshit Krasniqi held a position of authority in the Kukës camp.	<i>Xhemshit Krasniqi</i> , TJ, para. 150	Paras 10, 14,18-23, 26	Para.71
61.	Declined.			