

**Annex 1**

**to**

**Defence Notice on Submission of  
a Public Redacted Version of the Annex 2 to F00507  
with Annex 1**

**PROPOSED ADJUDICATED FACTS FOR JUDICIAL NOTICE PURSUANT TO RULE 157(2)**

**Public**

## I. Proposed Facts Relating to the Armed Conflict in Kosovo between 1998 and 1999

Fact No.	Proposed Fact	Categories of Defence Objection	Defence Objection
1.	Following the events in Cirez/Cjrez, 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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable	The word “events” is vague and not precise enough for this proposed fact to be admissible. Outside of this case, the word “events” would not allow for the comprehension of what it is actually referring to.
2.	The armed violence in Kosovo increased significantly in June, July, August and September 1998.	Inadequate indication of relevance; Not distinct, concrete, and identifiable	The phrase “increased significantly” is vaguely formulated and do not allow for a concrete and specific comprehension of what they are actually referring to.
3.	In October 1998, three international agreements were concluded which laid the foundation for the establishment and functioning of an OSCE monitoring	Inadequate indication of relevance	The Prosecution fails to demonstrate how the fact is related to the matters at issue in the current proceedings.

	mission in Kosovo, the Kosovo Verification Mission or KVM.		
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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable	The phrase “used the opportunity” is vague, as it does not refer to any concrete behavior from the KLA.
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/Stimlje, 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.	Inadequate indication of relevance	The Prosecution fails to demonstrate how the fact is related to the matters at issue in the current proceedings.
6.	The Račak/Reçak incident of 15 January 1999 essentially signalled the end of the ceasefire agreement.	Inadequate indication of relevance	The Prosecution fails to demonstrate how the fact is related to the matters at issue in the current proceedings.

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.	Inadequate indication of relevance	The Prosecution fails to demonstrate how the fact is related to the matters at issue in the current proceedings.
8.	Large numbers of Kosovo Albanians began leaving Kosovo and crossing the border to Albania from 24 March 1999.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable	The phrase “[l]arge numbers” is vague, and it lacks the required specificity and concreteness for the proposed fact to be admitted.
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.	Inadequate indication of relevance	The Prosecution fails to demonstrate how the fact is related to the matters at issue in the current proceedings.

## II. Proposed Facts Relating to the Army of the Federal Republic of Yugoslavia (Vojska Jugoslavije) (‘VJ’)

Fact no.	Proposed Fact	Ground/Grounds of Defence Objection	Defence Objection
10.	In 1998-1999, the Army of the Federal Republic of Yugoslavia (Vojska Jugoslavije) ('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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
11.	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	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

	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.		
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.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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 and use of the VJ in times of	Inadequate indication of relevance;  Not distinct, concrete, and identifiable;	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

	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.	Taking judicial notice of the fact is not in the interests of justice	
14.	In 1998-1999, the General Staff was the highest military command body immediately subordinate to the civilian leadership.	Inadequate indication of relevance; Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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 2nd Army (headquartered in Podgorica, Montenegro), and the 3rd Army (headquartered in Niš, Serbia).	Inadequate indication of relevance; Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

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 3 <sup>rd</sup> Army was divided into two corps, the Niš Corps and the Priština Corps, with the latter having responsibility for the area of Kosovo.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
18.	The Priština Corps, an element of the 3 <sup>rd</sup> 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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
19.	The Priština Corps consisted of 12 brigades, each of which had responsibility	Inadequate indication of relevance;	This proposed fact is unnecessarily broad and detailed to the effect that it

	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 52nd Mixed Artillery Brigade, the 52nd Air Defence Artillery Rocket Brigade, the 37th Motorised Brigade and the 211th Armoured Brigade.	Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
21.	Between 1 January 1999 and 20 June 1999 there were also a number of units in Kosovo outside of the 3rd 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 3rd Army and Priština Corps Commanders were not in command of	Inadequate indication of relevance;  Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

	these units at any stage during the NATO bombing, they liaised with representatives of those forces at the Pristina Corps Command.		
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### III. Proposed Facts Relating to the Ministry of the Interior of Serbia (Ministarstvo Unutrasnjih Poslova) ('MUP')

Fact no.	Proposed Fact	Ground/ Grounds of Defence Objection	Defence Objection
22.	Between 1 January 1999 and 20 June 1999, the Ministry of the Interior of Serbia (Ministarstvo Unutrasnjih Poslova) ('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	<p>Inadequate indication of relevance;</p> <p>Not distinct, concrete, and identifiable;</p> <p>Taking judicial notice of the fact is not in the interests of justice</p>	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

	authorities, the maintenance of public order, as well as, inter alia, 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.		
23.	On 15 April 1997, Vljako Stojiljković was appointed as Minister of the Interior, a post he maintained throughout 1998 and 1999.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
24.	The MUP consisted of two primary elements, 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.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable;  Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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	Inadequate indication of relevance;	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to

	commanded by the MUP Staff in Priština/Prishtinë; which coordinated and planned operations.	Taking judicial notice of the fact is not in the interests of justice	serve the interests of justice and judicial economy.
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.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable	The phrase “constraints of the existing constitutional and legal regimes” lacks the required specificity for the proposed fact to be admitted.  In addition, this proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
29.	The Joint Command operated at least until 1 June 1999.	Inadequate indication of relevance;  Not distinct, concrete, and identifiable	The phrase “at least until 1 June 1999” is vague and renders the proposed fact not specific enough for it to be admitted.  In addition, this proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and

			less likely to serve the interests of justice and judicial economy.
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#### IV. Proposed Facts Relating to the Democratic League of Kosovo ('LDK')

Fact no.	Proposed Fact	Ground/ Grounds of Objection	Defence Objection
30.	One of the main political parties in Kosovo, the Democratic League of Kosovo ("LDK"), was formed on 23 December 1989.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
31.	Ibrahim Rugova was elected president of the LDK.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Lacks adequate precision	The lack of date renders this proposed fact inadmissible as it lacks to required specificity and is therefore too vague. In addition, this proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden

			on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
32.	The LDK advocated a policy of non-violent resistance to the authorities in Serbia.	Inadequate indication of relevance; Not distinct, concrete, and identifiable; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.
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.	Inadequate indication of relevance; Taking judicial notice of the fact is not in the interests of justice	This proposed fact is unnecessarily broad and detailed to the effect that it will place an undue burden on the Accused to rebut it and less likely to serve the interests of justice and judicial economy.

## V. Proposed Facts Relating to the Kosovo Liberation Army ('KLA')

Fact	Proposed Fact	Ground/ Grounds of Objection	Defence Objection
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no.			
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.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Not distinct, concrete, and identifiable</p>	The phrases “other equipment” and “other countries” are vague and not concrete enough for the proposed fact to be admitted. The same reasoning applies to the phrases “majority of arms” and “most weapons”.
35.	KLA soldiers appeared in uniform for the first time in public on 28 of November 1997 in the town of Lauša/Laushe, Srbica/Skenderaj municipality, at a funeral of a teacher who was killed by Serbian police.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case</p>	<p>The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.</p> <p>It also goes to issues at the core of the case at hand and need to be proven at trial.</p>
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	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p>	<p>The phrase “communication system” is vague as it does not refer to any specific nor concrete element.</p> <p>Moreover, contradictory evidence to the “formal structure” and “clear</p>

	of conduct, increasingly used uniforms and had a developed communication system.	Subject to reasonable dispute between the Parties	chain of command” of the KLA is available.
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.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Not distinct, concrete, and identifiable	The phrase “a factor which could no longer be ignored in attempts to find a solution of the Kosovo crisis” is vague and, and lacks the required specificity for the proposed fact to be admitted.
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.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Subject to reasonable dispute between the Parties	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.  It also goes to issues at the core of the case at hand and need to be proven at trial.

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.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Subject to reasonable dispute between the Parties	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.  It also goes to issues at the core of the case at hand and need to be proven at trial.
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 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.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Subject to reasonable dispute between the Parties	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.  It also goes to issues at the core of the case at hand and need to be proven at trial.

41.	Each KLA operational zone had a zone commander, appointed by the General Staff, heading its command structure.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Subject to reasonable dispute between the Parties;</p> <p>Go to issues that are central to the present case</p>	<p>The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.</p> <p>It also goes to issues at the core of the case at hand and need to be proven at trial.</p>
42.	The zone commander proposed a commander and deputy commander for each brigade and the General Staff approved the proposals.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.</p> <p>It also goes to issues at the core of the case at hand and need to be proven at trial.</p>
43.	Brigades were further divided into battalions, usually three to four infantry battalions, and battalions into companies and platoons.	Related to the acts, conduct or mental state of the accused;	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the

		<p>Goes to issues that are central to the present case;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>structured nature of the KLA is available.</p> <p>It also goes to issues at the core of the case at hand and need to be proven at trial.</p>
44.	<p>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.</p>	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.</p>
45.	<p>Satellite telephones were issued to the General Staff and each zone commander.</p>	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Not distinct, concrete, and identifiable;</p>	<p>The phrase “were issued to” with no detail as to who issued the satellite telephones is vague, and therefore lacks the required specificity for this proposed fact to be admitted.</p> <p>The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the</p>

		Lacks adequate precision;  Subject to reasonable dispute between the Parties	structured nature of the KLA is available.
46.	Couriers were also used as an official means of communication between the General Staff and the operational zone commands.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Subject to reasonable dispute between the Parties	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.
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.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Not distinct, concrete, and identifiable;  Related to the acts, conduct or mental state of the accused	The word "system" is vague as it provides no specific detail as to what it is referring to. As such, it is not concrete enough for this proposed fact to be admitted.

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.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Subject to reasonable dispute between the Parties	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.
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.	Related to the acts, conduct or mental state of the accused;  Go to issues that are central to the present case;  Subject to reasonable dispute between the Parties	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.  It also goes to issues at the core of the case at hand and need to be proven at trial.
50.	On 9 April 1999 the KLA prepared and launched an attack from Albania in the Košare/Koshare border post area, Đakovica/Gjakovë municipality.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;	The wording of this proposed fact implies the KLA was structured, but contradictory evidence to the structured nature of the KLA is available.

		Subject to reasonable dispute between the Parties	It also goes to issues at the core of the case at hand and need to be proven at trial.
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## VI. Proposed Facts Relating to Kukës

Fact no.	Proposed Fact <sup>1</sup>	Ground/ Grounds of Objection	Defence Objection
51.	In 1999, the KLA converted a factory in Kukës, Albania into a military camp.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case	This proposed fact is of core importance to the Prosecution's case as it expressly mentions the location pinpointed in the Indictment as the place where the charges allegedly occurred. It therefore should not be received, as it concerns core matters in this case.
52.	[The KLA] was an armed group that was well structured and which effectively controlled the [Kukës Metal Factory]	Related to the acts, conduct or mental state of the accused;	This proposed fact is formulated in a manner significantly divergent from the original judgements and unjustifiably claimed. Contrary to the Prosecution's

<sup>1</sup> Footnotes omitted  
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	<p>where the persons displaced from Kosovo stayed or were detained.</p>	<p>Goes to issues that are central to the present case;</p> <p>Misleading when removed from the context of the original judgement;</p> <p>Formulated in a manner materially different from the formulation in the original judgement;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>claim, this is not cured by a “holistic reading of the paragraph or the section to which the finding belongs”. The Prosecution impermissibly replaces “[a]ll the perpetrators were members of” with “[t]he KLA was”, conflating two different subjects and making presumptions of a conclusory character. The Prosecution also replaces “the place where the persons displaced from Kosovo stayed or were detained” with “Kukës Metal Factory”, relying on an unjustified and inaccurate presumption and interpretation.</p> <p>Contradictory evidence to the “well structured” nature of the KLA is available.</p> <p>The proposed fact is also vague and misleading, as demonstrated by the need to replace phrases twice within the same sentence, unless strictly read within the context of the original judgement.</p> <p>This is a proposed fact on which the Prosecution relies on for the purpose of</p>
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			<p>substantiating the alleged criminal responsibility of the Accused.</p> <p>It also goes to issues at the core of the case at hand and needs to be proven at trial.</p>
53.	<p>[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were all detained in the KLA camp in Kukës, in three different locations.</p>	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Not distinct, concrete, and identifiable;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>Neither the phrase “KLA camp in Kukës” nor “in three different locations” are capable of accurately informing as to the place of alleged detention of the individuals identified. This is more so when read outside the context of the original judgement, in which case the phrase can misleadingly imply that there were multiple detention locations in Kukës.</p> <p>The phrase “in three different locations” is also vaguely formulated and misleading.</p> <p>This is a proposed fact on which the Prosecution relies on for the purpose of substantiating the alleged criminal responsibility of the Accused.</p>

			<p>It also goes to issues at the core of the case at hand and needs to be proven at trial.</p> <p>Moreover, contrary evidence to this proposed fact exists.</p>
54.	<p>The main detention room in which almost all the witnesses were held was extremely small, and not sufficient for the numbers of detainees involved. Detainees slept on a concrete, bare floor, sometimes without blankets when these were removed as a form of collective punishment due to their alleged collaborations. Water was scarce and not regularly provided. Food was also provided in small amount and inconsistently. Several witnesses suffered significant weight loss due to the poor and inadequate diet provided during their weeks of detention. Sanitation was almost non-existent with limited access to toilets, and no opportunity for washing or changing of clothes.</p>	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Not distinct, concrete, and identifiable and misleading when removed from the context of the original judgement;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>The phrases “almost all witnesses”, “extremely small”, “not sufficient for the numbers of detainees”, “small amount”, “inconsistently”, “several witnesses”, “almost non-existent” are vaguely formulated and thereby deprive this proposed set of facts of the necessary specificity in respect of the alleged detention conditions.</p> <p>This is a proposed fact on which the Prosecution relies on for the purpose of substantiating the alleged criminal responsibility of the Accused.</p> <p>It also goes to issues at the core of the case at hand and needs to be proven at trial.</p>

			Moreover, contrary evidence to this proposed fact exists.
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.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Not distinct, concrete, and identifiable and misleading when removed from the context of the original judgement;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>The sentence “[t]he toilet was located outside” is vaguely formulated and misleading as it suggests that the toilets were located outside, as opposed to inside a building or a room. This is not what is apparent from the statements given by the victims and testimonies given by the witnesses. It is therefore not precise enough and deprives this proposed fact of the necessary specificity in respect of the alleged detention conditions.</p> <p>This is a proposed fact on which the Prosecution relies on for the purpose of substantiating the alleged criminal responsibility of the Accused.</p> <p>It also goes to issues at the core of the case at hand and needs to be proven at trial.</p>

56.	[REDACTED] died while he was detained at the Kukës camp on or about [REDACTED] June 1999.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>Contradictory evidence to the fact [REDACTED] died at Kukës is available. Even though several witnesses say [REDACTED] died at Kukës, all of them [REDACTED]. The story given by [REDACTED] is inconsistent with the findings of the forensic expertise conducted on the body that was allegedly [REDACTED]'s body, as well as the expertise that was conducted on [REDACTED] according to [REDACTED] during the incident that led to his death. Moreover, according to a DNA expertise that was conducted on the body, there is still some doubt that this body was [REDACTED]. Finally, [REDACTED]'s credibility has been called into question during the whole proceedings.</p> <p>Moreover, this fact is based on the testimony given by an individual who will appear on the Prosecution witness list, reflecting its core importance to the Prosecution case.</p>
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			This is a proposed fact on which the Prosecution relies on for the purpose of substantiating the alleged criminal responsibility of the Accused.
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## VII. Proposed Facts Relating to the Role and Presence of JCE Members at the Kukës Metal Factory

Fact. no.	Proposed Fact	Ground/ Grounds of Objection	Defence Objection
57.	On or around 12 April 1999, Sabit GECI introduced himself as the 'chief of the KLA secret police'.	Related to the acts, conduct or mental state of the accused;  Goes to issues that are central to the present case;  Subject to reasonable dispute between the Parties	This proposed fact is of core importance to the Prosecution's case as it aims at characterizing a Joint Criminal Enterprise and the presence of its members on the location pinpointed in the Indictment. It therefore should not be received, as it concerns core matters in this case and its admission would not serve the interests of justice.

58.	Sabit GECI's presence in the Kuke's camp between at least 19 May and 4 June 1995 has been firmly established.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Subject to reasonable dispute between the Parties</p>	<p>This proposed fact is of core importance to the Prosecution's case as it aims at characterizing a Joint Criminal Enterprise and the presence of its members on the location pinpointed in the Indictment. It therefore should not be received, as it concerns core matters in this case.</p> <p>Moreover, contrary evidence to this proposed fact exists.</p>
59.	Sabit GECI was a senior member of the KLA with a command role, holding authority and control over soldiers below him.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Lacks adequate precision</p>	<p>This proposed fact is of core importance to the Prosecution's case as it aims at characterizing a Joint Criminal Enterprise and the presence of its members on the location pinpointed in the Indictment. It therefore should not be received, as it concerns core matters in this case.</p> <p>The phrase "with a command role, holding authority and control over soldiers below him" lacks the necessary specificity without providing further information.</p>

60.	Xhemshit Krasniqi held a position of authority in the Kukeš camp.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Lacks adequate precision</p>	<p>This proposed fact is of core importance to the Prosecution's case as it aims at characterizing a Joint Criminal Enterprise and the presence of its members on the location pinpointed in the Indictment. It therefore should not be received, as it concerns core matters in this case.</p> <p>Moreover, the phrase "position of authority" is vague and does not meet the specificity requirement for its admissibility.</p>
61.	Xhemshit Krasniqi was involved in the transport of [prisoners] to and from [Cahan and Kukeš] camps and took part in their torture.	<p>Related to the acts, conduct or mental state of the accused;</p> <p>Goes to issues that are central to the present case;</p> <p>Not distinct, concrete, and identifiable</p>	<p>This proposed fact is of core importance to the Prosecution's case as it aims at characterizing a Joint Criminal Enterprise and the presence of its members on the location pinpointed in the Indictment. It therefore should not be received, as it concerns core matters in this case.</p> <p>Moreover, the phrase "involved in" is vague and could encompass several meanings, and therefore does not meet</p>

			the specificity requirement for its admissibility.
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