

Bibliography

Books and chapters in books

Abtahi, H and Boas, G (eds.,), (2006) The dynamics of international criminal justice: Essays in honour of Sir Richard May, Martinus Nijhoff Publishers: Leiden.

Ackerman, JE and O'Sullivan, E (2000) *Practice and procedure of the International Criminal Tribunal for the Former Yugoslavia*, Kluwer Law International: The Hague/London/Boston.

Al-Ani, AH (2008) The trial of Saddam Hussein, Clarity Press Inc: Atlanta.

Alebeek, RV (2008) The immunity of states and their officials in international criminal law and international human rights law, Oxford University Press: Oxford.

Allawi, AA (2007) *The occupation of Iraq: Winning the war, losing the peace*, Yale University Press: New Haven/London.

Arriaza, NR 'Prosecutions of heads of state in Latin America', in Lutz, EL and Reiger, C (2009) *Prosecuting heads of states*, Cambridge University Press: Cambridge/New York, 47-76.

Babiker, MA (2007) Application of international humanitarian and human rights law to the armed conflicts of the Sudan, Intersentia: Antwerp/Oxford.

Bassiouni, MC (2008) International criminal law: Sources, subjects and contents, 3rd edn., Vol I, Martinus Nijhoff Publishers: Leiden.

Bassiouni, MC (1992) Crimes against humanity in international law, Kluwer Law International: The Hague.

Bassiouni, MC (1998) *The Statute of the International Criminal Court: A documentary history*, Transnational Publishers: New York.

Bassiouni, MC (1999) Crimes against humanity in international criminal law, Kluwer Law International: The Hague/London/Boston.

Bassiouni, MC 'International criminal justice in historical perspective: The tension between states' interests and the pursuit of international justice' in A Cassese (ed), (2009) *The Oxford companion to international criminal justice*, Oxford University Press: Oxford.

Bassiouni, MC and Wise, EM (1995) Aut dedere aut judicare, Martinus Nijhoff Publishers: Dordrecht.



Bedi, SS (2007) The developments of the human rights law by the judges of the International Court of Justice, Hart Publishing: Oxford/Portland, Oregon.

Bekou, O 'Complementarity and the ICC: a dangerous Gamble?' in Ulrich, G (ed.,) (2005) *The International Criminal Court: Challenges and prospects: Proceedings of an International Conference organised by the European Inter-University Centre for Human Rights and Democratisation*, Occasional Papers, 61-84.

Bhoke, C 'The trial of Charles Taylor: Conflict prevention, international law and an impunity –free Africa' in Menon, AV (ed.,), (2008) *War crimes and law*, Icfai University Press: Hyderabad, 174-217.

Bhoke, C (2005) *Genocide: A critical analysis of the Darfur conflict in Sudan*, (LL.M Dissertation, unpublished), University of Pretoria.

Boas, G (2007) The Milosevic Trial: Lessons for the conduct of complex international criminal proceedings, Cambridge University Press: Cambridge.

Boot, M (2002), Genocide, crimes against humanity and war crimes: Nullum crimen sine lege and the subject matter of the International Criminal Court, Intersentia: New York.

Boraine, A (2000), A country unmasked: Inside South Africa's Truth and Reconciliation Commission, Oxford University Press: Oxford.

Brohmer, J (1997) *State immunity and the violation of human rights*, Martinus Nijhoff Publishers: The Hague.

Broomhall, B (2003) *International justice and the International Criminal Court: Between sovereignty and the rule of law,* Oxford University Press: Oxford/New York.

Cassese, A (2008) International criminal law, 2nd edn, Oxford University Press: Oxford.

Cassese, A (Ed), (2009) *The Oxford companion to international criminal justice*, Oxford University Press: Oxford.

Cassese, A, Gaeta, P and Jones, JRWD (eds.,), (2002) *The Rome Statute of the International Criminal Court: A commentary*, Oxford University Press: Oxford, Vols. I & II.

Chihiro, H 'The Tokyo trial from the perspective of international law' in Hosoya, H, Nisuke Ando, N, Onuma, Y and Minear, RH (eds.,) (1986) *The Tokyo war crimes trial*, Kondasha International Limited: Tokyo.

Clark, P 'The rules (and politics) of engagement: The *Gacaca* courts and post-genocide justice, healing and reconciliation in Rwanda' in Clark, P and Kaufman, ZD (eds.,),



(2008) After genocide: Transitional justice, post-conflict reconstruction and reconstruction in Rwanda and beyond, Hurst and Company: London, 297-320.

Cortright, D 'The world says no: The global movement against war in Iraq' in Thakur, R and Sidhu, WPS (eds.,), (2006) *The Iraq crisis and world order*, United Nations University Press: Tokyo/New York/Paris, 75-91.

Crawford, J 'The drafting of the Rome Statute' in Sands, P (Ed), (2003) From Nuremberg to The Hague: The future of international criminal justice, Cambridge University Press: Cambridge, 109-156.

Cryer, R (2005) Prosecuting international crimes: Selectivity and the international criminal law regime, Cambridge University Press: Cambridge.

De Aragao, EJG 'Setting standards for domestic prosecutions of gross violations of human rights through the ICC: International jurisdiction for wilful killings in Brazil?' in Editori, M (2005) *The International Criminal Court: Challenges and prospects*, Proceedings of an International Conference organized by the European Inter-University Centre for Human Rights and Democratisation (EIUC).

De Than, C and Shorts, E (2003) *International criminal law and human rights*, Sweet & Maxwell: London.

Dinsten, Y and Tabory, M (eds.,), (1996) War crimes in international law, Martinus Nijhoff Publishers: The Hague/Boston/London.

Doswald-Beck, L and Kolb, R (2002) *Elements of war crimes under the Rome Statute of the International Criminal Court: Sources and commentary*, Cambridge University Press: Cambridge.

Du Bois-Pedain, A 'Communicating criminal and political responsibility in the TRC process' in Du Bois, F and Du Bois-Pedain, A (eds.,), (2008) *Justice and reconciliation in post-apartheid South Africa*, Cambridge University Press: Cambridge, 62-89.

Du Plessis, M (ed.,), (2008) African guide to international criminal justice, Institute for Security Studies: Pretoria.

Du Plessis, M 'International criminal courts, the International Criminal Court, and South Africa's implementation of the Rome Statute' in Dugard, J (2005) *International law: A South African perspective*, Juta and Company Ltd: Cape Town, 174-209.

Du Plessis, M (2010) *The International Criminal Court that Africa wants*, Monograph, Institute for Security Studies: Pretoria.



Du Plessis, M and Ford, J (eds.,), (2008) *Unable or unwilling? Case studies on domestic implementation of the ICC Statute in selected African countries*, Institute for Security Studies: Pretoria.

Duffy, H and Huston, J 'Implementation of the ICC statute: International obligations and constitutional considerations' in Kress, C and Lattanzi, F, eds., (2000) *The Rome Statute and domestic legal orders: General aspects and constitutional issues*, Vol.1, Baden-Baden: Nomas.

Dugard, J 'Restorative justice: International law and the South African model' in McAdams, AJ (ed), (1997) *Transitional justice and the rule of law in new democracies*, University of Notre Dame Press: Notre Dame, IN, 269.

Ferdinandusse, WN (2005) Direct application of international criminal law in national courts, TMC Asser Press: The Hague.

Ford, J (2009) *Bringing fairness to international justice: A handbook on the International Criminal Court for defence lawyers in Africa*, Institute for Security Studies: Pretoria.

Fox, H (2002) The law of state immunity, Oxford University Press: Oxford.

Fox, H 'Some aspects of immunity from criminal jurisdiction of the state and its officials: The Blaškić case' in Vohrah, LC, Pocar, F, Featherstone, Y, Fourmy, O, Graham, C, Hocking, J and Robson, N (eds.,), (2003) *Man's inhumanity to man: Essays on international law in honour of Antonio Cassese*, Kluwer Law International: The Hague/London/New York, 297-307.

Gaeta, P 'Official capacity and immunities' in A Cassese, P Gaeta and JRWD Jones (eds.,), (2002) *The Rome Statute of the International Criminal Court: A commentary*, Oxford University Press: Oxford, Vol. 1.

Gayner, F 'Subpoenas' in Cassese, A (ed.,), (2009) *The Oxford companion to international criminal justice*, Oxford University Press: Oxford/ New York, 524-525.

Greppi, E 'Inability to investigate and prosecute under Article 17' in Politi, M and Gioia, F (2008) *The International Criminal Court and national jurisdictions*, Ashgate Publishing Ltd: Aldershot 63-70.

Gutto, SBO 'Africa's contradictory roles and participation in the international criminal justice system' in Ankumah, EA and Kwakwa, EK, (eds.,), (2005) *African perspectives on international criminal justice*, Africa Legal Aid: Accra/Maastricht/Pretoria, 17-27.

Hagan, J and Rymond-Richmond, W (2009) *Darfur and the crime of genocide*, Cambridge University Press: New York.



Hansungule, MK 'The African Charter on Human and Peoples' Rights: A critical review' in Yusuf, AA (2000) *African Yearbook of International Law* 269-270.

Hansungule, MK 'African courts and the African Commission on Human and Peoples' Rights' in Bösil, A and Diescho, J (2009) *Human rights in Africa: Legal perspectives on their protection and promotion*, MacMillan Education Namibia: Windhoek, 233-271.

Henckaerts, JM and Doswald-Beck, L (eds.,), (2005) *Customary international humanitarian law*, vols I-II, Cambridge University Press: Cambridge.

Harrington, J, Milde, M and Vernon, R (eds.,), (2006) *Bringing power to justice: The prospects of the International Criminal Court*, McGill-Queen's University Press: Montreal.

Heyns, C and Killander, M (eds.,), (2007) Compendium of key human rights documents of the African Union, Pretoria University Law Press: Pretoria.

Higgins, DR (2009) Themes and theories: Selected essays, speeches, and writings in international law, Vol. I, Oxford University Press: Oxford.

Holmes, JT 'Complementarity: National courts versus the ICC' in Cassese, A, Gaeta, P and Jones, JRWD (eds.,), (2002) *The Rome Statute of the International Criminal Court:* A commentary, Oxford University Press: Oxford, Vol. I, 667-685.

International Committee of the Red Cross (2001) *Implementation of international humanitarian law and cultural heritage law*, ICRC: Pretoria.

Inazumi, M (2005) Universal jurisdiction in modern international law: Expansion of national jurisdiction for prosecuting serious crimes under international law, Intersentia: Antwerpen/Oxford.

Jorgensen, NHB (2000) *The responsibility of states for international crimes*, Oxford University Press: Oxford.

Kadelbach, S 'Jus cogens, obligations erga omnes and other rules –The identification of fundamental norms' in Tomuschat, C and Thouvenin, JM (eds.,), (2006) The fundamental rules of legal order: Jus cogens and obligations erga omnes, Martinus Nijhoff Publishers: Leiden/Boston.

Kaguongo, W and Musila, GM (eds.,), (2009) Addressing impunity and options for justice in Kenya: Mechanisms, issues and debates, Judiciary Watch Report, The Kenyan Section of the International Commission of Jurists: Nairobi.

Kameldy, N 'The trial of Hissène Habré in Senegal: International law made in Africa? in Murungu, CB and Biegon, J (Eds.,), (2011) *Prosecuting international crimes in Africa*, Pretoria University Law Press: Pretoria, 185-196.



Kei, U (2003) Beyond the judgment of civilization: The intellectual legacy of the Japanese war crimes trials, 1946-1949, The International House of Japan, Tokyo.

Kelsen, H (1944), *Peace through law*, University of North Carolina Press: Chapel Hill. Kittichaisaree, K (2001), *International criminal law*, New York: Oxford University Press.

Killander, M (ed.), (2010) International law and domestic human rights litigation in Africa, Pretoria University Law Press: Pretoria.

Krieger, D 'The war in Iraq as illegal and illegitimate' in Thakur, R and Sidhu, WPS (eds.,), (2006) *The Iraq crisis and world order*, United Nations University Press: Tokyo/New York/Paris, 381-396.

Ku, C 'Legitimacy as an assessment of existing legal standards: The case of the 2003 Iraq war' in Thakur, R and Sidhu, WPS (eds.,), (2006) *The Iraq crisis and world order*, United Nations University Press: Tokyo/New York/Paris, 397-412.

Kwakwa, E (1992) *The international law of armed conflict: Personal and material fields of application*, Kluwer Academic Publishers; Dordrecht/Boston/London.

Lamb, S 'Nullum crimen, nulla poena sine lege in International Criminal Law', in Cassese, A, Gaeta, P and Jones, JRWD (Eds.,), (2000), The Rome Statute of the International Criminal Court: A commentary, Oxford University Press: Oxford, 733.

Laughland, J (2008) A history of political trials: From Charles I to Saddam Hussein Peter Lang Ltd: Oxford.

Le Roux, W and Van Marle, K (eds.,), (2007) Law, memory and the legacy of apartheid: Ten years after AZAPO v President of South Africa, Pretoria University Law Press: Pretoria.

Lee, RS (Ed.,), *The International Criminal Court: The making of the Rome Statute, issues, negotiations, results*, Kluwer Law International: The Hague/London/Boston, (1999), 573-639.

Lenta, P 'In Defence of Azapo and Restorative Justice' in Le Roux, W and Van Marle, K (eds.,), (2007) Law, memory and the legacy of apartheid: Ten years after AZAPO v President of South Africa, Pretoria University Law Press: Pretoria, 149-182.

Lutz, EL 'Prosecutions of heads of state in Europe' in Lutz, EL and Reiger, C (2009) *Prosecuting heads of states*, Cambridge University Press: Cambridge/New York.

Mahony, C (2010) *The justice sector afterthought: Witness protection in Africa*, Institute for Security Studies; Pretoria.



Maluwa, T (1999) *International law in post-colonial Africa*, Kluwer Law International: The Hague/London/Boston.

Mamdani, M (2009) Saviours and survivors: Darfur, politics and the war on terror, HSRC Press: Cape Town.

Maqungo, S 'The African contribution towards the establishment of an International Criminal Court' in Yusuf, AA (2000) 8 *African Yearbook of International Law*, Kluwer Law International: The Hague/London/New York, 333-350.

May, L (2005) Crimes against humanity, Cambridge University Press: Cambridge.

May, L (2010) Genocide: A normative account, Cambridge University Press: New York.

McGoldrick, D (2004) From '9-11' to the Iraq war 2003: International law in an age of complexity, Hart Publishing: Oxford/Portland, Oregon.

Mettraux, G (2005) *International crimes and the ad hoc tribunals*, Oxford University Press: Oxford/New York.

Mettraux, G (ed), (2008) *Perspectives on the Nuremberg trial*, Oxford University Press: Oxford.

Mindua, A Kesia-Mbe 'The immunity of heads of state and government in international criminal law' in Osuji, CE (ed.,), (2010) *Protecting humanity: Essays in international law and policy in honour of Navanethem Pillay*, Martinus Nijhoff Publishers: Leiden/Boston.

Mochochoko, P 'Africa and the International Criminal Court' in Ankumah, EA and Kwakwa, EK (eds.,), (2005) *African perspectives on international criminal justice*, Africa Legal Aid: Accra/Maastricht/Pretoria, 241-258.

Mogale, N 'Ten years of democracy in South Africa: Revisiting the AZAPO decision' in Le Roux, W and Van Marle, K (eds.,), (2007) Law, memory and the legacy of apartheid: Ten years after AZAPO v President of South Africa, Pretoria University Law Press: Pretoria, 127-148.

Mugemangango, P (2004) *Immunity from prosecution for genocide, crimes against humanity and war crimes: The case of heads of state*, LL.M Dissertation submitted to University of Pretoria (unpublished).

Mujuzi, JD (2009) Life imprisonment in international criminal tribunals and selected African jurisdictions – Mauritius, South Africa and Uganda, Doctoral Thesis, University of Western Cape.



Murungu, C and Biegon, J (eds.,), (2011) *Prosecuting international crimes in Africa*, Pretoria University Law Press: Pretoria.

Musila, GM (2009) Between rhetoric and action: The politics, processes and practice of the ICC's work in the DRC, Institute for Security Studies: Pretoria.

Naqvi, YQ (2010) *Impediments to exercising jurisdiction over international crimes*, TMC Asser Press: The Hague.

Neil Boister, N and Cryer, R (Eds), (2008) *Documents on the Tokyo International Military Tribunal: Charter, indictment and judgments*, Oxford University Press: Oxford.

Nerlich, V 'The contribution of criminal justice' in Du Bois, F and Du Bois-Pedain, A (eds.,), (2008) *Justice and reconciliation in post-apartheid South Africa*, Cambridge University Press: Cambridge, 90-115.

Newton, MA and Scharf, MP (2008) *Enemy of the state: The trial and execution of Saddam Hussein*, St Martins Press: New York.

Nowak, M (2005) *UN Covenant on Civil and Political Rights: CCPR commentary*, 2nd edn, Norbert Paul Engel Verlag: Kehl.

Olasolo, H (2009) The criminal responsibility of senior political and military leaders as principles to international crimes, Hart Publishing: Oxford and Portland, Oregon.

Orakhelashvili, A (2006) *Peremptory norms in international law*, Oxford University Press: Oxford/New York.

Oxford Advanced Learner's Dictionary, (2005), 7th edn, Oxford University Press: Oxford.

Peskin, V (2008) *International justice in Rwanda and the Balkans: Virtual trials and the struggle for state cooperation*, Cambridge University Press: Cambridge.

Politi, M and Gioia, F (eds.,), (2008) *The International Criminal Court and national jurisdictions*, Ashgate Publishing Ltd: Aldershot.

Politi, M and Nesi, G (eds.,), (2004) *The International Criminal Court and the crime of aggression*, Ashgate Publishing Ltd: Aldershort.

Ratner, M et al (eds.,), (2000) The Pinochet papers: The case of Augusto Pinochet in Spain and Britain, Kluwer Law International: The Hague/Boston.

Redress and International Federation of Human Rights (2010) Extraterritorial jurisdiction in the European Union: A study of the laws and practice in the 27 member states of the European Union, REDRESS and FIDH: London & Paris.



Reydams, L (2003) *Universal jurisdiction: International and municipal legal perspectives*, Oxford University Press: Oxford.

Robertson, G (2002) *Crimes against humanity: The struggle for global justice*, 2nd edn, Penguin Books Ltd: London.

Sachs, A (2009) *The strange alchemy of life and law*, Oxford University Press: Oxford/New York.

Saland, P 'International criminal law principles' in Lee, RS ed.,(1999), *The International Criminal Court: The making of the Rome Statute, issues, negotiations, results*, Kluwer Law International: The Hague/London/Boston.

Sandoz, Y, Swinarski, C and Zimmermann (eds.,), (1987) *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, Martinus Nijhoff Publishers: Geneva.

Schabas, WA (2000) *Genocide in international law*, Cambridge University Press: Cambridge.

Schabas, WA (2007) *An introduction to the International Criminal Court*, 3rd edn, Cambridge University Press: Cambridge.

Schabas, WA (2010) *The International Criminal Court: A commentary on the Rome Statute*, Oxford University Press: Oxford/New York.

Schabas, WA 'Complementarity in practice: Creative solutions or a trap for the court?' in Politi, M and Gioia, F (2008) *The International Criminal Court and national jurisdictions*, Ashgate Publishing Ltd: Aldershot, 25-48.

Scharf, MP (1997), Balkan justice: The story behind the first international war crimes trial since Nuremberg, Carolina Academic Press: Durham.

Schiff, BN (2008) *Building the International Criminal Court*, Cambridge University Press: Cambridge.

Shaw, MN (2003) International law, 5th edn, Cambridge University Press: Cambridge.

Simbeye, Y (2004) *Immunity and international criminal law*, Ashgate Publishing Limited: Aldershot.

Stern, B 'Immunities for heads of state: Where do we stand?' in Lattimer, M and Sands, P (eds.), (2003) *Justice for crimes against humanity*, Hart Publishing: Oxford/Portland, Oregon, 73-106.



Stigen, J 'Which immunity for human rights atrocities?' in Osuji, CE (ed.,), (2010) *Protecting humanity: Essays in international law and policy in honour of Navanethem Pillay*, Martinus Nijhoff Publishers: Leiden/Boston.

Suljagic, E 'Justice squandered? The trial of Slobodan Milosevic' in Lutz, EL and Reiger, C (2009) *Prosecuting heads of states*, Cambridge University Press: Cambridge/New York, 176-204.

Thakur, R and Sidhu, WPS (eds.,), (2006) *The Iraq crisis and world Order*, United Nations University Press: Tokyo/New York/Paris.

The Truth and Reconciliation Commission Report of South Africa, Volume V (1998), Juta and Company Ltd: Cape Town.

Tiba, FK 'Prosecuting international crimes in domestic courts: The trial of Mengistu and other Derg members for genocide, torture and summary executions' in Murungu, C & Biegon, J (eds.,), (2011) *Prosecuting international crimes in Africa*, Pretoria University Law Press: Pretoria, 163-184.

Triffterer, O 'Article 27' in O Triffterer (ed.,), (2008) Commentary on the Rome Statute of the International Criminal Court: Observers' notes, article by article, 2nd edn, Verlag CH Beck: München.

Tronvoll, K, Schaefer, C and Aneme, GA 'Concluding the main red terror trial: Special Prosecutor v Colonel Mengistu Hailemariam et al.' in Tronvoll, T, Schaefer C and Aneme, GA (eds), (2009) *The Ethiopian red terror trials: Transitional justice challenged*, James Currey Ltd: Suffolk/New York, 136-152.

UK Ministry of Defence (2004) *The manual of the law of armed conflict*, Oxford University Press: Oxford.

Van der Spuy, E, Parmentier, S and Dissel, A (eds.,), (2007) *Restorative Justice: Politics, policies and prospects*, Juta & Co. Ltd: Cape Town.

Van den Herik, LJ (2005) The contribution of the Rwanda tribunal to the development of international law, PhD Thesis, Vrije Universiteit Amsterdam.

Van Schaack, B and Slye, RC (2007) *International criminal law and its enforcement:* Cases and materials, Foundation Press: New York.

Van Sliedregt, E (2003) The criminal responsibility of individuals for violations of international humanitarian law, T.M.C Asser Press: The Hague.

Villiger, ME (1997) *Customary international law and treaties*, 2nd edn, Kluwer Law International: The Hague.



Villiger, ME (2009) *Commentary on the 1969 Vienna Convention on the Law of Treaties*, Martinus Nijhoff Publishers: Leiden/Boston.

Vohrah, LC, Pocar, F, Featherstone, Y, Fourmy, O, Graham, C, Hocking, J and Robson, N (eds.,), (2003) *Man's inhumanity to man: Essays on international law in honour of Antonio Cassese*, Kluwer Law International: The Hague/London/New York.

Wald, PM (2009) Tyrants on trial: Keeping order in the courtroom, Open Society Institute: New York.

Werle, G (2009) Principles of international criminal law, 2^{nd} edn, TMC Asser Press: The Hague.

Welsh, D (2009) *The rise and fall of apartheid*, Jonathan Ball Publishers: Johannesburg/Cape Town.

William, PR and Scharf, M (2002) *Peace with Justice? War crimes and accountability in the former Yugoslavia*, Rowman & Littlefield Publishers, Inc: New York.

Willis, JF (1982) *Prologue to Nuremberg – The politics and diplomacy of punishing war criminals of the first world war*, Westport/London: Greenwood Press.

Wilson, R (2001) The politics of truth and reconciliation in South Africa: Legitimizing the post-apartheid state, Cambridge University Press: Cambridge/New York.

Wise, EM 'Aut dedere aut judicare: The duty to prosecute or extradite' in Bassiouni, MC (1999) International criminal law: Procedural and enforcement mechanisms, 2nd edn, Martinus Nijhoff Publishers: Leiden, 17-18.

Yasuaki, O 'The Tokyo trial: Between law and politics' in Hosoya, C, Ando, N, Onuma, Y and Minear, RH (eds.,) (1986) *The Tokyo war crimes trial*, Kondasha International Limited: Tokyo, 45-52.

Zappalá, S 'Prosecutorial discretion' in Cassese, A (ed.,) (2009), *The Oxford companion to international criminal justice*, Oxford University Press: Oxford, 471.

Zoller, E 'Grounds for Responsibility' in Ginsburgs, G and Kudriavtsev, VN (eds), (1990) *The Nuremberg trial and international law*, Martinus Nijhoff Publishers: Dordrecht/Boston/London.



Journal articles

Akande, D 'International law immunities and the International Criminal Court' (2004) 98 *American Journal of International Law* 407.

Akande, D 'The Bashir indictment: Are serving heads of states immune from ICC prosecution?' Oxford Transitional Justice Research Working Paper Series, 30 July 2008.

Akande, D 'The legal nature of Security Council referrals to the ICC and impact on Al Bashir's immunities' (2009) 7 *Journal of International Criminal Justice* 333.

Akande, D, du Plessis, M and Jalloh, CC 'An African expert study on the African Union concerns about article 16 of the Rome Statute of the ICC', Position Paper, Institute for Security Studies, Pretoria, 2010.

Akande, D and Shah, S 'Immunities of state officials, international crimes, and foreign domestic courts' (2011) 21 European Journal of International Law 815.

Arriaza, NR 'Guatemala genocide case, Judgment No. STC 237/2005' (2006) 100 American Journal of International Law 207.

Arriaza, NR and Gibson, L 'The developing jurisprudence on amnesty' (1998) 20 *Human Rights Quarterly* 843.

Aversano, D 'Can the Pope be a defendant in American courts? The grant of head of state immunity and the judiciary's role to answer this question' (2006) 18 *Pace International Law Review* 495.

Balint, J 'The place of law in addressing internal regime conflicts', (1996) 59 Law and Contemporary Problems 98.

Bassiouni, MC 'The time has come for an International Criminal Court' (1991) 1 *Indiana International and Comparative Law Review* 1.

Bederman, DJ 'International law advocacy and its contents' (2001) 2 *Chicago Journal of International Law* 475.

Benavides, L 'Introductory note to Supreme Court of Mexico: Decision on the extradition of Ricardo Miguel Cavallo' (2003) 42 *International Legal Materials* 884.

Benavides, L 'Introductory note to the Supreme Court of Spain: Judgment on the Guatemalan genocide case' (2003) 42 *International Legal Materials* 683.



Bhoke, C 'The trial of Charles Taylor: Conflict prevention, international law and an impunity-free Africa' Institute for Security Studies (ISS), ISS Occasional Paper No.27, August 2006.

Blinderman, EH 'The execution of Saddam Hussein –A legal analysis' in (2006) *Yearbook of International Humanitarian Law* 153.

Boister, N and Burchill, R 'The implications of the Pinochet decision for the extradition or prosecution of former South African heads of state for crimes committed under apartheid' (1999) 11 *African Journal of International and Comparative Law* 619.

Botha, N 'The basis of extradition: The South African perspective' (1991-1992) 17 South African Yearbook of International Law 131.

Burns, P 'An international criminal tribunal: The difficult union of principle and politics' (1994) 5(2-3) *Criminal Law Forum* 341.

Buzzard, L 'Holding an arsonist's feet to the fire: The legality and enforceability of the ICC's arrest warrant for Sudanese President Omar Al-Bashir' (2009) 24 *American University International Law Review* 897.

Caplan, LM 'State immunity, human rights and jus cogens: A critique of the normative hierarchy theory' (2003) 97 *American Journal of International Law* 741.

Carter, BE 'Immunity for foreign officials: Possibly too much and confusing as well' (2005) 99 *American Society International Law Proceedings* 230.

Cassese, A 'The Belgian Court of Cassation v The International Court of Justice: The Sharon and others case' (2003) 1 *Journal of International Criminal Justice* 437.

Cassese, A 'When may senior state officials be tried for international crimes? Some comments on the *Congo v Belgium Case*' (2002) 13(4) *European Journal of International Law* 855.

Cotton, DH and Odongo, GO 'The magnificent seven: Africa's response to US Article 98' (2007) 7 (2) *African Human Rights Law Journal* 1.

Dellapanna, JW 'Head-of-state immunity-Foreign Sovereign Immunities Act-Suggestion by the Department of State' (1994) 88 *American International Law Journal* 528.

Du Plessis, M 'The future of international criminal justice: Civil society, complementarity and the case of South Africa' (2010) 19 *African Security Review* 17.

Du Plessis, M 'Bringing the International Criminal Court home – the implementation of the Rome Statute of the International Criminal Court Act 2002' (2003) 16 South African Journal of Criminal Justice 2.



Du Plessis, M 'South Africa's implementation of the ICC Statute: An African example' (2007) 5 *Journal of International Criminal Justice* 460.

Fox, H 'State immunity and the international crime of torture' (2006) 2 European Human Rights Law Reports 142.

Fruilli, M 'The question of Charles Taylor's immunity -Still in search of a balanced application of personal immunities?' (2004) 2 *Journal of International Criminal Justice* 1118.

Gaeta, P 'Does President Al Bashir enjoy immunity from arrest?' (2009) 7 Journal of International Criminal Justice 315.

Gberie, L 'Africa and international criminal justice: Lessons from the Special Court for Sierra Leone' (2010) 19 *African Security Review* 31.

George, SV 'Head-of-state immunity in the United States Courts: Still confused after all these years' (1995) 64 Fordham Law Review 1051.

Gross, L 'The punishment of war criminals: The Nuremberg trial' (1955) 4 *Netherlands International Law Review* 1.

Handl, E 'Introductory note to the German Act to introduce the Code of Crimes against International Law' (2003) 42 *International Legal Materials* 995.

Hickey, CE 'The dictator, drugs and diplomacy by indictment: Head-of state immunity in *United States v Noriega*', Note, (1989) 4 *Connecticut Journal of International Law* 729.

Higgins, R 'Certain unresolved aspects of the law of state immunity' (1982) 29 Netherlands International Law Review 265.

Igwe, CS 'The ICC's favourite customer: Africa and international criminal law' (2008) XLI *The Comparative and International Law Journal of Southern Africa* 294.

Jackson, RH, Report to President Truman on the basis for trial of war criminals (1946) Temple Law Quarterly 19.

Jalloh, CC 'Universal jurisdiction, universal prescription? A preliminary assessment of the African Union perspective on universal jurisdiction' (2010) 21(1) *Criminal Law Forum* 1-65.

Katz, A 'An Act of transformation: The incorporation of the Rome Statute of the ICC into national law in South Africa' (2003) 12(4) *African Security Review* 27.



Koller, DS 'Immunities of foreign ministers: Paragraph 61 of the Yerodia judgment as it pertains to the Security Council and International Criminal Court' (2004) 20 *American University International Law Review* 7.

Kuwali, D 'From promise to practice: Towards universal jurisdiction to deter the commission of mass atrocities in Africa' (2010) 19 *African Security Review* 48.

Leuterpacht, H 'The problem of jurisdictional immunities of foreign states' (1951) 28 British Yearbook of International Law 265.

Luban, D 'A theory of crimes against humanity' (2004) 29 Yale Journal of International Law 85.

Mallory, JL 'Resolving the confusion over head of state immunity: The defined rights of Kings' (1986) 86 *Columbia Law Review* 169.

Maqungo, S 'The establishment of the International Criminal Court: SADC's participation in the negotiations' (2000) 9(1) *African Security Review* 42.

Mariam, YH 'The Quest for Justice and Reconciliation: The International Criminal Tribunal for Rwanda and the Ethiopian High Court' (1999) 22 *Hastings International and Comparative Law Review* 675.

Mayfield, JV 'The prosecution of war crimes and respect for human rights: Ethiopia's balancing Act' (1995) 9 *Emory International Law Review* 553.

McGregor, L 'State immunity and *jus cogens'* (2006) 55 *International and Comparative Law Quarterly* 437.

Moellendorf, D 'Amnesty, truth and justice: AZAPO' (1997) 13 South African Journal on Human Rights 283.

Morlai, PMH 'Evidence in international criminal trials: Lessons and contributions from the Special Court for Sierra Leone' (2009) 3 *African Journal of Legal Studies* 96.

Murungu, CB 'Judgment in the first case before the African Court of Justice and Human and Peoples' Rights: A missed opportunity or a mockery of international law in Africa? (2010) 3 *Journal of African and International Law* 187.

Murungu, CB 'Towards a Criminal Chamber in the African Court of Justice and Human Rights' (2011) *Journal of International Criminal Justice* (forthcoming).

Nanda, VP 'Human rights and sovereign individual immunities (sovereign immunity, act of state and Diplomatic immunity)-Some reflections' (1999) *ILSA Journal of International and Comparative Law* 467.



Newton, MA 'Implementing international law: A qualified defence of the Dujail trial' in (2006) *Yearbook of International Humanitarian Law* 117.

Niang, M 'The Senegalese legal framework for the prosecution of international crimes' (2009) 7 *Journal of International Criminal Justice* 1047.

Nouwen, SMH 'The Special Court for Sierra Leone and the immunity of Taylor: The Arrest Warrant case continued' (2005) 18 *Leiden Journal of International Law* 645.

Okuta, A 'National legislation for prosecution of international crimes in Kenya' (2009) 7 *Journal of International Criminal Justice* 1063.

Papillon, S 'Has the United Nations Security Council implicitly removed Al Bashir's immunity?' (2010) 10 *International Criminal Law Review* 275.

Pejic, J 'Accountability for international crimes: From conjencture to reality' (March, 2002) 84 (845) *International Review of the Red Cross* 24.

Scharf, M 'Chaos in the courtroom, controlling disruptive defendants and contumacious counsel in war crimes trials' (2007) 39 Case Western Reserve Journal of International Law 171.

Scott, P 'The Guatemalan genocide cases: Universal jurisdiction and its limits' (2009) 9 *Chicago-Kent Journal of International and Comparative Law* 100.

Sherman, MA 'An inquiry regarding international and domestic legal problems presented in United States v Noriega' Comment, (1989) 20(2) *Inter-American Law Review* 393-428.

Shreur, C and Swittich, 'Immunity v accountability: The ICJ's judgment in the Yerodia case' (2002) *International Law Forum* 117.

Sinclair, I 'The law of sovereign immunity: Recent developments' (1980) II Hague Recueil des Cours 113.

Smis, S and van der Borght, K 'Introductory note to Belgium's Amendment to the Law of June 16, 1993 (as amended by the Law of February 10, 1999) Concerning the Punishment of Grave Breaches of Humanitarian Law' (2003) 42 *International Legal Materials* 740.

Spiga, V 'Non-retroactivity of criminal law: A new chapter in the Hissein Habré saga' (2011) *Journal of International Criminal Justice* 1-19, advance access, doi: 10:1093/jicj/mqq081 (accessed 15 February 2011).

Stewart, DP 'Immunity and accountability: More continuity than change?'(2005) 99 *American Society International Law Proceedings* 227.



Stimson, HL 'The Nuremberg trial: Landmark in law' (1947) 25 Foreign Affairs 179.

Tiba, FK 'The Mengistu genocide trial in Ethiopia' (2007) 5 Journal of International Criminal Justice 513.

Tunks, MA 'Diplomats or defendants? Defining the future of head-of-state immunity' (2002) 52 *Duke Law Journal* 651.

Van der Vyver, JD 'Universal jurisdiction in international criminal law' (1999) 24 South African Yearbook of International Law 117.

Van Dijk, P 'The right of the accused to a fair trial under international law' (1983) SIM, Special No 1, 25.

Warbrick, C, Salgado, EM and Goodwin, N 'The Pinochet cases in the United Kingdom' in (1999) 2 Yearbook of International Humanitarian Law 91.

Watts, A 'The legal position in International law of heads of states, heads of governments and foreign ministers' (1994) III 247 *Hague Recueil des Cours* 35.

Wiley, WH 'The case of Taha Yaseen Ramadan before the Iraq High Tribunal: An insider's perspective' in (2006) *Yearbook of International Humanitarian Law*181.

Williams, S and Sherif, L 'The Arrest Warrant for President Al-Bashir: Immunities of incumbent heads of state and the International Criminal Court' (2009) 14 *Journal of Conflict and Security Law* 71.

Wouters, JJ 'The judgment of the International Court of Justice in the Arrest Warrant case: Some critical remarks' (2003) 16 Leiden Journal of International Law 265.

Zappalá, S 'Do heads of state in office enjoy immunity from jurisdiction for international crimes? The Ghaddafi case before the French *Cour de Cassation*' (2001) 12 *European Journal of International Law* 595.

Zappalá, S 'The reaction of the US to the entry into force of the ICC statute: Comments on UNSC Resolution 1422(2002) and Article 98(2) Agreements' (2003) 1 *Journal of International Criminal Justice* 114.

International cases

ICC

Prosecutor v Abd –Al-Rahman (Ali Kushayb), Case No. ICC-02/05-01/07, Warrant of Arrest for Ali Muhammad Al Abd –Al-Rahman, Pre-Trial Chamber I, 27 April 2007.



Prosecutor v Al Bashir, Case No. ICC-02/05-01/09 OA, Judgment on the Appeal of the Prosecutor against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir", Appeals Chamber, 3 February 2010.

Prosecutor v Al Bashir, Case No. ICC-02/05-01/09, 12 July 2010, Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir.

Prosecutor v Al Bashir, Case No. ICC-02/05-01/09, Second Decision on the Prosecution's Application for a Warrant of Arrest, Pre-Trial Chamber I, 12 July 2010.

Prosecutor v Al Bashir, Case No. ICC-02/05-01/09, Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir, Public Document, 12 July 2010.

Prosecutor v Al Bashir, Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Al Bashir, Case No. ICC-02/05-01/09, Public Reducted Version, Pre-Trial Chamber I, 4 March 2009.

Prosecutor v Al Bashir, Summary of Prosecutor's Application under Article 58, No.ICC-02-/05, Pre-Trial I, 14 July 2008.

Prosecutor v Al-Bashir, Case No. ICC-02/05-01/09, Warrant of Arrest for Omar Hassan Al-Bashir, Pre-Trial Chamber I, 4 March 2009.

Prosecutor v Bemba Gombo, Case No. ICC-01/05-01/08, Warrant of Arrest for Jean-Pierre Bemba Gombo Replacing the Warrant of Arrest issued on 23 May 2008, Pre-Trial Chamber III, 10 June 2008.

Prosecutor v Bemba Gombo, Case No.ICC-01/05-01/08, 'Application for Warrant of Arrest under Article 51 for Mr Jean-Pierre Bemba Gombo'.

Prosecutor v Bemba Gombo, Case No.ICC-01/05-01/08, 'Urgent Warrant of Arrest for Jean –Pierre Bemba Gombo' (Under seal), Pre-Trial Chamber III, 23 May 2008.

Prosecutor v Chui, Case No. ICC-01/04-02/07, Warrant of Arrest for Mathieu Ngudjolo Chui, 6 July 2007.

Prosecutor v Dyilo, Case No. ICC-01/04-01/06, Warrant of Arrest for Thomas Lubanga Dyilo, Pre-Trial Chamber I, 10 February 2006.

Prosecutor v Garda, Case No. ICC-02/05-02/09, Summons to Appear for Bahr Idriss Abu Garda (Public), Pre-Trial Chamber, 7 May 2009.

Prosecutor v Garda, Case No. ICC-02/05-02/09, Public Decision on the "Prosecution's Application for Leave to Appeal the Decision on the Confirmation of Charges", Pre-Trial Chamber, 23 April 2010.



Prosecutor v Harun and Al Abd-Al-Rahman, Case No.ICC-02/05-01/07, Pre-Trial Chamber I, 27 April 2007, Warrant of Arrest for Ahmad Harun.

Prosecutor v Harun and Al-Adl-Al-Rahman, Case No. ICC-02/05-01/07, 'Decision on the Prosecution Application under Article 58(7) of the Statute'.

Prosecutor v Jamus, Case No. ICC-02/05-03/09, Confidential Summons to Appear for Saleh Mohammed Jerbo Jamus, 27 August 2009.

Prosecutor v Katanga, Case No.ICC-02/04-01/07, Urgent Warrant of Arrest for Germain Katanga, Pre-Trail Chamber I, 2 July 2007.

Prosecutor v Kony, Case No. ICC-02/04-01/05, Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005, Pre-Trial Chamber II, 27 September 2005.

Prosecutor v Lukwiya, Case No. ICC-02/04-01/05, Warrant of Arrest for Raska Lukwiya, Pre-Trial Chamber II, 8 July 2005.

Prosecutor v Muthaura, Kenyatta and Ali, Case No. ICC-01/09-02/11, Decision on the Prosecutor's Application for Summons to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, Pre-Trial Chamber, 8 March 2011.

Prosecutor v Nourain and Jamus, Case No. ICC-02/05-03/09, Pre-Trial Chamber I, 17 June 2010, Transcrit (ICC-02/05-03/09-T-4-ENG ET WT 17-06-2010 1/27 SZ PT).

Prosecutor v Nourain and *Jamus*, Case No. ICC-02/05-03/09, Pre-Trial Chamber I, Second Decision on the Prosecutor's Application under Article 58, 27 August 2009.

Prosecutor v Nourain, Case No. ICC-02/05-03/09, Confidential Summons to Appear for Abdallah Banda Abakaer Nourain, 27 August 2009.

Prosecutor v Ntaganda, Case No. ICC-01/04-01/06, Warrant of Arrest, Pre-Trial Chamber I, 22 August 2006.

Prosecutor v Odhiambo, Case No. ICC-02/04-01/05, Warrant of Arrest for Okot Odhiambo, Pre-Trial Chamber II, 8 July 2005.

Prosecutor v Ongwen, Case No.ICC-02/04-01/05, Warrant of Arrest for Dominic Ongwen, Pre-Trial Chamber II, 8 July 2005.

Prosecutor v Otti, Case No. ICC-02/04-01/05, Warrant of Arrest for Vincent Otti, 8 July 2005, Pre-Trial Chamber II.



Prosecutor v Ruto, Kosgey and *Sang*, Case No. ICC-01/09-01/11-01, Decision on the Prosecutor's Application for Summons to Appear for William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang, 8 March 2011.

Situation in Kenya, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Kenya, Public Document, No. ICC-01/09, 31 March 2010.

Situation in Kenya, Public Reducted Version of Document ICC-01/09-30-Conf-Exp, Prosecutor's Application Pursuant to Article 58 as to William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang, Case No. ICC-01/09, 15 December 2010, 1-79.

Situation in Kenya, Public Reducted Version of Document ICC-01/09-31-Conf-Exp, Prosecutor's Application Pursuant to Article 58 as to Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, Case No. ICC-01/09, 15 December 2010, 1-80.

Situation in the Libyan Arab Jamahiriya, Prosecutor's Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi, No. ICC-01/11, Public Redacted Version, Pre-Trial Chamber I, 16 May 2011.

ICTY

Prosecutor v Blagojević, Case No. IT-02-60-T, Order In re Defence's Request for the Issuance of Subpoenas ad Testificandum, Orders for Safe Conduct and an Order for the Service and Execution of the Subpoenas and Orders for Safe Conduct, 5 May 2004.

Prosecutor v Blaškić, Case No. IT-95-14, Judgment on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997, 29 October 1997, Appeals Chamber.

Prosecutor v Blaškić, Case No. IT-95-14-T, Decision of the President on the Motion filed pursuant to Rule 64, 3 April 1996.

Prosecutor v Blaškić, Case No.IT-95-14-PT, Decision on the Admissibility of the Request for Review by the Republic of Croatia of an Interlocutory Decision of a Trial Chamber (Issuance of Subpoenae Duces Tecum) and Scheduling Order, 29 July 1997, Appeals Chamber.

Prosecutor v Blaškić, Case No.IT-95-14-PT, Decision on the Objection of the Republic of Croatia to the issuance of Subpoenae Duces Tecum, Trial Chamber II, 18 July 1997.

Prosecutor v Brdanin and Talić, Case No. IT-99-36-T, Subpoena ad Testificandum, 17 July 2003.



Prosecutor v Dokmanović, Case No. IT-95-13a, Trial Chamber of ICTY, 22 October 1997.

Prosecutor v Furundžija, Case No.IT-95-17/1-T, Trial Chamber of ICTY, Judgment, 10 December 1998.

Prosecutor v Hadžihasanović, Alagić and Kubura, Case No. IT-01-47-1AR72, Decision on Interlocutory Appeal Challenging Jurisdiction in Relation to Command Responsibility, Appeals Chamber of ICTY, 16 July 2003.

Prosecutor v Halilović, Case No.IT-01-48-AR73, Decision on the Issuance of Subpoenas, Appeals Chamber of ICTY, 21 June 2004.

Prosecutor v. Halilović, Case No. IT-01-48-T, Decision on Prosecution's Motion for Issuance of a Subpoena Ad Testificandum and Order for Lifting *Ex Parte* Status, 8 April 2005.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Decision on Accused Motion for Inspection and Disclosure, 9 October 2008.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Decision on Appellant Radovan Karadzic's Appeal Concerning Holbrooke Agreement Disclosure, ICTY Appeals Chamber, 6 April 2009.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Karadzic's Motion for Leave to Reply and Reply Brief: Motion for Inspection and Disclosure: Holbrooke Agreement, 28 November 2008.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Motion for Inspection and Disclosure: Immunity Issue, 6 October 2008.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Motion for Inspection and Disclosure: Holbrooke Agreement, 6 November 2008.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Official Submission Concerning My First Appearance and My Immunity Agreement with the USA, 6 August 2008.

Prosecutor v Karadžić, Case No. IT-95-5/18-PT, Prosecution's Response to the Karadzic's Motion for Inspection and Disclosure, 19 November 2008.

Prosecutor v Karadžić, Case No. IT-95-5/18-T, Decision on Appointment of Counsel and Order on Further Trial Proceedings, Trial Chamber of ICTY, 5 November 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-PT, Appeal of the Decision Concerning Holbrooke Agreement Disclosure, 28 January 2009, ICTY Appeals Chamber.



Prosecutor v Karadžić, Case No.IT-95-5/18-PT, Decision on the Accused's Holbrooke Agreement Motion, 8 July 2009, Trial Chamber of ICTY.

Prosecutor v Karadžić, Case No.IT-95-5/18-PT, Third Amended Indictment, 27 February 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, 'Preliminary Motion to Dismiss Paragraph 60(k) for Lack of Jurisdiction', of 10 March 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, 'Preliminary Motion to Dismiss Joint Criminal Enterprise III –Foreseeability', of 16 March 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, 'Preliminary Motion to Dismiss Count 11 for Lack of Jurisdiction', 18 March 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, 'Preliminary Motion on Lack of Jurisdiction concerning Omission Liability', 25 March 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, 'Preliminary Motion to Dismiss JCE III – Special intent Crimes' 27 March 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, 'Preliminary Motion on Lack of Jurisdiction: Superior Responsibility', 30 March 2009.

Prosecutor v Karadžić, Case No.IT-95-5/18-T, Decision on the Accused's Motion Challenging the Legal Validity and Legitimacy of the Tribunal, 7 December 2009.

Prosecutor v Kordić and Mario Cerkez, Case No. IT-95-14/2, Decision on Appeal Regarding Statement of a Deceased Witness, Appeals Chamber, ICTY, 21 July 2000.

Prosecutor v Krajišnik, Case No. IT-00-39-A, Decision on Momcilo Krajišnik's Request to Self-Represent, 11 May 2007.

Prosecutor v Krajišnik, Case No. IT-00-39-A, Decision on Momcilo Krajišnik's Request to Self-Represent, 11 May 2007, Fundamental Dissenting Opinion of Judge Schomburg, on the Decision on Momcilo Krajišnik's Request to Self-Represent.

Prosecutor v Krajišnik, Case No.IT-00-39-AR73.2, Decision on Krajišnik's Appeal Against the Trial Chamber's Decision Dismissing the Defence Motion for a Ruling that Judge Canivell is Unable to Continue Sitting in the Case, 15 September 2006.

Prosecutor v Krštić, Case No.IT-98-33-A, Decision on Application for Subpoenas, Appeals Chamber, 1 July 2003.

Prosecutor v Kunarać, Kovać and Vuković, Case No. IT-96-23 –T and IT-96-23/1-T, Trial Chamber of ICTY, Judgment, 22 February 2001.



Prosecutor v Kuperškic et al, Case No. IT-95-16-T, Trial Chamber II, Judgment of 14 January 2000.

Prosecutor v Martić, Case No. IT-95-11-PT, Decision on the Prosecution's Additional Filing Concerning 3 June 2005 Prosecution Motion for Subpoena, 16 September 2005.

Prosecutor v Milošević, Case No IT-02-54-T, 14 March 2006, 'Order Terminating the Proceedings.'

Prosecutor v Milošević, Case No. IT-02-54-AR73.7, Decision on Interlocutory Appeal of the Trial Chamber's Decision on the Assignment of Defence Counsel, ICTY Appeals Chamber, 1 November 2004.

Prosecutor v Milošević, Case No. IT-02-54-T, (Amended indictment), 21 April 2004.

Prosecutor v Milošević, Case No. IT-02-54-T, Amended Indictment "Bosnia and Herzegovina", 22 November 2002.

Prosecutor v Milošević, Case No. IT-02-54-T, Second Amended Indictment 'Kosovo", 16 October 2001.

Prosecutor v Milošević, Case No. IT-02-54-T, Decision on Assigned Counsel Application for Interview and Testimony of Tony Blair and Gerhard Schroder, Trial Chamber of ICTY, 9 December 2005.

Prosecutor v Milošević, Case No. IT-02-54-T, Decision on the Prosecution's Application for Issuance of a Subpoena ad Testificandum for Witness K33 and Request for Judicial Assistance Directed to the Federal Republic of Yugoslavia, 5 July 2002.

Prosecutor v Milošević, Case No. IT-02-54-T, Request for Binding Order to be Issued to the Government of the United Kingdom for the Cooperation of a Witness pursuant to Rule 54bis, 18 August 2005.

Prosecutor v Milošević, Case No. IT-02-54-T, Request for Binding Order to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses pursuant to Rule 54bis, 26 August 2005.

Prosecutor v Milošević, Case No. IT-02-54-T, Second Amended Indictment "Croatia", 28 July 2004.

Prosecutor v Milošević, Case No. IT-99-37-PT, Decision on Preliminary Motions, Trial Chamber, 8 November 2001.

Prosecutor v Milošević, Case No.IT-02-54-T, Reasons for Decision on the Prosecution Motion Concerning Assignment of Counsel, 4 April 2003.



Prosecutor v Milošević, Case No.IT-02-54-T, Transcript, Initial appearance, 3 July 2001. *Prosecutor v Milošević*, Case No.IT-02-54-T, Transcript, Second appearance, 30 August 2001.

Prosecutor v Milutinović, Šainović, Ojdanić, Pavković, Lazarević and Lukić, Case No. IT-05-87-PT, Third Amended Joinder Indictment, 26 June 2006.

Prosecutor v Milutinović, Šainović, Ojdanić, Pavković, Lazarević and Lukić, Case No. IT-05-87-T, Trial Chamber, Judgment, 26 February 2009.

Prosecutor v Šešelj, Case No. IT-03-67-PT, Decision on Prosecution's Motion for Order Appointing Counsel to Assist Vojislav Šešelj with his Defence, 9 May 2003.

Prosecutor v Šešelj, Case No.IT-03-67-AR73.3, Decision on Appeal Against the Trial Chamber's Decision on Assignment of Counsel, ICTY Appeals Chamber, 20 October 2006.

Prosecutor v Šešelj, Case No.IT-03-67-PT, Decision on Assignment of Counsel, 21 August 2006.

Prosecutor v Strugar, Case No. IT-01-42-T, Subpoena ad Testificandum, 28 June 2004.

Prosecutor v Tadić, Case No. IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995.

Prosecutor v Tolimir, Case No. IT-05-88/2, Case Information Sheet, ICTY Trial Chamber II, 26 February 2010.

Prosecutor v Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić et al, Case No. IT-95-16-T, Trial Chamber of ICTY, Judgment, 14 January 2000.

ICTR

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Defence Request to Correct Errors in Decision on Subpoena for Major Biot, Trial Chamber I, 29 August 2006.

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Kabiligi Motion for Cooperation of the Government of France and Subpoena of Former Officers, Trial Chamber I, 31 October 2006.

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Ntabakuze Motion for Information from the UNHCR and a Meeting with one of its Officials, Trial Chamber I, 6 October 2006.



Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Ntabakuze Motion for Reconsideration of Denial of Issuance of Subpoena to a United Nations Official, Trial Chamber I. 12 December 2006.

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Request for Cooperation of the Government of France, Trial Chamber I, 6 October 2006.

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Request for Subpoena of Ami R Mpungwe, Trial Chamber I, 19 October 2006.

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Request to the Kingdom of the Netherlands for Cooperation and Assistance, Trial Chamber, 7 February 1995.

Prosecutor v Bagosora et al, Case No. ICTR-98-41-T, Decision on Request to the Kingdom of Belgium for Assistance pursuant to Article 28 of the Statute, Trial Chamber I, 21 September 2006.

Prosecutor v Bagosora et al, Decision on Bagosora Defence Request for Subpoena of Ambassador Mpungwe and Cooperation of the Government of the United Republic of Tanzania, Trial Chamber, 26 August 2006.

Prosecutor v Bagosora et al, Decision on Defence's Request for a Subpoena Regarding Mamadou Kane, Trial Chamber of ICTR, 22 October 2004.

Prosecutor v Bagosora et al, Decision on Motion Requesting Subpoenas to Compel the Attendance of Defence Witnesses DK 32, DK 39, DK 51, DK 52, DK 311 and DM 24, Trial Chamber of ICTR, 26 April 2005.

Prosecutor v Bagosora et al, Decision on Prosecutor's Request for a Subpoena Regarding Witness BT, Trial Chamber, 25 August 2004.

Prosecutor v Bagosora et al, Decision on Request for a Subpoena Compelling Witness DAN to Attend for Defence Cross-Examination, Trial Chamber of ICTR, 31 August 2006.

Prosecutor v Bagosora et al, Decision on Request for a Subpoena for Major Jacques Biot, Trial Chamber of ICTR, 14 July 2006.

Prosecutor v Bagosora et al, Decision on Request for a Subpoena, Trial Chamber of ICTR, 11 September 2006.

Prosecutor v Bagosora et al, Decision on Request for Subpoena of Major General Yaache and Cooperation of the Republic of Ghana, Trial Chamber, 23 June 2004.



Prosecutor v Bagosora, Case No. ICTR-98-41-T, ICTR Trial Chamber, Decision on request for a subpoena for Major J. Biot.

Prosecutor v Bagosora, Kabiligi, Ntabakuze and Nsengiyumva, Case No. ICTR-98-41-T, Decision on Request for Subpoenas of United Nations Officials, 'Request for Subpoenas of Kofi Annan, Iqbal Riza, Shaharyar Khan and Michel Hourigan Pursuant to Rule 54' of 25 August 2006, Trial Chamber I, Decision of 6 October 2006.

Prosecutor v Barayagwiza, Case No. ICTR-97-19-A, Decision of the Appeals Chamber of ICTR, 3 November 1999.

Prosecutor v Kambanda, Case No.ICTR-97-23-S, Trial Chamber I, ICTR, Judgment and Sentence, 4 September 1998.

Prosecutor v Kanyabashi, Case No.ICTR-96-15-T, Decision on the Defence Motion on Jurisdiction, Trial Chamber of ICTR, 18 June 1997.

Prosecutor v Karemera et al, Case No.ICTR-98-44-T, Decision on Defence Motion for Issuance of Subpoena to Witness T, Trial Chamber of ICTR, 8 February 2006.

Prosecutor v Karemera et al, Decision on Nzirorera's Ex Parte Motion for Order for Interview of Defence Witnesses NZ1, NZ2, Trial Chamber of ICTR, 12 July 2006.

Prosecutor v Karemera, Ngirumpatse and Nzirorera, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Motions for Subpoena to Leon Mugesera and President Paul Kagame, Trial Chamber III, 19 February 2008.

Prosecutor v Karemera, Ngirumpatse and Nzirorera, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Application for Certification to Appeal Decision on Joseph Nzirorera's Motion for Subpoena to President Paul Kagame, 15 May 2008.

Prosecutor v Karemera, Ngirumpatse and Nzirorera, Case No. ICTR-98-44-T, Application for Certification to Appeal Joseph Nzirorera's Motion for Subpoena to President Paul Kagame, filed on 25 February 2008.

SCSL

Prosecutor v Kallon, Norman and Kamara, Case No.SCSL-2004-14-AR 72E, Decision on Constitutionality and Lack of Jurisdiction: Lomé Accord Amnesty, Appeals Chamber, 13 March 2004.

Prosecutor v Norman, Fofana and Kondewa, Case No. SCSL-04-14-T, Decision on Motions by Moinina Fofana and Sam Hinga Norman for the Issuance of a Subpoena Ad Testificandum to H.E Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone, Trial Chamber I, 13 June 2006.



Prosecutor v Norman, Fofana and Kondewa, Case No. SCSL-04-14-T, Dissenting Opinion of Hon. Justice Bankole Thompson on Decisions on Motions by Moinina Fofana and Sam Hinga Norman for the Issuance of a Subpoena Ad Testificandum to H.E Alhaji Dr Ahmed Tejan Kabbah, President of the Republic of Sierra Leone.

Prosecutor v Norman, Fofana and Kondewa, Case No. SCSL-04-14-T, Decision on Motions by the First and Second Accused for Leave to Appeal the Chamber's Decision on their Motions for the Issuance of a Subpoena to the President of the Republic of Sierra Leone, 29 June 2006.

Prosecutor v Norman, Fofana and Kondewa, Case No. SCSL-04-14-T, Separate Concurring Opinion of Hon. Justice Benjamin Mutanga Itoe on the Chamber Majority Decision on Motions, 13 June 2006.

Prosecutor v Norman, Fofana and Kondewa, SCSL-04-14-T, Dissenting Opinion of Judge Geoffrey Robertson against the decision of the Appeals Chamber of SCSL.

Prosecutor v Norman, Fofana and Kondewa, SCSL-04-14-T, Fofana Motion for Issuance of a Subpoena *Ad Testificandum* to President Ahmad Tejan Kabbah, 15 December 2005.

Prosecutor v Norman, Fofana, Kondewa, Case No. SCSL-04-14-T, Decision on the Application of Samuel Hinga Norman for Self-Representation under Article 17(4) (d) of the Statute of the Special Court, Trial Chamber, 8 June 2004.

Prosecutor v Norman, Fofana, Kondewa, Case No.SCSL-04-14-T, Transcript, 10 June 2004.

Prosecutor v Norman, SCSL, Case No. (SCSL-2003-08-PT), Decision on the Defence Preliminary Motion on Lack of Jurisdiction: Command Responsibility, 15 October 2003.

Prosecutor v Norman, SCSL, Case No. (SCSL-2003-08-PT), Defence Preliminary Motion on Lack of Jurisdiction: Command Responsibility, of 26 June 2003.

Prosecutor v Sesay, Kallon and Gbao, Case No. SCSL-04-15-T, Trial Chamber I, 30 June 2008, A Separate Concurring Opinion of Hon. Justice Benjamin Mutanga Itoe on the Chamber's Unanimous Written Reasoned Decision on the Motion for the Issuance of a Subpoena to H.E. Dr Ahmad Tejan Kabbah, former President of the Republic of Sierra Leone.

Prosecutor v Sesay, Kallon and Gbao, Case No. SCSL-04-15-T, Written Reasoned Decision on Motion for Issuance of a Subpoena to H.E. Dr. Ahmad Tejan Kabbah, Former President of the Republic of Sierra Leone, Trial Chamber I, 30 June 2008.

Prosecutor v Taylor, Case No. SCSL-03-1-T, Decision on Public with Confidential Annexes A and B, Prosecution Motion to call Three Additional Witnesses, Trial Chamber, 29 June 2010.



Prosecutor v Taylor, Case No. SCSL-2003-01-I, 'Applicant's Motion made under Protest and without waiving of Immunity accorded to a Head of State President Charles Ghankay Taylor requesting that the Trial Chamber do quash the said approved Indictment of 7th March 2004 of Judge Bankole Thompson and that the aforesaid purported Warrant of Arrest and Order for Transfer and detention of the same date issued by Judge Bankole Thompson of the Special Court for Sierra Leone, and all other consequential and related ORDER(S) granted thereafter by either the said Judge Bankole Thompson OR Judge Pierre Boutet on 12th June 2003 against the person of the said President Charles Ghankay Taylor be declared null and void, invalid at their inception and that they be accordingly cancelled, and, or set aside as a matter of Law', of 23 July 2003.

Prosecutor v Taylor, Case No. SCSL-2003-01-I, Transcript, 10 November 2009.

Prosecutor v Taylor, Case No.SCSL-2003-01-I, Amended Indictment, 16 March 2006, Case Summary Accompanying the Amended Indictment.

Prosecutor v Taylor, Case No.SCSL-2003-01-I, Decision on Immunity from Jurisdiction, Appeals Chamber of the SCSL, (31 May 2004).

Prosecutor v Taylor, Case No.SCSL-2003-01-PT, Trial Chamber II, Initial appearance, Monday, 3 April 2006, (Transcript).

ICJ

Armed Activities on the Territory of the Congo (New Application 2002) (*Democratic Republic of the Congo v Rwanda*), Judgment of 3 February 2006.

Asylum Case, (Colombia v Peru), Judgment, 20 November 1950, (1950) ICJ Reports 266.

Case Concerning Certain Criminal Proceedings in France (*Republic of the Congo v France*), Request for the Indication of a Provisional Measure, Order of 17 June 2003, ICJ Reports 2003.

Case Concerning Military and Paramilitary Activities in and against Nicaragua, (*Nicaragua v USA*), Judgment, 27 June 1986, (1986) ICJ Reports 14.

Case Concerning Questions relating to the Obligation to Prosecute or Extradite (*Belgium v Senegal*), Request for the Indication of Provisional Measures, Order of 28 May 2009, ICJ General List No.144.

Case Concerning the Application of the Convention on the Prevention and Prohibition of the Crime of Genocide (*Bosnia and Herzegovina v Serbia and Montenegro*), Judgment of 26 February 2007, ICJ Reports (2007).



Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v Yugoslavia*), ICJ Reports (1996).

Case Concerning the Application of the Convention on the Prevention and Punishment of Genocide (*Bosnia Herzegovina v Serbia and Montenegro*), ICJ Reports (2007).

Case Concerning the Arrest Warrant of 11 April 2000 (The Democratic Republic of Congo v Belgium), 2002 ICJ Reports, 14 February 2002.

Case Concerning the Arrest Warrant of 11 April 2000 (*The Democratic Republic of Congo v Belgium*), 2002 ICJ Reports, 14 February 2002, Dissenting Opinion of Judge Christine Van Den Wyngaert.

Case Concerning the Barcelona Traction, Light and Power Company, Limited (*Belgium v Spain*), Second Phase, Judgment of 5 February 1970, ICJ Reports 1970.

Certain Expenses of the United Nations, Advisory Opinion, ICJ Reports (1962) 151.

Dissenting Opinion of Judge Jean Yves De Cara in the Case Concerning Certain Criminal Proceedings in France (*Republic of the Congo v France*), *Provisional Measures*, Order of 17 June 2003, (2003) ICJ Reports 102.

Effects of Awards of Compensation made by the United Nations Administrative Tribunal Case, Advisory Opinion of the ICJ of 13 July 1954, ICJ Reports (1954).

North Sea Continental Shelf (Federal Republic of Germany v Denmark; Federal Republic of Germany v Netherlands), Judgment, 20 February 1969, (1969) ICJ Reports 3.

Reparations for Injuries Suffered in the Service of the United Nations Case, Advisory Opinion, (1949) ICJ Reports 174.

Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, (1951) ICJ Reports 15.

The Tokyo Tribunal

USA and Others v Araki and Others, Concurring Opinion of the Member of the Philippines, Hon. Mr Justice Delfin Jaranila, 1 November 1948, reprinted in Neil Boister, N and Cryer, R (Eds), (2008) Documents on the Tokyo International Military Tribunal: Charter, Indictment and Judgments, Oxford University Press: Oxford, 643-659.

USA and Others v Araki and others, Dissenting Judgment of the Member of France, 12 November 1948, reprinted Neil Boister, N and Cryer, R (Eds), (2008) *Documents on the Tokyo International Military Tribunal: Charter, Indictment and Judgments*, Oxford University Press: Oxford, 662-677.



USA and Others v Araki and Others, Opinion of the Member from The Netherlands, Mr Justice Röling, reprinted in Neil Boister, N and Cryer, R (Eds), (2008) Documents on the Tokyo International Military Tribunal: Charter, Indictment and Judgments, Oxford University Press: Oxford, 680-707.

USA and Others v Araki and Others, Separate Opinion of the President of the Tokyo Tribunal, 1 November 1948, reprinted in Neil Boister, N and Cryer, R (Eds), (2008) Documents on the Tokyo International Military Tribunal: Charter, Indictment and Judgments, Oxford University Press: Oxford, 632-639.

The Nuremberg Tribunal

Nuremberg Judgment, International Military Tribunal, 1946, reprinted in (1947) 41 *American Journal of International Law* 172.

International and regional human rights courts

Al-Adsani v United Kingdom, (2001) 34 European Human Rights Reports 273.

Al-Adsani v United Kingdom, ECHR, European Court of Human Rights 2001-IX 79, 21 November 2001, (Dissenting Opinion of Judges Rozaskis and Caflisch joined by Judges Wildhaber, Costa, Cabral Barreto and Vijić).

Bouzari v Islamic Republic of Iran 124 ILR 427.

Communication No.181/2001, *Suleymane Guengueng et al v Senegal*, Decision of the Committee against Torture under Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Thirty-sixth session, CAT/C/36/D/181/2001, 19 May 2006.

Greek Citizens v Federal Republic of Germany (The Distomo Massacre case), (2003) 42 ILM 1030.

In the Matter of Michelot Yogogombaye v The Republic of Senegal, Application No. 001/2008, African Court on Human and Peoples' Rights, Judgment, 15 December 2009.

Hissein Habré c. République du Sénégal, (ECW/CCJ/JUD/06/10), Judgment of 18 November 2010.

International and regional treaties

African Charter on Democracy, Elections and Governance, Adopted by the 8th Ordinary Session of the Assembly of the AU, Addis Ababa, Ethiopia, 30 January 2007.



African Charter on Human and Peoples' Rights, 1981, CAB/LEG/67/3 Rev.5, 21 ILM 58(1982).

African Non-Aggression and Common Defence Pact, adopted in Abuja, Nigeria, on 31 January 2005.

Agreement by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics for the Prosecution and Punishment of the Major War Criminals of the European Axis, 8 UNTS 279.

Charter of the International Military Tribunal for the Far East, 1946, TIAS No. 1589.

Charter of the International Military Tribunal, 1945, 82 UNTS 279.

Charter of the United Nations, 1945, 1 UNTS XVI, TS 993, 59.

Constitutive Act of the African Union, 2000, Doc CAB/LEG/23.15 (2001).

Convention Against Torture, Adopted by the General Assembly of the United Nations on 10 December 1984, General Assembly Resolution 39/46 of 10 December 1984, UNTS, Vol. 1465, No. I-24841, (entered into force on 26 June 1987).

Convention for Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, (1950) 75 UNTS 31.

Convention for the Amelioration of the Condition of the Wounded and Sick and Shipwrecked Members of Armed Forces at Sea, (1950) 75 UNTS 85.

Convention Relative to the Protection of Civilian Persons in the Time of War, 12 August 1949, 75 UNTS 287 (1950).

Convention Relative to the Treatment of Prisoners of War, (1950) 75 UNTS 135.

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, Adopted by the General Assembly of the United Nations on 26 November 1968, General Assembly Resolution 2391 (XXIII) of 26 November 1968; UNTS, Vol. 754, No. I-10823, (entered into force on 11 November 1970).

Convention on the Prevention and Punishment of the Crime of Genocide, Approved by the General Assembly of the United Nations, on 9 December 1948. General Assembly Resolution 260 A (III) of 9 December 1948, UNTS, Vol. 78, No. I-1021, (entered into force on 12 January 1951), (1951) 78 UNTS 227.



Convention on the Suppression and Punishment of Apartheid, Adopted and opened for Signature, ratification by the General Assembly Resolution 3068(XXVIII) of 30 November 1973. The Convention entered into force on 18 July 1976, in accordance with article XV.

European Convention on State Immunity of 1972, entered into force on 11 June 1976.

European Convention on the Non-Applicability of Statutory Limitations to Crimes Against Humanity and War Crimes, European Treaty Series, No.82, 25 January 1974, (1974) 13 ILM 540, Reports of the Consultative Assembly of the Council of Europe on the applicability of Statutes of Limitation to War Crimes and Crimes Against Humanity (Doc. 1868 of 27 January 1965 and Doc. 2506 of 15 January 1969).

International Convention on the Suppression and Punishment of the Crime of Apartheid, Adopted and opened for Signature, ratification by the General Assembly Resolution 3068(XXVIII) of 30 November 1973. The Convention entered into force on 18 July 1976, in accordance with article XV.

International Covenant on Civil and Political Rights, 1966, (1976) 999 UNTS 171.

Proclamation by the Supreme Commander for the Allied Powers, Tokyo, 19 January 1946.

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3.

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 UNTS 609.

Protocol on Amendments to the Constitutive Act of the African Union, 2003, adopted in Maputo, Mozambique on 11 July 2003.

The Versailles Peace Treaty, 28 June 1919, TS No.4.

The Vienna Convention on the Law of Treaties, signed at Vienna on 23 May 1969, entered into force on 27 January 1980.

Universal Declaration of Human Rights, 1948, Resolution 217 A (III), UN Doc A/81091, UN General Assembly, 1948.



Statutes of international courts

Finalised Draft Rules of Procedure and Evidence of the International Criminal Court, Adopted on 30 June 2000, PCNICC/2000, Reissued as PCNICC/2000/1/Add.1.

Rome Statute of the International Criminal Court, Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, 17 July 1998, A/CONF. 183/9 (1998).

Rules of Procedure and Evidence of the ICTY, 43rd Version, IT/32/Rev.43, 22 July 2009.

Rules of Procedure and Evidence of the ICTR, Adopted on 29 June 1995, as amended until 1 October 2009.

Rules of Procedure and Evidence of the SCSL, as amended on 27 May 2008.

Statute of ICTR, UNSC Res. 955 of 8 November 1994, Annex, (2002) 2178 UNTS 138.

Statute of the ICTY, UNSC Res. 808 of 22 February 1993 and UNSC. Res. 827 of 25 May 1993, Annex.

Statute of the SCSL, UNSC Res.1315 (2000) of 14 August 2000, UN. Doc.S/RES/1315, Annex.

Other United Nations documents and reports

Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone (16 January 2002), UNSC Res. 246, UN. Doc. S/2002/246.

Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, Done at Phnom Penh on 6 June 2003.

Committee against Torture, 34th Session, Summary of Record of 646th Meeting, 6 May 2005, (CAT/C/SR.646/Add.1).

Draft Articles on Diplomatic and Consular Relations, *Yearbook of the International Law Commission*, 1958, Vol. II.

Draft Articles on Special Missions, Yearbook of the International Law Commission, 1967, Vol. II.



Draft Articles on Jurisdictional Immunities of States and Their Property, Work of the International Law Commission, 2004, Vol. I, United Nations, New York.

Draft Articles on the Prevention and Punishment of Crimes against Diplomatic Agents and other Internationally Protected Persons, *Yearbook of the International Law Commission*, 1972, Vol. II.

Draft Articles on the Representation of States in their Relations with International Organisations, *Yearbook of the International Law Commission*, 1971, Vol. I, p. 287, Yearbook of the International Law Commission, 1971, Vol. II.

General Comment No.32, Article 14: Right to equality before courts and tribunals and to a fair trial', UN Doc. CCPR/C/GC/32.

'Human Rights in Palestine and other Occupied Arab Territories' Report of the United Nations Fact- Finding Mission on the Gaza Conflict, A/HRC/12/48, Human Rights Council, Twelfth Session, Agenda Item 7, 25 September 2009.

ILC, 'Provisional Agenda for the Sixty-first Session', Geneva, 4 May- 5 June, and 6 July -7 August 2009, UN General Assembly, UN. Doc. A/CN.4/605, Agenda item No.8.

ILC, 2940th meeting on 27 July 2007, Official Records of the General Assembly, Sixtysecond Session, Supplement No. 10 (A/62/10).

ILC, Fifth Report on the Draft Code of Offences against the Peace and Security of Mankind, by Mr. Doudou Thiam, Special Rapporteur, UN. Doc.A/CN.4/404, *Yearbook of the International Law Commission*, 1987, Vol.II (Part 1), UN.Doc. A/CN.4/SER.A/1987/Add.1.

ILC, Official Records of the General Assembly, Sixty-third Session, Supplement No.10 (A/63/10), (UN Doc.A/RES/63/123), Agenda item No.75.

ILC, Report of the International Law Commission to the General Assembly on the Work of its Thirty-Eighth Session, *Yearbook of the International Law Commission*, 1986, Vol. II.

ILC, Report on the Work of its 60th Session (5 May to 6 June and 7 July to 8 August 2008), General Assembly, Official Records, Sixty-third Session, Supplement No. 10 (2008), (A/63/10).

International Court of Justice, 'Work in 2008-2009' in (2009) 22 Hague Yearbook of International Law 138-139.

International Criminal Court, 'Fifth Annual Report, August 2008-July 2009' (2009) *Hague Yearbook of International Law* 141-158.



Report of the Commission of Experts established pursuant to Resolution 935(1994), transmitted by the Secretary-General's letter of 1 October 1994, UN.Doc. S/1994/1125.

Report of the Group of Experts for Cambodia established pursuant to the General Assembly Resolution 52/135, 18 February 1999 "Human Rights Questions: Human Rights Questions, Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms", General Assembly Security Council, Fifty-Third Session, Agenda Item 110(b).

Report of the Group of Experts for Cambodia established pursuant to the General Assembly Resolution 52/135, 18 February 1999, Annexed to the Report of the Secretary-General to both the Security Council and the General Assembly.

Report of the International Law Commission Covering its Second Session, 5 June-29 July 1950, Document A/1316,11-14, *Yearbook of the International Law Commission*, 1950, Vol. II.

Report of the International Law Commission on the Work of its Forty-Eighth Session, 6 May – 26 July 1996, UN Doc. A/51/10, *Yearbook of the International Law Commission*, 1996, Vol. II.

Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, 1 October 2010, United Nations, Office of the High Commissioner for Human Rights.

Report of the Planning Group of the International Law Commission, International Law Commission in its fifty-eighth Session, Geneva, 2 August 2006, United Nations General Assembly, (Doc. A/CN.4/L.704).

Report of the Preparatory Committee on the Establishment of an International Criminal Court, Volume 1, (Proceedings of the Preparatory Committee during March-April and August 1996), United Nations General Assembly, 51 Session, Supplement No.22, Doc A/51/22 (1996).

Report of the Preparatory Committee on the Establishment of an International Criminal Court, A/AC.249/1998/DP.6.

Report of the Secretary-General Pursuant to Paragraph 2 of the Security Council Resolution 808 (1993), UN Doc. S/25704 (1993).

Report of the Working Group on General Principles of Criminal Law and Penalties, (A/AC.249/1997/WG.2/CRP.2/Add.1).

Reports of the Secretary-General pursuant to paragraph 3 of Resolution 935(1994) of 1 July 1994 (UN. Doc. S/194/879 and UN.Doc.S/1994/1157, Annex I and II.



The Draft Code of Crimes against the Peace and Security of Mankind (July 1991), International Law Commission Report on the Draft Code of Crimes against the Peace and Security of Mankind, 19 July 1991, (UN.GAOR. Supp. No.10, UN. Doc. (A/46/10).

The Draft Code of Offences against the Peace and Security of Mankind (1954), International Law Commission Draft Code of Offences Against the Peace and Security of Mankind, 28 July 1954, 9 UN. GAOR Supp. (No. 9), UN Doc. A/2693(1954), *Yearbook of the International Law Commission*, 1954, Vol. II.

The Draft Declaration on the Rights and Duties of States, art 2 and its commentary, *Yearbook of the International Law Commission*, 1949.

The Draft Principles of International Law Recognised in the Charter of the Nuremberg Tribunal, draft principle III and its commentary, Report of the International Law Commission covering its Second Session, 5 June-29 July 1950, Document A/1316, *Yearbook of the International Law Commission*, 1950, Vol. II.

UNSC Res 1970 (2011), Adopted by the Security Council at its 6491st meeting, on 26 February 2011, Doc. S/RES/1970(2011.

UNSC Res 1820(2008), Adopted by the Security Council at its 5916th meeting, on 19 June 2008, UN Doc. S/RES/1820(2008).

UNSC Res 827 (1993), Adopted by the Security Council at its 3217th meeting on 25 May 1993, UN Doc. S/RES/827 (1993).

UNSC Res. 1593 (2005), Adopted by the Security Council at its 1558th meeting on 31 March 2005, UN Doc. S/RES/1593(2005).

UNSC Res. 780(1992), Adopted by the Security Council at its 3119th meeting on 6 October 1992, UN Doc. S/RES/780 (1992).

UNSC Res. 808(1993), Adopted by the Security Council at its 3175th meeting, on 22 February 1993, UN. Doc. S/RES/808(1993).

UNSC Res. 827 (1993), Adopted by the Security Council at its 3217th meeting on 25 May 1993, UN. Doc. S/RES/827(1993).

UNSC Res. 955 of 1994, Adopted by the Security Council at its 3453rd meeting, on 8 November 1994, UN Doc. S/RES 955 (1994).

Whitaker, B 'Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide', UN. Doc.E/CN.4/Sub.2/1985/6.



The African Union and other regional documents

African Union, 'Communiqué on the 3 February 2010 Judgment of the International Criminal Court Appeals Chamber on Darfur', Addis Ababa, 4 February 2010.

Assembly/AU/ Dec. 103 (VI), January 2006, Adopted at Khartoum, Sudan. Common Statement issued by SADC Ministers of Justice and Attorney-Generals, 1997.

Communiqué of the 175th meeting of the Peace and Security Council of the African Union, 5 March 2009, PSC/PR/Comm (CLXXV), Addis Ababa, Ethiopia.

Council of the European Union, 'EU Guiding Principles Concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions to Surrender of Persons to the Court' 30 September 2002, (2003) 42 *ILM* 240.

Decision adopted by the Council of the League of Arab States meeting at Ministerial Level in Cairo, Egypt, on 4 March 2009.

Decision Assembly/AU/Dec.199 (XI), 1 July 2008, Decision on the Report of the Commission on the Abuse of the Principle of Universal Jurisdiction, Doc. Assembly/AU/14(XI).

Decision Assembly/AU/Dec.221(XII), adopted by the Assembly of the AU at its 12th Ordinary Session held in Addis Ababa, Ethiopia from 1 to 3 February 2009.

Decision Assembly/AU/Dec.240 (XII), 4 February 2009.

Decision on the Application by the International Criminal Court (ICC) Prosecutor for the Indictment of the President of the Republic of Sudan, Decision Assembly/AU/Dec.221 (XII), adopted on 3 July 2009, Sirte, Libya.

Decision on the Implementation of the Assembly Decision on the Abuse of the Principle of Universal Jurisdiction, Doc. Assembly/AU/Dec.213 (XII), 4 February 2009.

Decision on the Implementation of the Decisions on the International Criminal Court, Doc.EX.CL/639 (XVIII), Assembly/AU/Dec.334 (XVI), para 6, Sixteenth Ordinary Session, 30-31 January 2011, Addis Ababa.

Decision on the Progress Report of the Commission on the Implementation of Decision Assembly/AU/DEC.270 (XIV) on the Second Ministerial Meeting on the Rome Statute of the International Criminal Court (ICC), Doc. Ex.CL/607 (XVII).

Pact on Security, Stability and Development in the Great Lakes Region, International Conference on the Great Lakes, 2006, signed at Nairobi, Kenya.



Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination, International Conference on the Great Lakes Region, signed on 29 November 2006.

PSC/PR/Comm (CXLII) Rev 1., Adopted at its 142nd meeting held on 21 July 2008, at Addis Ababa, Ethiopia (Peace and Security Council of the African Union).

Report of the African Union High-Level Panel on Darfur, PSC/AHG/2(CCVII), Peace and Security Council, 207th Meeting at the Level of the Heads of State and Government, 29 October 2009, Abuja, Nigeria.

Report of the Committee of Eminent African Jurists on the Case of Hissene Habre, submitted to the Assembly of the African Union, Ordinary Session, July 2006, Decision Assembly/ AU/Dec.127 (VII), (Doc. Assembly/AU/3 (VII)).

Resolution on Ending Impunity and on the Domestication and Implementation of the Rome Statute of the International Court (2005), reprinted in Heyns, C and Killander, M (eds.,), (2007) Compendium of key human rights documents of the African Union, Pretoria University Law Press: Pretoria, 323-324.

SADC Principles of Consensus and Negotiations, formulated on 14 September 1997. The African Union-European Union Expert Report on the Principle of Universal Jurisdiction, Council of the European Union, Brussels, REV 1, 8672/1/09, 16 April 2009.

National legislation

Act No. 9 (2002), Act Supplement to Sierra Leone Gazette, CXXXIII (22), 25 April 2002.

Act to Introduce the Code of Crimes against International Law of 26 June 2002 (Germany).

Belgium's Amendment to the Law of 15 June 1999 (as amended by the Law of 10 February 1999) Concerning the Punishment of Grave Breaches of Humanitarian Law of 23 April 2003, (2003) 42ILM 749-766.

Constitution of Benin, 1990.

Constitution of Botswana, 1966 as amended in 2002.

Constitution of Burkina Faso, 1991 as amended in 2002.

Constitution of Burundi, 2004.

Constitution of Congo, 2002.



Constitution of Djibouti, 1992. Constitution of Egypt, 1971. Constitution of Eritrea, 1997. Constitution of Ethiopia, 1995. Constitution of Ghana, 1992. Constitution of Guinea-Bissau, 1991. Constitution of Ivory Coast, 2000. Constitution of Kenya, 2010. Constitution of Lesotho. Constitution of Liberia, 1999. Constitution of Liberia, Liberian Codes Revised, Liberian Law Experts, Inc, Vol. IV, (1999).Constitution of Libya, 1969. Constitution of Madagascar. Constitution of Malawi, 1994. Constitution of Mali, 1991. Constitution of Mauritania, 1991. Constitution of Morocco, 1996. Constitution of Mozambique. Constitution of Namibia, 1990 as amended in 1998. Constitution of Namibia, 1990 as amended until 24 December 1998. Constitution of Niger, 1999.

Constitution of Sao Tome and Principe, 1990.



Constitution of Senegal of 22 January 2001, as amended to the Act of the Constitutional Council of 21 October 2008.

Constitution of Seychelles, 1992.

Constitution of Sierra Leone, 1991.

Constitution of the Central African Republic, 2004.

Constitution of the Democratic Republic of Congo, 2005.

Constitution of The Gambia.

Constitution of the Kingdom of Swaziland, Statutes of Swaziland, Vol.3, Issue 4, as at 31 December 2004.

Constitution of the Republic of Ghana, 1992, The Constitution of the Fourth Republic of Ghana (Promulgation) Law, 1992 (PNDCL 282) made on 8 May 1992 and notified in the Gazette on 15 May 1992, Laws of Ghana, Vol.1, in force as at 31 December 2004.

Constitution of the Republic of Rwanda.

Constitution of the Republic of Sierra Leone, 1991.

Constitution of the Republic of Uganda, 1995, Laws of Uganda, Revised Edition, 2000, Vol. I.

Constitution of the Republic of Zambia, 1996.

Constitution of the Republic of Zimbabwe.

Constitution of the United Republic of Tanzania, 1977 as amended until 2005, Revised Edition of the Laws of Tanzania 2002, CAP.1.

Constitution of Togo.

Constitution of Tunisia, 1959 as amended in 2008.

Constitutions of South Africa, 1996.

Control Council Law No.10 on the Punishment of Persons Guilty of War Crimes, Crimes against Peace and Against Humanity, Official Gazette of the Control Council for Germany, No.3, Berlin, 31 January 1946.

Criminal Code of Ethiopia, 2005.



Draft Law Implementing the Rome Statute of the International Criminal Court, Draft 2 of October 2002 (DRC).

Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002 (South Africa).

Implementation of the Statute of the International Criminal Court, Draft Legislation, Draft 1 of 2001 (DRC).

Interim National Constitution of Sudan, 2005.

Internal Rules of the Extra-ordinary Chambers in the Courts of Cambodia.

International Criminal Court Act 2001 (UK).

Juba Agreement on Accountability and Reconciliation and the Annex thereto, 29 June 2007, (Uganda).

Judicial Cooperation Agreement between the Democratic Republic of the Congo and the Office of Prosecutor of the International Criminal Court, 6 October 2004, signed at Kinshasa by the Deputy Prosecutor of the ICC and the DRC Minister of Justice.

Law No. 052-2009/AN of 3 December 2009 relating to the Determination of the Competence and Procedure of Implementing the Rome Statute of the International Criminal Court by Courts of Burkina Faso, Promulgated on 31 December 2009, at Ouagadougou, by Decree No. 2009-894/PRES, Published in the Official Journal of Burkina Faso on 31 December 2009.

Law No. 1/5 of 22 April 2009, amending the Penal Code of Burundi.

Law No. 2003-025 of 13 June 2003, amending the Penal Code, Law No. 61-27 of 15 July 1961 (Niger).

Law No. 2007-02 of 12 February 2007 Modifying the Penal Code, Official Journal of the Republic of Senegal, 10 March 2007, p.2377-2380.

Law No.2007-05 of 12 February 2007 Modifying the Criminal Procedure Code on the Implementation of the Rome Statute of the International Criminal Court, Official Journal of the Republic of Senegal, 10 March 2007, p.2384-2386.

Law No.33 Bis/2003 Repressing the Crime of Genocide, Crimes against Humanity and War Crimes (Rwanda).

Law No.33 Bis/2003 Repressing the Crime of Genocide, Crimes against Humanity and War Crimes, Law No.33Bis/2003, (Rwanda).



Law of the Supreme Iraqi Criminal Tribunal, Law No.10 of 2005, published in the Official Gazette of the Republic of Iraq (Al-Waqa'i Al-Iraqiya), Number (4006), 18 October 2005, (14 Ramadan 1426 Hirji, Forty-Seventh Year).

Law on the Establishment of Extra-ordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes committed during the Period of Democratic Kampuchea, 27 October 2004, as revised on 23 November 2004, (NS/RKM/1004/006), Published on 21 October 2004, No. 254 Ch. L.

National Prosecution Authority, Prosecution Policy, (Revised Date: 1 December 2005), Appendix A 'Prosecution Policy and Directives Relating to the Prosecution of Offences Emanating from Conflicts of the Past and Which were Committed on or before 11 May 1994' (South Africa).

Official Report, Fifth Series, Parliamentary Debates, Commons 1968-69, Vol. 777, 3-14 February 1969 (UK).

Organic Law No. 10/2007 of 1 March 2007, Official Gazette, No.5 of 1 March 2007 (Rwanda).

Organic Law No. 28/2006 of 27 June 2006, Official Gazette, Special Number of 12 July 2006 (Rwanda).

Organic Law No.13/2008 of 19 May 2008, Official Gazette, No. 11 of 1 June 2008, (Rwanda).

Organic Law No.16 of 19 June 2004 Establishing the Organisation, Competence and Functioning of the Gacaca courts Charged with Prosecuting and Trying the Perpetrators of the Crime of Genocide and Other Crimes against Humanity, committed between October 1, 1990 and December 31, 1994, Official Gazette of the Republic of Rwanda, Special Number, of 19 June 1994, (Rwanda).

Organic Law of the Judicial Power, 1985 (Spain).

Preah Reach Kram NS/RKM/0801/12 dated 10 August 2001; NS/RKM/1004/006, adopted by the National Assembly of the Kingdom of Cambodia on 5 October 2004 in the 1st Session of the 3rd Legislature, and approved in its entirety by the Senate on 8 October 2004, in the 9th Session of the 1st Legislature, and pronounced as being fully in accordance with the Constitution by the Constitutional Council in its Decision No. 065/007/2004 KBTh, Ch. of 22 October 2004.

Proclamation No.1/1995, A Proclamation to Pronounce the coming into effect of the Constitution of the Federal Democratic Republic of Ethiopia, Addis Ababa, 21 August 2005.



Proposed Constitution of Kenya, 6 May 2010, published by the Attorney-General in accordance with section 34 of the Constitution of Kenya Review Act, 2008 (No. 9 of 2008).

Republic Act No. 9851, An Act Defining and Penalising Crimes against International Humanitarian Law, Genocide and Other Crimes against Humanity, Organising jurisdiction, Designating Special Courts, and for Related Purposes, 17 July 2009, (Republic of Philippines).

State Immunity Act, 1978 (UK).

The American Service Members' Protection Act, 2002, USC 7422 Sec 2001 (2002).

The Geneva Conventions Act, 1968 (Kenya).

The International Crimes Act, (No.16 of 2008), (Kenya).

The International Criminal Court Act, 2010 (Act No 11 of 2010), Acts Supplement No.6 to the Ugandan Gazette No.39, 25 June 2010, (Uganda).

The Law of 10 February 1999 Concerning the Punishment of Serious Violations of International Humanitarian Law, Published in the Belgian Official Journal on 23 March 1999.

The Law of 16 June 1993 Concerning the Punishment of Grave Breaches of the International Geneva Conventions of 12 August 1949 and of Protocols I and II of 8 June 1977 Additional Thereto, Published in the Belgian Official Journal on 5 August 1993.

The Promotion of National Unity and Reconciliation Act 34 of 1995 (South Africa).

Domestic cases

Amicus Brief in the Matter of David Anyaele and Emmanuel Egbuna v Charles Ghankay Taylor and others, A submission from the Open Society Justice Initiative to the Federal High Court of Nigeria, Abuja Division, November 2004.

Attorney-General of Israel v Adolf Eichmann, (1968) 36 ILR 18 (District Court of Jerusalem).

Attorney-General of Israel v Adolf Eichmann, (1968) 36 ILR 227 (Supreme Court of Israel).

Case No.1/9 First/2005, *Al-Dujail Case*, *Final Outcome*, translated by Mizna Management LLC.



Court of Cassation of Belgium: *H.S.A*, et al v Ariel Sharon et al, Decision Related to the Indictments of Ariel Sharon, Amos Yaron and others, (2003) 42 *ILM* 596.

Extra-ordinary Chambers in the Courts of Cambodia, Criminal Case File No. 002/14-08-2006, Investigation No. 002/19-09-2007, *Provisional Detention Order*, ECCC-OCIJ, 19 September 2007.

Extra-ordinary Chambers in the Courts of Cambodia, Criminal Case File No. 002/14-08-2006, Investigation No. 002/19-09-2007, ECCC-OCIJ, *Police Custody Decision*, 12 November 2007.

Extra-ordinary Chambers in the Courts of Cambodia, Criminal Case File No. 002/14-08-2006, Investigation No. 002/19-09-2007, ECCC-OCIJ, *Provisional Detention Order*, 14 November 2007.

Federal Courts Proclamation No.25/1996, Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia, Addis Ababa, 15 February 1996.

French Cour de Cassation, 13 March 2001, Judgment No.1414, reprinted in (2001) 105 Revue Generale de Droit International Public 437.

Gaddafi, France, Court of Appeal of Paris (*Chamber d'accusation*), 20 October 2000, Court of Cassation, 13 March 2001, 125 ILR 490-510.

Gomolemo Motswaledi v Botswana Democratic Party, Seretse Khama, President of Botswana Democratic Party N.O, and Chairman, Gaborone Central Branch Committee, Botswana Democratic Party, High Court of Botwana at Lobatse, MAHLB-000486-09, Judgment (Before, Nganunu CJ, Lesetedi J, and Kirby, J), 11 September 2009.

Hassan II, 23 December 1998, *Audiencia Nacional* (Central Examining Magistrate No.5), (Spain).

International Federation of Human Rights Defenders (FIDH) and others v Ould Dah, 8 July 2002, Court of Appeal of Nimes, 1 July 2005 (Nimes Assize Court, France).

Jashir Singh v Vipin Kumar Jaggi, AIR 2001 SC 2734, (India).

Jones v Minister of Interior Al-Mamlaka Al-Arabiya AS Saudia (The Kingdom of Saudi Arabia) and others, United Kingdom, EWCA Civ 1394 (2004).

Joseph Kimani Gathungu (Applicant) v The Attorney General, the International Criminal Court, Kituo cha Sheria, Centre for Justice for Victims of Crimes against Humanity, Law Society of Kenya, Independent Medico-Legalunit, Kenya Section, International Commission of Jurists(Respondents), Ruling, High Court of Kenya, at Mombasa, Constitutional Reference 12 of 2010, 23 November 2010 (Judge JB Ojwang), [2010] eKLR, 1-18.



Judgment in the First Case, No.1/9 of 2005 (the Al-Dujail Case), (Iraq).

Mighell v The Sultan of Johore, [1894] 1 QB 149.

Milošević v the State of the Netherlands, Judgment in the Interlocutory Injunction Proceedings of 31 August 2001, in Case No. KG 01/975, The Hague District Court, (2002) 41 ILM 86.

Obiang Nguema and others, 23 December 1998, Audiencia Nacional (Central Examining Magistrate No.5), (Spain).

Penal Code of Spain (CP.10/1995).

President of the Republic of South Africa (first applicant), Minister of Sport and Recreation (second applicant), Director General of Sport and Recreation (third applicant) v South African Rugby Football Union (first respondent), Gauteng Lions Rugby Union (second respondent), Mpumalanga Rugby Union (third respondent), Dr Louis Luyt (fourth respondent), Constitutional Court of South Africa, Case CCT 16/98, Judgment of 2 December 1998.

Prosecutor v Saddam Hussein Al-Majid, and Others, Defendants' Preliminary Submission Challenging the Legality of the Special Court, 21 December 2005.

Public Prosecutor v Abdulaye Yerodia Ndombasi, 16 April 2002, Court of Appeal of Brussels, Belgium.

R v Bartle, ex parte Pinochet, Divisional Court, Queen's Bench Division, 28 October 1998, (1998) 37 ILM 1302.

R v Bow Street Magistrate, ex parte Pinochet (No. 1), Regina v Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No.1), House of Lords 25 November 1998, 119 ILR51-248.

R v Bow Street Metropolitan Stipendiary Magistrate, Ex parte Pinochet Ugarte (No.3), [2001] 1 AC 147.

Re Mugabe, Application for a Warrant for the Arrest and Extradition of Robert Gabriel Mugabe, President of the Republic of Zimbabwe, on charges of Torture under Section 134 of the Criminal Justice Act 1988, Before Bow Street Magistrate's Court, 7 and 14 January 2004, Decision of Judge Timothy Workman, 14 January 2004.

Re Mugabe, ILDC 96 (UK 2004), 14 January 2004, Bow Street Magistrate's Court.

Rwanda, 6 February 2008, Audiencia Nacional (Central Examining Magistrate No.4), (Spain).



S v Johannes Velde van der Merwe, Adriaan Johannes Vlok, Christoffel Lodewikus Smith, Gert Jacobus Louis Hosea and Hermanus Johannes van Staden, Plea and Sentencing Agreement in Terms of Section 105A of Act 51 of 1977 (as amended), 17 August 2007 (South Africa).

SOS Attentats et Beatrice Castelnau d'Esnault c. Gaddafi, 125 ILR 490-510, 13 March 2001, (France).

South African Rugby Football Union and Others v President of the Republic of South Africa and Others, 1998 (10) BCLR 1256 (T).

Spanish Supreme Court, Criminal Division, Decision of the Supreme Court concerning the Peruvian Genocide Case, Decision No. 712/2003, 20 May 2003, (2003) 42 *ILM* 1200.

Spanish Supreme Court, Decision of the Supreme Court concerning the Guatemala Genocide Case, Criminal Division, Decision No. 327/2003, 25 February 2003, (2003) 42 *ILM* 686.

Special Prosecutor v Col Haile-Mariam and 173 Others, Preliminary Objections, Criminal File No.1/87, Decision of Meskerem 29, 1988 EC (GC); reported in Oxford Reports on International Law –ILDC 555(ET 1995), 9 October 1995.

State v Johannes Velde van der Merwe, Adriaan Johannes Vlok, Christoffel Lodewikus Smith, Gert Jacobus Louis Hosea Otto and Hermanus Johannes van Staden, Criminal Case No. 392/2007, High Court of South Africa at Pretoria.

Supreme Court of Mexico, Decision on the Extradition of Ricardo Miguel Cavallo, Decision No. 140/2002, 10 June 2003, (2003) 42 ILM 888.

Tachiona v Mugabe, 169 F.Supp.2d 259, 309 (S.D.N.Y.2001).

Tachiona, On her own behalf and on behalf of her late Husband Tapfuma Chiminya Tachiona, et.al; Petitioners v United States of America, On Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit, In the Supreme Court of the United States, No.05-879, April 2006.

The Azania Peoples Organisation (AZAPO) and 3 others v The President of the Republic of South Africa and 6 others, Constitutional Court of South Africa, Case CCT 17/96.

The People v Chiluba, Mwenyakabwe and Chungu, Case No. SSP/124/2004, In the Subordinate Court of the First Class for the Lusaka District Holden at Lusaka (Criminal Jurisdiction), (Before J Chinyama, Principal Resident Magistrate), 1-289, (17 August 2009).

The Schooner Exchange v McFadden (1812), 11 US 137-138.



United States v Nixon, 418 US.683, (Supreme Ct.1974).

United States v Noriega, (S.D Fla. 4 January 1989), (No.88-0079), Motion to Dismiss Indictment and Incorporated Memorandum of Law.

United States v Noriega, 683 F.Supp.1373 (S.D Fla.1988), Indictment No.88-0079.

Speeches, statements, newspaper articles, press releases and other sources

'Advice on the Legality of Military Action against Iraq without a further Security Council Resolution, Attorney General, 7 March 2003' in Sands, P (2006) Lawless world: Making and breaking global rules, Penguin Books: London, Annex X, 328-342.

'Bosnia and Herzegovina' and 'Srebrenica', (IT-95-5/18), available at http://www.un.org/icty/cases-e/cis/mladic/cis-karadzicmladic.pdf (accessed on 23 July 2008).

Clark, R and Doebbler, CFJ (2006) The Iraqi Special Tribunal: A Corruption of Justice.

'Court sentences Mengistu to death' BBC News, 26 May 2008, available at http://www.news.bbc.co.uk/1/hi/world/africa/7420212.stm (accessed on 26 May 2008).

'France accused in Rwanda genocide', BBC News, 5 August 2008, available at http://news.bbc.co.uk/2/hi/africa/7542418.stm (accessed on 6 August 2008).

'Iraq: Legality of Armed Force', House of Lords, Written Answer to Parliamentary Question, 17 March 2003, in Sands, P (2006) Lawless World: Making and Breaking Global Rules, Penguin Books: London, Appendix XI, 343-344.

'Penal Code approved in Burundi' *Daily News*, Tuesday, 16 December 2008, (Tanzania).

'Statement by Civil Society Organizations and Concerned Individuals on South Africa's Support for the Decision by the AU to refuse Cooperation with the ICC', 15 July 2009.

'Statement by Representatives of African Civil Society and the Legal Profession on the Implications of the African Union's recent Decisions on Universal Jurisdiction and the work of the International Criminal Court in Africa', Cape Town, 11 May 2009.

'Tribunal welcomes the Arrest of Radovan Karadžić' Press Release, ICTY, The Hague, 21 July 2008 (NJ/MOW/PR1275e), available at http://www.un.org/icty/pressreal/2008/pr1275e.htm (accessed on 23 July 2008).

Amnesty International, *Germany: End Impunity through Universal Jurisdiction*, (Amnesty International Publications, No Safe Haven Series, No.3, 2008).



Annan, K 'The ICC Justice: The debate continues', *The New African*, August/September 2009, No.487, 68-69.

Barnard, AS 'No Debate' The New African, August/September 2009, No.487, 71.

Brody, R 'An update on the Case concerning Hissene Habre' (2002) Vol. 14, No1. *Interights Bulletin* 12.

FIDH, 'No more double talk' *The New African*, August/September 2009, No.487, 72-73.

International Centre for Transitional Justice, 'Creation and First Trials of the Supreme Iraqi Criminal Tribunal' ICTJ Briefing Paper, October 2005.

Kgwete, M 'Selective Justice is not justice at all' *The New African*, August/September 2009, No.487, 69-70.

Kolodkin, RA 'Immunity of state officials from foreign criminal jurisdiction' Annex A to the Report of the International Law Commission, 2006, 436-454, available at http://untreaty.un.org/ilc/reports/2006/english/annexes.pdf (accessed on 28 August 2008).

Letter of Referral from President Joseph Kabila to Prosecutor of the ICC, ICC-O1/04-01/06-32-US-Exp-AnxAII 12-03-2006 1/1UM, 3 March 2004.

Nabudere, DW and Mukasa, BL Comprehensive Research Report on Restorative Systems of Justice and International Humanitarian Law, resulting from the Proceedings of the International Conference on Restorative Justice and International Humanitarian Law, held at Intercontinental Hotel from 17-20 August, 2008, Nairobi, Kenya.

Nyanduga, TB 'Reflections and perspectives of the African Commission on Human and Peoples' Rights', Paper presented at a Consultative Conference on International Criminal Justice, 'Regional Courts and Commissions', 9-11 September 2009, United Nations Headquarters, New York.

Parliamentarians for Global Action, 'Conference on Implementing Legislation of the Rome Statute of the International Criminal Court in African Indian Ocean Countries', 25-26 February 2010, National Assembly of the Union of Comoros, Moroni.

Plaut, M 'Rwanda report raises issue of motive', BBC News, 5 August 2008, available at http://news.bbc.co.uk/2/hi/africa/7544267.stm (accessed on 6 August 2008).

Princeton Project on Universal Jurisdiction, developed by Jurists at Princeton University, USA.

Remarks by Judge Sang-Hyun Song, President, International Criminal Court, made at a Seminar, 'The International Criminal Court: Working for Africa', Organised by the Institute for Security Studies, on 3 June 2009, at Pretoria, South Africa.



Report of the Commission of Inquiry into Post-Election Violence (CIPEV), (Kenya).

Resolution on *Immunities from Jurisdiction and Execution of Heads of State and of Government in International Law*, Adopted on 26 August 2001, Session of Vancouver, Institute of International Law.

Singh, PP 'AU should stand with victims, not abusers' p.70-71; Erwin van der Borght, 'AU decision shows disdain for Darfurians' *The New African*, August/September 2009, No.487, 72.

Speech by DR Higgins, Vice President of the International Court of Justice at the Incorporated Council of Law Reporting (ICLR) 'After Pinochet: developments on head of state and ministerial immunities' *ICLR Annual Lecture*, 2006.

Speeches and Statements at the Opening of the Rome Conference on 17 June 1998.

Statement of Senegalese Prime Minister, Habib Thiam at the Close of the Dakar Conference, 5-6 February 1998.

Statement by the Spokesperson of the British Foreign Office, 'Israel slams British arrest warrant against Livni', *Mail & Guardian* (South Africa), 15 December 2009.

Sudan Tribune, 'African Union drops resolution barring arrest of Sudanese president in continent', 26 July 2010, available at http://www.sudantribune.com/spip.php?article35765 (accessed on 28 July 2010).

'UN Report accuses Rwanda of possible genocide in DRC' Mail & Guardian (South Africa), 27 August 2010.

'UN DR Congo 'genocide' Draft Report – Key Excerpts' http://www.bbc.co.uk/news/world-africa-11111578 (accessed on 27 August 2010).

Selected websites

African Court on Human and Peoples' Rights http://african-court.org/en

African Union < www.africa-union.org>

Extra-ordinary Chambers in the Courts of Cambodia http://www.eccc.gov.kh

Institute for Security Studies http://www.issafrica.org

International Criminal Court http://www.icc-cpi.int

International Criminal Tribunal for Rwanda http://www.ictr.org



International Criminal Tribunal for the former Yugoslavia < http://www.icty.org>

Special Court for Sierra Leonehttp://www.sc-sl.org

UN treaties depository http://treaties.un.org

UN Security Council documents <www.un.org/Docs/sc>