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PREFACE

This is the thirty-ninth volume in the series 'Annotated Leading Cases of International Criminal Tribunals' (ALC) and contains the most important decisions of the International Criminal Court (ICC) for the period from 31 October 2006 to 10 June 2008. It is the second volume containing decisions from the ICC (please refer also to volume 23 of the ALC series) and thus deals with decisions that characterise the relatively early judicial phase of that institution.

This volume is in its approach and structure similar to the previous volumes. Thus, the book contains the full text of each of the annotated decisions, *corrigendum*, and judgments, including any separate, concurring and dissenting opinions, as well as annexes to the decisions. As with the previous volumes, the Co-Editors have ensured that the decisions are fully identical to the *written* original text, as issued by the ICC Press and Information Office, and which bears the signatures of the judges, as only these can be considered as authoritative versions. In the course of our editorial work on this and previous volumes, we have discovered inconsistencies between the written original version of the decision and the any available internet versions.

Although we are only able to include the full text of the decisions by reducing their original format, we wanted the reader to be able to identify the page number of the original text, which is placed in brackets [] throughout the text.

We are very pleased that a number of distinguished international criminal law scholars were prepared to write interesting and stimulating commentaries regarding these decisions, and believe that their contributions will add to the breadth of knowledge and understanding about the work of the ICC.

A few words regarding the selection of decisions included in the ALC volumes are appropriate. In principle, we select all final judgments. In addition, we publish decisions taken at any stage of the procedure that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision, or because they enter new legal waters. As a result, we may not publish decisions in which issues have been decided in a way similar or identical to a decision that has already been selected.

Over the years, the selections for the series have been made on the available authorized decisions, regardless of whether they were in English or in French. On a few occasions, decisions were selected of which there was no English version. The Registrar of the ICC has informed us that two of the decisions selected in this volume are only available in French only at this time, and that it cannot be expected that they will be translated anytime soon into English, given the priorities of pending proceedings. In that context, and in order not to further delay publication of this volume, we have decided to publish two decisions in French, which also indicates to the reader that not every decision of the international criminal tribunals is readily available in all of the official languages.

The decisions annotated in this volume are presented in various parts and under different headings:

Part 1, 'Preliminary matters', contains decisions relating to the arrest and surrender of suspects, as well as issues regarding pre-trial detention.

Part 2, 'Procedural matters', contains decisions relating to the participation of victims, witnesses, witness proofing and preparation, disclosure and access to evidence, other issues relating to evidence, joinder of cases, organization of the proceedings, issues relating to language, impartiality of a senior legal officer of the Court, counsel and *amicus*, and the cooperation of States.

Part 3, 'Confirmation stage', contains two decisions relating to the confirmation of charges against Thomas Lubanga Dyilo, the first person detained for trial before the ICC.

Once again, we gratefully acknowledge the assistance of many people without whom we could not have completed this volume. These include the Press and Information Office of the ICC, which offered generous assistance in obtaining the hard copies of decisions, our publisher Intersentia, in particular Hans Kluwer, Tom Scheirs and Isabelle van Dongen, and our the assistant editor, Anzinga Low, who assisted with the

coordination of all aspects of this volume. Of course, we would again like to thank the distinguished authors for their commentaries on the decisions, and their cooperation throughout the process.

We sincerely hope that this volume will be of interest to our readers and contribute to the further dissemination of the important work of the ICC, as well as providing stimulation and assistance to practitioners, academics and students.

This thirty-ninth volume of ALC also marks the first under the new combination of Co-Editors. We would like to thank Göran Sluiter for his impressive contribution as a Co-Editor since 1999 in setting up this series and helping to realise the success that it has today. It has been a great pleasure to work with you on no less than 38 volumes.

We have made every effort to maintain the high standard of previous volumes, and the Co-Editors would welcome feedback and suggestions from readers as to how the ALC series can be continuously improved, so as to maximise its value to readers. The ALC is the largest case law series on international criminal jurisprudence in the world, and it is our on-going aim to make it as useful as possible to all persons interested in the work of the various institutions.

We therefore hope that you will find this volume to be a significant addition to your research resources in this ever more important area of international law.

André Klip and Steven Freeland

Maastricht/ Sydney

February 2014