

Genocide, Crimes Against Humanity, War Crimes:
Nullum Crimen Sine Lege and the Subject Matter
Jurisdiction of the International Criminal Court

SCHOOL OF HUMAN RIGHTS RESEARCH SERIES, Volume 12

The titles published in this series are listed at the end of this volume.

Genocide, Crimes Against
Humanity, War Crimes:
Nullum Crimen Sine Lege and the Subject
Matter Jurisdiction of the International
Criminal Court
Machteld Boot

This volume is an adapted version of a dissertation defended at Katholieke Universiteit Brabant on 15 February 2002.

Distribution for the UK:

Hart Publishing
Salter's Boat Yard
Folly Bridge
Abingdon Road
Oxford OX1 4LB
UK
Tel: + 44 1865 24 55 33
Fax: + 44 1865 79 48 82

Distribution for North America:

Transnational Publishers
410 Saw Mill River Road
Ardsley
New York 10502-2615
USA
Tel: + 1 914 693 5100
Fax: + 1 914 693 4430

Distribution for Switzerland and Germany:

Schulthess Verlag
Zwingliplatz 2
CH-8022 Zürich
Switzerland
Tel: + 41 1 251 93 36
Fax: + 41 1 261 63 94

Distribution for other countries:

Intersentia Publishers
Churchillaan 108
2900 Schoten
Belgium
Tel: + 32 3 680 15 50
Fax: + 32 3 658 71 21

Machteld Boot

Genocide, Crimes Against Humanity, War Crimes:

Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of the International Criminal Court

ISBN 90-5095-216-X

D/2002/7849/8

NUGI 698

© 2002 Machteld Boot and Intersentia

No part of this book may be reproduced in any form, by print, photo copy, microfilm or any other means, without written permission from the publisher.

TABLE OF CONTENTS

Acknowledgments	xv
List of Abbreviations	xvii
Table of Treaties and Declarations	xxi
Table of Cases	xxix
Table of Other Documents	xxxix
PART. 1 INTRODUCTION	1
1 The Problem	4
1.1 War Crimes, Crimes Against Humanity, and Genocide	5
1.2 Applicable Law: “International Criminal Law”?	13
1.3 <i>Nullum Crimen Sine Lege</i>	18
2 Method and Structure	21
Chapter 1	
The Rome Statute of the International Criminal Court	29
1 Introduction	29
2 Negotiations on the Statute in Rome	31
2.1 Remaining Issues	33
3 Applicable Law	35
3.1 Elements of Crimes	35
3.2 Rules of Procedure and Evidence	36
3.3 Other Sources	38
3.3.1 Principles and Rules of International Law	39
3.3.2 The Relevance of National Laws	40
3.3.3 Previous Decisions	41
4 Jurisdiction <i>Ratione Temporis</i>	41
5 Trigger Mechanisms	42
6 Preconditions to the Exercise of Jurisdiction	45
7 Complementarity and Admissibility Criteria	48
7.1 Preliminary Rulings regarding Admissibility	50
7.2 Admissibility Criteria	51

7.3	Alternative Accountability Mechanisms	54
7.4	A Duty to Establish “Universal Jurisdiction”?	55
7.5	Complementarity and the Role of the Security Council	60
8	Concurrent Jurisdiction between the International Court of Justice and the International Criminal Court	62
8.1	Dispute Settlement in the Rome Statute	65
8.2	Observations and Conclusions	71
PART 2 NULLUM CRIMEN SINE LEGE		75
Introduction		77
Chapter 1		
Nullum Crimen Sine Lege in National Law		81
1	Introduction	81
2	The Origins of <i>Nullum Crimen Sine Lege</i>	83
3	Germany	86
3.1	Sources of German Criminal Law	88
3.2	The Concept of a Punishable Offense or <i>Straftat</i> – Conditions for Punishability	89
3.3	<i>Das Gesetzlichkeitsprinzip</i>	92
3.4	<i>Lex Scripta</i>	94
3.5	<i>Bestimmtheitsgebot: Lex Certa</i>	96
3.6	<i>Lex Stricta</i> and the Prohibition of Application by Analogy	100
3.7	Methods of Interpretation	103
3.8	Determining Analogy	106
4	The United States of America	109
4.1	Sources of Criminal Law in the USA	109
4.1.1	Federal Legislation	109
4.1.2	State Legislation and the Model Penal Code	110
4.1.3	Common Law	111
4.1.4	Precedent and Stare Decisis	112
4.1.5	Criminal Law and Common Law	114
4.2	The Concept of a Punishable Offense	116
4.3	<i>Nullum Crimen Sine Lege?</i>	117
4.3.1	The Void-for-Vagueness Doctrine	119
4.3.2	Strict Construction of Penal Statutes	122
5	Observations and Conclusions	124

Chapter 2**International Human Rights Standards 127**

1	Introduction	127
2	The Universal Declaration of Human Rights	128
	2.1 <i>Nullum Crimen Sine Lege</i>	128
	2.2 Penal Offense . . . under International Law	129
3	The International Covenant on Civil and Political Rights	131
	3.1 <i>Nullum Crimen Sine Lege</i>	132
	3.2 Criminal Offense	133
	3.3 Criminal Offense under National Law	134
	3.4 Criminal Offense under International Law	135
	3.5 Acts or Omissions “Criminal according to the General Principles of Law Recognized by the Community of Nations”	137
4	The European Convention on Human Rights and Fundamental Freedoms	141
	4.1 <i>Nullum Crimen Sine Lege</i>	143
	4.2 Criminal Offense	145
	4.3 Criminal Offense under National Law	145
	4.3.1 Common Law: The Marital Rape Cases	152
	4.4 Criminal Offense under International Law	157
	4.5 Acts or Omissions “Criminal according to the General Principles of Law Recognised by Civilised Nations”	158
	4.6 German Border Guards	161
	4.6.1 Background	162
	4.6.2 The Case before the European Court	164
	4.6.2.1 Criminal Offense under National Law	165
	4.6.2.2 Criminal Offense under International Law	167
	4.6.2.3 “Criminal according to the General Principles of Law Recognised by Civilised Nations”	168
5	The American Convention on Human Rights	170
	5.1 <i>Nullum Crimen Sine Lege</i>	172
6	The African (Banjul) Charter on Human and Peoples’ Rights	173
	6.1 <i>Nullum Crimen Sine Lege</i>	174
7	Observations and Conclusions	175

Chapter 3**War Crimes Trials Conducted after the Second World War 179**

1	Introduction	179
2	The International Military Tribunal at Nuremberg	180
	2.1 Early Proposals on a Statute for an International Tribunal	180
	2.2 The Nuremberg Charter	185
	2.3 The Nuremberg Judgment	188

2.3.1	The Tribunal’s Jurisdiction	189
2.3.2	Crimes Against Peace	190
2.3.3	War Crimes and Crimes Against Humanity	194
3	The International Military Tribunal for the Far East	196
3.1	The Tokyo Charter	197
3.2	The Tokyo Judgment	198
4	Other War Crimes Trials	201
4.1	Crimes Against Humanity under Control Council Law No. 10	203
4.2	<i>Nullum Crimen Sine Lege</i>	206
4.3	<i>Nullum Crimen Sine Lege</i> and the Exercise of Jurisdiction	210
4.3.1	Universal Jurisdiction	210
5	Views on <i>Nullum Crimen Sine Lege</i> in the Literature	215
6	Observations and Conclusions	219

Chapter 4

The Ad Hoc International Criminal Tribunals for the Former

Yugoslavia and for Rwanda

1	Introduction	223
2	The Establishment of the Ad Hoc Tribunals	223
2.1	The International Criminal Tribunal for the Former Yugoslavia	223
2.2	The International Criminal Tribunal for Rwanda	226
2.3	Proposals on Subject Matter Jurisdiction	231
3	The Subject Matter Jurisdiction of the Ad Hoc Tribunals	237
3.1	The International Criminal Tribunal for the Former Yugoslavia	237
3.1.1	Article 2: Grave Breaches	238
3.1.2	Article 3: Violations of the Laws and Customs of War	239
3.1.3	Article 4: Genocide	240
3.1.4	Article 5: Crimes Against Humanity	241
3.2	The International Criminal Tribunal for Rwanda	243
4	Applicability of <i>Nullum Crimen Sine Lege</i> as an International Human Right Instrument to the Practice of the Ad Hoc Tribunals	246
5	Precedent and Stare Decisis: A Different Approach	251
6	Methods of Interpretation	257
7	Preliminary Motions on Subject Matter Jurisdiction	262
7.1	The International Criminal Tribunal for the Former Yugoslavia	263
7.1.1	Article 3: Violations of the Laws and Customs of War	264
7.1.2	Article 5: Crimes Against Humanity	272
7.2	The International Criminal Tribunal for Rwanda	277
8	Alternative Interpretations by Prosecutor and Defense	280
9	The Crime of “Persecution”	284

10	The “Common Purpose Doctrine”	288
10.1	Collective Responsibility in World War II Trials	297
10.2	Assessment	301
11	Observations and Conclusions	304
Chapter 5		
Discussion on Establishing a Permanent International Criminal Court		309
Introduction		309
A. The Work of the International Law Commission		310
1	Introduction	310
2.	The Nuremberg Principles	313
3	Draft Codes of Offences against the Peace and Security of Mankind	315
3.1	The Draft Code of Crimes against the Peace and Security of Mankind of 1991	319
3.2	The Draft Code of Crimes against the Peace and Security of Mankind of 1996	325
4	Draft Statutes for an International Criminal Court	329
4.1	The 1992 Working Group	331
4.2	The 1994 ILC Draft Statute	334
4.2.1	Subject Matter Jurisdiction	336
4.2.2	Treaty Crimes	338
4.2.3	Preconditions to the Exercise of Jurisdiction	342
4.2.4	Nullum Crimen Sine Lege	343
4.2.5	Law to Be Applied by the Court	345
5	Observations and Conclusions	347
B. State Discussion on the Court’s Substantive Criminal Law		348
1	Introduction	348
2	The Scope of the Court’s Subject Matter Jurisdiction	349
3	The Need to Define Crimes	351
4	How to Define Crimes	353
5	The Law to Be Applied by the Court	354
6	General Principles of Criminal Law	354
7	The Role of the Draft Code of Crimes	356
8	Formulation of the “Principles of Legality”	357
9	Observations and Conclusions	362

Chapter 6	
The Rome Statute	365
1 Introduction	365
2 The Applicability of <i>Nullum Crimen Sine Lege</i> as an International Human Rights Standard	366
3 Which Requirements?	368
4 Jurisdiction <i>Ratione Temporis</i>	369
5 Non-retroactivity <i>Ratione Personae</i>	370
6 Article 22: <i>Nullum Crimen Sine Lege</i>	374
6.1 <i>Nullum Crimen Sine Lege</i> and the Exercise of Jurisdiction over Nationals of Non-States Parties	379
6.2 The Rule of Strict Construction	387
6.2.1 A “More Favorable Clause”	388
6.3 The Prohibition of Application by Analogy	388
6.3.1 The Relation between Articles 22 and 21 (“Applicable Law”)	392
6.3.2 The Relation between Article 22 and Article 25 (“Individual Criminal Responsibility”)	394
7 Observations and Conclusions	395
PART 3	
CRIMES WITHIN THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT: GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES	397
Introduction	399
Chapter 1	
Genocide	401
1 Introduction	401
2 The Concept of Genocide	403
3 The Genocide Convention	405
4 Conditions for Applicability of Article 6	406
4.1 Intent to Destroy	406
4.2 The Relevance of the Statutory Mental Element Included in Article 30	407
4.3 Motives	410
4.4 The Extent of the Intended Destruction	419
4.5 Protection of Particular Groups: National, Ethnical, Racial, and Religious Groups	424
4.5.1 Exclusion of Political Groups	426

4.5.2	Possible Consequences of Excluding Political and Other Groups	427
4.5.3	The Case Law of the Ad Hoc Tribunals concerning Groups	429
4.5.4	Conclusion	434
4.6	State Involvement	436
5	Acts Constituting Genocide	439
5.1	Exhaustive Enumeration of Acts	440
5.2	The Acts Enumerated in Paragraphs (a) through (e)	441
5.2.1	Killing Members of the Group (a)	441
5.2.2	Causing Serious Bodily or Mental Harm to Members of the Group (b)	443
5.2.2.1	Rape and Other Forms of Sexual Violence	444
5.2.3	Deliberately Inflicting on the Group Conditions of Life Calculated to Bring about Its Physical Destruction in Whole or in Part (c)	445
5.2.3.1	Ethnic Cleansing	446
5.2.4	Imposing Measures Intended to Prevent Births within the Group (d)	449
5.2.5	Forcibly Transferring Children of the Group to Another Group (e)	450
6	Observations and Conclusions	451
Chapter 2		
Crimes Against Humanity		
1	Introduction	455
2	The Concept of “Crimes Against Humanity”	457
2.1	The Nuremberg Tribunal	458
2.2	The Nuremberg Principles and the First Draft Codes of Offences against the Peace and Security of Mankind	461
2.3	The 1991 Draft Code of Crimes against the Peace and Security of Mankind	466
2.4	The 1996 Draft Code of Crimes against the Peace and Security of Mankind	467
2.5	The Statutes of the Ad Hoc International Criminal Tribunals	468
3	Defining “Crimes Against Humanity”	468
4	Sources of Applicable Law	474
5	Conditions for Applicability	477
5.1	Widespread or Systematic Attack	477
5.2	Policy	479
5.2.1	State or Organizational Policy	483
5.2.2	Discriminatory Policy?	484
5.3	Attack Directed against Any Civilian Population	485
5.4	Mental Element	490

6	Acts Constituting Crimes Against Humanity	491
6.1	Murder	492
6.2	Extermination	496
6.3	Enslavement	500
6.4	Deportation or Forcible Transfer of Population	503
6.5	Imprisonment or Other Severe Deprivation of Physical Liberty in Violation of Fundamental Rules of International Law . . .	505
6.6	Torture	507
6.7	Sexual Violence	510
6.7.1	Rape	511
6.7.2	Sexual Slavery	513
6.7.3	Enforced Prostitution	514
6.7.4	Forced Pregnancy	515
6.7.5	Enforced Sterilization	516
6.7.6	“Any Other Form of Sexual Violence of Comparable Gravity”	516
6.8	Persecution	517
6.9	Enforced Disappearance of Persons	526
6.10	The Crime of Apartheid	528
6.11	“Other Inhumane Acts”	529
7	Observations and Conclusions	532

Chapter 3

War Crimes	537
-----------------------------	------------

1	Introduction	537
2	The Concept of War Crimes	539
2.1	Defining “War Crimes”	543
3	Sources of Applicable Law	544
3.1	International Armed Conflict	544
3.1.1	The 1949 Geneva Conventions	544
3.1.2	Other Serious Violations	545
3.2	Armed Conflict Not of an International Character	546
3.2.1	Article 3 Common to the 1949 Geneva Conventions	546
3.2.2	Other Serious Violations	547
3.2.2.1	Protocol II Additional to the 1949 Geneva Conventions	547
4	Conditions for Applicability of Article 8	548
4.1	Non-Threshold-Threshold	548
4.2	The Existence of an Armed Conflict	549
4.2.1	Substantive Link between Armed Conflict and Offense	550
4.3	Difficulties in Classifying the Character of an Armed Conflict	553
4.3.1	Distinction between International and Non-International Armed Conflict	553

4.4	International Armed Conflicts	556
4.4.1	Grave Breaches (Paragraph (2)(a))	557
4.4.1.1	International Armed Conflict	557
4.4.1.2	Protected Persons and Protected Property	560
4.4.1.3	Relevant Geneva Convention	562
4.4.2	Other Serious Violations (Paragraph (2)(b))	564
4.4.2.1	Wars of National Liberation	566
4.4.2.2	Distinction between Combatants and Non-Combatants	568
4.4.2.3	Extended Protection	568
4.5	Armed Conflicts not of an International Character	569
4.5.1	Serious Violations of Common Article 3 (Paragraph (2)(c))	570
4.5.1.1	Threshold	573
4.5.2	Other Serious Violations (Paragraph (2)(e))	573
4.5.3	Internal Affairs (paragraph 3)	575
4.5.3.1	Legitimate Means	576
5	Acts Constituting War Crimes	578
5.1	Acts Against Persons	579
5.1.1	Killing	579
5.1.2	Torture	583
5.1.3	Outrages upon Personal Dignity, Cruel, Inhuman, and Degrading Treatment	588
5.1.4	Rape and Other Forms of Sexual Violence	592
5.2	Other Acts	593
5.2.1	The Use of Child Soldiers	593
5.2.2	Prohibition of Employing Certain Weapons	594
6	Notable Absences	603
6.1	Acts Committed in International Armed Conflicts: Additional Protocol I	603
6.2	Acts Committed in Armed Conflicts Not of an International Character	604
6.2.1	Absences from Additional Protocol II	604
6.3	Consequences	605
7	Observations and Conclusions	607
	Conclusions	609
1	Perspectives	609
2	The International Criminal Court and International Peace and Security	610
3	Paradoxes	611
4	The Statutory Meaning of <i>Nullum Crimen Sine Lege</i>	616
4.1	Statutory Interpretation	618
4.2	Difficulties in Interpreting the Definitions of Crimes	620

Table of Contents

5	The Content and Scope of Subject Matter Jurisdiction	622
6	The Relevance of Article 10	624
7	Other Crimes under International Law	626
	7.1 <i>Nullum Crimen Sine Lege</i> in International Law	626
8	Jurisdiction over Nationals of Non-States Parties	628
9	Genocide, Crimes Against Humanity, War Crimes, and “Universal Jurisdiction”	629
10	Final Comment	631
	Summary	633
	Nederlandse samenvatting	647
	Bibliography	661
	Index	695
	Curriculum Vitae	699
	School of Human Rights Research Series	701

ACKNOWLEDGMENTS

When I was studying law in Utrecht, Mischa Wladimiroff took on some students to work for him in the defense of the first person who stood trial before the International Criminal Tribunal for the Former Yugoslavia. I am very grateful to him for giving me the opportunity to participate in this unique adventure. Above all, it inspired me to start with this study.

The subject of this thesis has changed quite a bit since 1995, due to the major developments in the field of international criminal law. A few years after I started this research on the basis of a draft Statute of the International Law Commission, the Diplomatic Conference in Rome adopted the Statute for the International Criminal Court. The conclusions of this study were finalized on the day former President Slobodan Milosević was transferred to the UN Detention Unit at The Hague. On 11 September 2001, I submitted the manuscript to be sent off to the Commission for assessment.

Despite the continuing development of case law deriving from the ad hoc Tribunals and other courts, I concluded this research on 1 September 2001. Materials appearing after this date have been considered only to the extent that they shed new light on the subject of study.

These past few years have been amazing years, though not only at world level for me. I should like to mention some of the people who contributed to this study.

Willem van Genugten, Anton van Kalmthout, and Jan Sjöcrona together wrote the research proposal to which I applied at the Faculty of Law of Tilburg University in 1995. Their confidence and support have been truly encouraging. Nico Keijzer has always been there for his students too, if need be with tea. May this not be our last joint effort; I promise to be briefer next time. Having said that, I should also like to thank Irma for her care and her cookies.

I derived great inspiration for this study from Adriaan Bos, who provided me with the opportunity of an internship. In this way I was able to attend one of the Preparatory Committee sessions on the establishment of the International Criminal Court in August 1996. Being accredited as an “expert” within the Dutch delegation – thank you, Roeland Böcker – certainly opened my eyes to the way in which “international criminal law” is actually created. Ian Guest and his On The Record-advocacy project enabled me to attend the Diplomatic Conference in 1998 and made me live in a Roman convent for once in my life.

Otto Triffterer’s writings inspired me to focus on the sources of international criminal law and the *nullum crimen sine lege* principle. Likewise, my visit to the

Max-Planck-Institut für ausländisches und internationales Strafrecht in Freiburg in 1996 has been very useful: not only the time spent in library, but especially the discussions with Professor H.-H. Jescheck and, not in the least, the documents always discovered right on time and care provided by Bas van Riel.

I enjoyed the discussions with Frits Kalshoven, Guido den Dekker, Herman von Hebel, Richard van Elst, Göran Sluiter, Liesbeth Zegveld, Marten Zwanenburg and others, within the framework of the “Kalshoven International Humanitarian Law Research Group.” These sessions often strengthened my enthusiasm for my work: may they long continue to be held.

The Department of Criminal Law of Tilburg University still is a good place to be. Marian de Jong still keeps its troops together after all these years. Marion Brienen, Afshin Ellian, Elishewa van de Griend, Ernestine Hoegen, Piet-Hein van Kempen, François Kristen, Anna Meijknecht, and Elies van Sliedregt were not only colleagues, but also friends. With many other “AIO’s” working at Tilburg’s Law Faculty I plodded on and partied.

Marcel Felet and the Schoordijk Institute of Tilburg University have been instrumental in making life easier. Richard van Rijsbergen regularly saved my documents from miraculous disappearances, so did Rob Matthijssen. Marjolijn Verhoeven should be thanked for her capacity to avoid bureaucratic hurdles and for her (last) cigarettes. Hildegard Penn and Ineke Sijtsma turned this text into digestible English in the shortest amount of time possible: thank you so much.

Many colleagues from the Netherlands Red Cross Society were forced to be patient during the last year of working on this study. Particularly Anne Helene Borgts, Mireille Hector, and Pita Schimmelpenninck van der Oije: for their support I owe them more than one favor. They make it fun to work as a team.

Many others made an effort to distract me from my work and to put it into perspective. With Clarisse Girot I shared a house in Tilburg, work, fun, and a few teardrops: a cross-border friendship. Madeleine van Toorenborg and Theo Ermens were always there when needed with a positive spirit and help. So was my Frysian family, especially Jan and Baukje de Vries.

Ron and Tini Boot, my parents, of whom I am proud. My father’s inquisitiveness and my mother’s enthusiasm, and the perseverance and love of both have been both necessary and inspiring.

But life is *really* boring when Luuk is not around.

Leiden, 15 November 2001

ABBREVIATIONS

AA	<i>Ars Aequi</i>
AI	Amnesty International
Alberta L. Rev.	<i>Alberta Law Review</i>
Am. J. Int'l L.	<i>American Journal of International Law</i>
ALC	Annotated Leading Cases
Am. Ct. H. R.	American Court of Human Rights
Am. U. J. Int'l L. & Pol'y	<i>The American University Journal of International Law and Policy</i>
Ann. Digest	<i>Annual Digest and Reports of Public International Law Cases</i>
Appl.	Application
Ariz. L. Rev.	<i>Arizona Law Review</i>
ASIL	American Society of International Law
Aust. J. Publ. Int'l L.	Austrian Journal of Public International Law
BBS	Besluit Buitengewoon Strafrecht (Extraordinary Penal Law Decree)
Brit. Y.B. Int'l L.	<i>British Yearbook of International Law</i>
B.U. Int'l L.J.	<i>Boston University International Law Journal</i>
BGHSt	Entscheidungen des Bundesgerichtshofes in Strafsachen (Judgments of the German Supreme Court)
BVerfGE	Entscheidungen des Bundesverfassungsgerichts (Judgments of the German Federal Constitutional Court)
Cal. W. Int'l L.J.	<i>California Western International Law Journal</i>
CCPR	International Covenant on Civil and Political Rights
CERD	Committee on the Elimination of Racial Discrimination
Colum. J. Transnat'l L.	Columbia Journal of Transnational Law
Colum. L. Rev.	<i>Columbia Law Review</i>
Comm.	Communication
Crim. L.F.	Criminal Law Forum
Denv. J. Int'l. L. & Pol'y	<i>Denver Journal of International Law and Policy</i>
DePaul L. Rev.	<i>DePaul Law Review</i>
Doc.	Document
Duke J. of Comp. & Int'l L.	<i>Duke Journal of Comparative & International Law</i>

DR	Decisions and Reports of the European Commission of Human Rights
ECHR	European Convention on Fundamental Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
ELSA	European Law Students' Association
EPIL	<i>Encyclopedia of Public International Law</i>
ETS	European Treaty Series
EuGRZ	<i>Europäische Grundrechte-Zeitschrift</i>
Eur. J. Crime Cr.L. Cr.J	<i>European Journal of Crime, Criminal Law and Criminal Justice</i>
Eur. J. Int'l L.	<i>European Journal of International Law</i>
Fordham Int'l L.J.	<i>Fordham International Law Journal</i>
FS	Festschrift
Ga. J. Int'l. & Comp. L.	<i>Georgia Journal of International and Comparative Law</i>
GG	<i>Grundgesetz</i> (German Basic Law)
GYIL	<i>German Yearbook of International Law</i>
Harv. Hum. Rts. J.	<i>Harvard Human Rights Journal</i>
HR	Hoge Raad (Netherlands Supreme Court)
HRLJ	<i>Human Rights Law Journal</i>
Hum. Rts. Q.	<i>Human Rights Quarterly</i>
HuV-I	<i>Humanitäres Völkerrecht-Informationsschriften</i>
HRW	Human Rights Watch
ICC	International Criminal Court
ICJ	International Court of Justice
ICJ Rep.	<i>International Court of Justice, Reports of Judgments, Advisory Opinions and Orders</i>
ICJ Brief	<i>International Commission of Jurists Brief</i>
Int'l & Comp. L.Q.	<i>The International & Comparative Law Quarterly</i>
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ILC	International Law Commission
ILM	<i>International Legal Materials</i>
ILR	<i>International Law Reports</i>
IMT	International Military Tribunal
Inter-Am. Ct. H.R.	Inter-American Court of Human Rights
Int'l Conciliation	<i>International Conciliation</i>
IRRC	<i>International Review of the Red Cross</i>
Israel L. Rev.	<i>Israel Law Review</i>
Israel Y.B. on Hum. Rts.	<i>Israel Yearbook on Human Rights</i>

JZ	<i>Juristenzeitung</i>
Law & Cont. Problems	<i>Law and Contemporary Problems</i>
LNTS	League of Nations Treaty Series
L.R.T.W.C.	<i>Law Reports of Trials of War Criminals</i>
LJIL	<i>Leiden Journal of International Law</i>
Mich. J. Int'l. L.	<i>Michigan Journal of International Law</i>
Mil. L. Rev.	<i>Military Law Review</i>
MPC	Model Penal Code
MRT	<i>Militair-rechtelijk Tijdschrift</i>
n.	note
NATO	North Atlantic Treaty Organization
NEP	<i>Nouvelles Études Pénales</i>
NILR	<i>Netherlands International Law Review</i>
NJB	<i>Nederlands Juristenblad</i>
NJW	<i>Neue Juristische Wochenschrift</i>
no.	number
NQHR	<i>Netherlands Quarterly of Human Rights</i>
NYIL	<i>Netherlands Yearbook of International Law</i>
N.Y.U. J. Int'l L. & Pol.	<i>New York University Journal of International Law and Politics</i>
OAS	Organisation of American States
OAU	Organisaton of African Unity
OJ	Official Journal of the European Communities
p.	page
para.	paragraph
PCIJ	Permanent Court of International Justice
pr.	preamble
PrepCom	Preparatory Committee
RBDI	<i>Revue belge de droit international</i>
Rec. des Cours	<i>Recueil des Cours de l'Académie de droit international</i>
Rep.	Report
Reports	<i>Reports of Judgments and Decisions.</i> Publication of the case law of the European Commission and Court of Human Rights (as from 1996)
Res.	Resolution
Rev. Belge Dr. Intern.	<i>Revue Belge de Droit International</i>
Rev. Intern. Dr. Intern.	<i>Revue internationale de droit pénal</i>
Rev. sc. crim.	<i>Revue de science criminelle et de droit pénal comparé</i>
RPE	Rules of Procedure and Evidence
Rutgers L. J.	Rutgers Law Journal
SC	Security Council

Abbreviations

Stan. J. Int'l L.	<i>Stanford Journal of International Law</i>
StGB	<i>Strafgesetzbuch</i> (German Criminal Code)
Sr	<i>Wetboek van Strafrecht</i> (Dutch Criminal Code)
Temp. Int'l & Comp. L.J.	<i>Temple International and Comparative Law Journal</i>
Tex. L. Rev.	<i>Texas Law Review</i>
Tex. Int'l L.J.	<i>Texas International Law Journal</i>
TIAS	<i>Treaties and Other International Acts Series</i>
U. Fla. L. Rev.	<i>University of Florida Law Review</i>
UN	United Nations
UN Doc.	United Nations Document
UN GAOR	United Nations General Assembly Official Record
U.N.S.W. L.J.	<i>University of New South Wales Law Journal</i>
UNTS	United Nations Treaty Series
UNWCC	United Nations War Crimes Commission
U. Pa.L. Rev.	University of Pennsylvania Law Review
US	United States
v.	versus
Vand. L. Rev.	<i>Vanderbilt Law Review</i>
vol.	volume
Yale Int'l L J.	<i>The Yale Journal of International Law</i>
Yale L. J.	<i>The Yale Law Journal</i>
YB ECHR	<i>Yearbook of the European Convention of Human Rights</i>
YB ILC	<i>Yearbook of the International Law Commission</i>
YB IHL	<i>Yearbook of International Humanitarian Law</i>
Wm. & Mary L. Rev.	<i>William and Mary Law Review</i>
ZäöRV	<i>Zeitschrift für ausländisches öffentliches Recht und Völkerrecht</i>
ZStW	<i>Zeitschrift für die gesamte Strafrechtswissenschaft</i>

TABLE OF TREATIES AND DECLARATIONS

(The numbers refer to paragraphs and not to pages)

- 1868 Declaration of St. Petersburg, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 54: 581
- 1899 Hague Convention (II) with Respect to the Laws and Customs of War on Land, 29 July 1899, reprinted in Schindler and Toman, *Laws of Armed Conflict*, p. 63: 5, 6, 166, 174, 317, 433
– Declaration 2 concerning Asphyxiating Gases, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 60: 581
– Declaration 3 concerning Expanding Bullets, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 63: 581
- 1904 International Convention for the Suppression of the White Slave Traffic, 18 May 1904, 35 Stat. 426, 1 LNTS 83, as amended by the Protocol of 4 May 1949, 92 UNTS 19: 476
- 1906 Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, 6 July 1906, reprinted in Schindler and Toman, *Laws of Armed Conflict*, p. 301: 165
- 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land (and Annex [Regulations concerning the Laws and Customs of War on Land]), 18 October 1907, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 67: 5, 35, 165, 166, 170, 174, 175, 177, 180, 209, 216, 222, 244, 245, 317, 433, 516, 519, 520, 523, 585
- 1910 International Convention for the Suppression of White Slave Traffic, 4 May 1910, III LNTS 278: 476
- 1919 Versailles Peace Treaty between the Allies (USA, Great Britain, France, Italy, and Japan) and Germany, 28 June 1919, available through <www.lib.byu.edu/>: 174, 175, 176, 581
- 1921 International Convention for the Suppression of the Traffic in Women and Children, 30 September 1921, 9 LNTS 416, as amended by Protocol, 93 UNTS 43: 476
- 1925 Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 17 June 1925, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 158: 581, 583, 585, 586
- 1926 Slavery Convention, 25 September 1926, 60 LNTS 253: 475

- 1928 General Treaty for the Renunciation of War, 27 August 1928 (*Kellogg-Briand Pact*), reprinted in IV *International Legislation* 2522 (1928-1929): 169, 170, 174, 175, 181
- 1929 Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, 27 July 1929, 118 LNTS 303: 6, 165, 170, 177
- 1929 Convention Relative to the Treatment of Prisoners of War, 27 July 1929, 118 LNTS 343: 6, 165, 170, 177
- 1933 International Convention on the Suppression of the Traffic in Women of Full Age, 11 October 1933, 150 LNTS 431, as amended by the Protocol of 12 November 1947, 53 UNTS 39: 59, 476
- 1945 Charter of the United Nations, San Francisco, 26 June 1945: 8, 39, 40, 43, 55, 57, 58, 66, 207, 208, 212, 214, 230, 292, 315, 321, 328, 335, 354, 357, 359, 497, 558, 599
- 1945 Statute of the International Court of Justice, San Francisco, 26 June 1945: 9, 13, 34, 35, 53, 55, 57, 58, 127, 142, 241, 314, 367, 598, 630
- 1945 Charter of the International Military Tribunal for the Trial of the Major War Criminals, appended to the Agreement for the Prosecution and Punishment of Major War Criminals of the European Axis, 8 August 1945, London, as amended, Protocol to Agreement and Charter, 6 October 1945, 82 UNTS 279 (*Nuremberg Charter*): 4, 6, 22, 29, 153, 168, 170, 171, 177, 179, 180, 186, 189, 194, 209, 218, 219, 224, 225, 252, 277, 278, 280, 293, 301, 337, 374, 378, 387, 408, 415, 431-433, 436, 445-447, 463, 468, 483, 493, 497, 499, 503, 505, 512, 516
- 1946 Control Council Law No. 10, *Official Gazette of the Control Council for Germany*, No. 3, Berlin, 31 January 1946: 6, 22, 183, 185-187, 224, 225, 252, 279, 431, 434, 443-44, 463, 468, 482
- 1946 Charter of the International Military Tribunal for the Far East, 19 January 1946 (General Orders No. 1), Tokyo, as amended, General Orders No. 20, 26 April 1946, TIAS No. 1589, 4 Bevans 20 (*Tokyo Charter*): 6, 22, 29, 153, 179, 180, 218, 219, 225, 293, 301, 337, 374, 378, 431, 434, 447, 463, 468, 483, 493, 497, 516
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide, UN General Assembly Res. 260 A (III) (9 December 1948), 78 UNTS 277 (*Genocide Convention*): 7, 54, 59, 209, 210, 217, 223, 226, 251, 253, 293, 317, 374, 380, 381, 385, 411, 418, 429, 443, 444, 487, 613, 614, 619
- 1948 Universal Declaration of Human Rights, UN General Assembly Res. 217 (A) (10 December 1948), UN GAOR, Third Session, UN Doc. A/RES/3/217 (1948): 114, 116, 121, 127, 128, 142, 154, 157, 158, 159, 162, 189, 303, 304, 469, 479, 480, 497, 606
- 1948 American Declaration of the Rights and Duties of Man, OAS Res. XXX, OEA/Ser.L.V/II.82 doc.6 rev. 1, available through <<http://www.oas.org/>>: 154

- 1949 Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, 75 UNTS 31 (*Geneva Convention I*): 5, 34, 48, 55, 207, 209, 213, 216, 221, 222, 224, 227, 245, 318, 372, 465, 466, 483, 484, 505, 516, 518, 522, 538, 540, 542, 544, 551, 563, 564, 565, 570, 576, 592, 598, 613, 614, 615, 624, 630
- 1949 Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, 75 UNTS 85 (*Geneva Convention II*): 34, 48, 55, 207, 213, 216, 221, 222, 224, 227, 245, 318, 516, 522, 544, 551, 563, 598, 613, 614, 615, 630
- 1949 Convention relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 (*Geneva Convention III*): 5, 34, 48, 55, 120, 207, 213, 216, 221, 222, 224, 227, 245, 318, 516, 522, 542, 544, 551, 563, 598, 613, 614, 615, 630
- 1949 Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (*Geneva Convention IV*): 5, 34, 48, 54, 55, 207, 213, 216, 221, 222, 224, 227, 245, 318, 484, 488, 505, 516, 522, 543, 544, 551, 563, 598, 613, 614, 615, 630
- 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, UN General Assembly Res. 317 (IV) (2 December 1949), 96 UNTS 272: 59, 476
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950, ETS No. 5: 17, 69, 76, 114, 116, 127, 128, 129, 141, 144, 151, 154, 156, 157, 159, 160, 162, 164, 199, 200, 205, 289, 304, 347, 348, 469, 480, 507, 560, 602, 606, 622, 626, 627
 – Protocol No. 4 to the European Convention on Human Rights, Strasbourg, 16 September 1963, ETS No. 46: 151, 479
 – Protocol 11 to the European Convention on Human Rights, 11 May 1994, ETS No. 155: 129, 134
- 1950 Convention relating to the Status of Refugees, Geneva, 28 July 1950, 189 UNTS 137: 493
 – Protocol relating to the Status of Refugees, New York, 31 January 1967: 59
- 1950 Convention for Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others, Lake Success, 21 March 1950, 96 UNTS 271: 59
- 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954, 249 UNTS 240, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 373: 216, 317, 519
- 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 7 September 1956, 266 UNTS 3: 59, 475
- 1957 Convention concerning the Abolition of Forced Labour (Convention No. 105), 25 June 1957; 320 UNTS 291: 475

- 1963 Charter of the Organization of African Unity, Addis Ababa, 25 May 1963, 479 UNTS 39: 157
- 1963 Declaration on the Elimination of All Forms of Racial Discrimination, UN General Assembly Res. 1904 (XVIII) (20 November 1963): 497
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination, UN General Assembly Res. 2106 A (XX) (21 December 1965), 660 UNTS 195: 218, 409, 495, 497
- 1966 International Covenant on Civil and Political Rights UN General Assembly Res. 2200 (XXI) (16 December 1966), 999 UNTS 171 (1979): 17, 69, 114, 115, 118, 130, 141, 142, 144, 147, 151, 156, 162, 163, 164, 199, 200, 205, 229, 230, 235, 248, 249, 303, 304, 306, 347, 348, 469, 479, 480, 497, 507, 516, 560, 602, 604, 606, 622, 627
 – Optional Protocol to the International Covenant on Civil and Political Rights, UN General Assembly Res. 2200A (XXI) (16 December 1966), 1057 UNTS 407: 118
- 1967 Declaration on the Elimination of Discrimination against Women (7 November 1967), UN General Assembly Res. 2263 (XXII): 476
- 1968 Proclamation of Teheran, Proclaimed by the International Conference on Human Rights at Teheran on 13 May 1968, UN Doc. A/CONF.32/41, at 3 (1968) : 497
- 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, UN General Assembly Res. 2391 (XXIII) (26 November 1968), 754 UNTS 73: 253, 503
- 1969 Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 331: 18, 45, 133, 239, 240, 245, 262, 289, 344, 353, 364, 365, 366, 613
- 1969 American Convention on Human Rights, San José, 22 November 1969, OAS Treaty Ser. No. 36, OAS Off. Rec. OEA/Ser.L/V/II.23 doc. 21 rev. 6 (1979): 17, 114, 116, 124, 133, 154, 157, 159, 239, 240, 304, 347, 469, 476, 479, 480, 507, 560, 606
- 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction, 10 April 1972, available through <<http://www.icrc.org/>>: 317, 583, 586
- 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, UN General Assembly Res. 3068 (XXVIII) (30 November 1973), 1015 UNTS 243: 59, 251, 253, 318, 337, 444, 503
- 1974 European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes, Strasbourg, 25 January 1974, ETS No. 82 (not yet in force): 503
- 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN General Assembly Res. 3452 (XXX) (9 December 1975): 482

- 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, 1125 UNTS 3 (*First Additional Protocol; Protocol I*): 5, 120, 216, 217, 221, 222, 227, 244, 245, 248, 318, 358, 465, 483, 484, 488, 504, 518, 519, 520, 521, 522, 523, 525, 538, 545, 547, 548, 549, 550, 563, 578, 582, 614
- 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, 1125 UNTS 609 (*Second Additional Protocol; Protocol II*): 5, 213, 216, 217, 221, 222, 226, 227, 228, 242, 245, 248, 256, 288, 311, 317, 483, 488, 519, 520, 521, 525, 526, 538, 545, 550, 554, 555, 556, 557, 558, 563, 573, 578, 579, 592, 593
- 1979 Convention on the Elimination of All Forms of Discrimination against Women, UN General Assembly Res. 34/180 (18 December 1979), reprinted in: United Nations, *A Compilation of International Instruments*, UN Doc. ST/HR/1/Rev.5 (Vol.1/Part 1) (1994), p. 150: 476
- 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Geneva, 10 October 1980, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 515: 317, 584, 586
 – Protocol on Non-Detectable Fragments (*CCWC Protocol I*), Geneva, 10 October 1980: 584
 – Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (*CCWC Protocol II*), Geneva, 10 October 1980: 584
 – Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (*CCWC Protocol III*), Geneva, 10 October 1980: 584
 – Protocol on Blinding Laser Weapons, Geneva, 13 October 1995 (*CCWC Protocol IV*): 584
 – Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, Geneva, 3 May 1996 (*CCWC Amended Protocol II*): 584, 586
- 1981 African Charter on Human and People's Rights, Banjul, 26 June 1981, OAU Doc. CAB/LEG/67/3 Rev. 5: 17, 114, 116, 119, 157, 304, 469, 479, 480, 606
- 1984 Protocol on the Establishment of the African Court on Human and Peoples' rights, OAU/LEG/MIN/AFCHPR/PROT, 1rev. 2 (1997), in *ICJ Review* 243 (1998) (not yet in force): 154, 157
- 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN General Assembly Res. 39/46 (10 December 1984), 1465 UNTS 85: 22, 54, 59, 217, 248, 318, 482, 507, 566, 567, 568, 630

Table of Treaties and Declarations

- 1985 Inter-American Convention to Prevent and Punish Torture, Cartagena de Indias, Colombia, 9 December 1985, OAS Treaty Series No. 67: 482
- 1988 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UN General Assembly Res. 43/173 (9 December 1988): 480
- 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 19 December 1988, reprinted in 28 *ILM* 497: 316, 318
- 1989 Principles on the Effective Prevention and Investigation of Extra-Legal Arbitrary and Summary Executions, Economic and Social Council Res. 1989/65 (24 May 1989): 469
- 1989 Convention on the Rights of the Child, UN General Assembly Res. 44/25 (20 November 1989) reprinted in 28 *ILM* 1448: 337, 523, 578, 579
– Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, UN General Assembly Res. A/RES/54/263 (25 May 2000) (not yet in force): 579
- 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989, UN General Assembly Res. 44/34, reprinted in 29 *ILM* 89 (not yet in force): 59, 317
- 1992 Declaration on the Protection of All Persons from Enforced Disappearances, UN General Assembly Res. 47/133 (18 December 1992): 501
- 1993 Convention on the Prohibition of the Development, Production, Stockpiling and the Use of Chemical Weapons and Their Destruction, Paris 13 January 1993, available through <<http://www.opcw.org/>>: 587
- 1993 Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established by the Security Council acting under Chapter VII of the United Nations Charter, 25 May 1993, Security Council Resolution 827 (1993), United Nations Security Council Official Records, Forty-eighth Session, 3217th Meeting, UN Doc. S/RES/827 (1993) (Statute of the International Criminal Tribunal for the former Yugoslavia) (*ICTY Statute*): 1, 6, 7, 22, 29, 56, 69, 208, 209, 213, 229, 242, 265, 282, 289, 315, 327, 335, 337, 372, 374, 420, 431, 445, 446, 447, 463, 465, 468, 470, 480, 482, 493, 503, 505, 512, 518, 563, 570, 600
– Rules of Procedure and Evidence, UN Doc. IT/32/Rev. 20 (12 April 2001): 239, 342, 347
- 1994 UN Convention on the Safety of United Nations and Associated Personnel, Annex to UN Doc. A/RES/49/59 (9 December 1994): 523, 525
- 1994 Inter-American Convention on the Forced Disappearance of Persons of 1994, Belém do Pará, Brazil, 9 June 1994, 24th Regular Session of the OAS General Assembly; available through <www.oas.org/juridico/english/treaties.html>: 501, 502

- 1994 Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, between 1 January 1994 and 31 December 1994, Established by the Security Council acting under Chapter VII of the United Nations Charter, 8 November 1994, Security Council Resolution 955 (1994), United Nations Security Council Official Records, Forty-Ninth Session, 3453rd Meeting, UN Doc. S/RES/955 (1994) (Statute of the International Criminal Tribunal for Rwanda) (*ICTR Statute*): 1, 6, 7, 22, 29, 210, 213, 229, 242, 265, 289, 335, 337, 372, 374, 420, 431, 445, 446, 447, 463, 468, 470, 480, 482, 493, 503, 519, 527
– Rules of Procedure and Evidence as adopted on 29 June 1995, as amended on 31 May 2001, available through <www.ictt.org>: 239
- 1996 Comprehensive Nuclear Test Ban Treaty, 10 September 1996, UN Doc. A/50/L.78 (1996) (not yet in force): 586
- 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (*Ottawa Convention*), 18 September 1997), 36 *ILM* 1507, reprinted in Roberts and Guelff, *Documents on the Laws of War*, p. 645: 584, 586
- 1997 International Convention for the Suppression of Terrorist Bombing, UN General Assembly Res. 52/164 (15 December 1997/9 January 1998), available through <www.undcp.org>: 274
- 1998 Statute of the International Criminal Court, Rome 17 July 1998, adopted and opened for signature on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, UN Doc. A/CONF.183/9*, as corrected by the *procès-verbaux* of 10 November 1998 and 12 July 1999 (not yet in force): 1, 3, 4, 6, 8, 11, 24, 25, 66, 265, 274, 281, 289, 291, 307, 328, 340, 341, 346, 381, 418, 595, 599, 621
- 2000 Charter of Fundamental Rights of the European Union, Nice, 7 December 2000, *OJ* 18 December 2000, C 364/1-22: 144

TABLE OF CASES

(The numbers refer to paragraphs and not to pages)

Permanent Court of International Justice

SS Lotus (France v. Turkey), 1927 PCIJ, Ser. A, No. 10 (1927): 355

Rights of Minorities in Upper Silesia (Germany v. Poland), PCIJ Ser. A, No.12 (1928): 406

International Court of Justice

Reservations to the Convention on Genocide, Advisory Opinion, ICJ Rep. 1951, p. 15 (28 May 1951): 54, 223, 374

Nottebohm (2nd phase) (Lichtenstein v. Guatemala), Judgment, ICJ Rep. 1955, p. 4 (6 April 1955): 406

Northern Cameroons Case (Republic of Cameroon v. UK), Judgment, ICJ Rep. 1963, p. 15 (2 December 1963): 62

Nuclear Tests (Australia v. France and New Zealand v. France), Judgment, ICJ Rep. 1974, p. 253 (20 December 1974): 62

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. U.S.), Judgment, ICJ Rep. 1986, p. 114 (27 June 1986): 224, 236, 248, 535, 595, 615

Case Concerning East Timor (Portugal v. Australia), Judgment, ICJ Rep. 1995, p. 90 (30 June 1995): 60

Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Rep. 1996 (8 July 1996): 391, 586

Application of the Convention on the Prevention and Punishment of Genocide (Republic of Bosnia Herzegovina v. Federal Republic of Yugoslavia), Preliminary Objections, Judgment, 11 July 1996, ICJ Rep. 1996: 57, 374, 420

Application of the Convention on the Prevention and Punishment of Genocide (Croatia v. Federal Republic of Yugoslavia), Application by Croatia of 2 July 1999: 57

Legality of Use of Force (Federal Republic of Yugoslavia v. Belgium, Federal Republic of Yugoslavia v. Canada, Federal Republic of Yugoslavia v. France, Federal Republic of Yugoslavia v. Germany, Federal Republic of Yugoslavia v. Italy, Federal Republic of Yugoslavia v. the Netherlands, Federal Republic of Yugoslavia v. Portugal, Federal Republic of Yugoslavia v. Spain, Federal Republic of Yugoslavia v. United Kingdom, Federal Republic of Yugoslavia v. United States of America), Applications by the Federal Republic of Yugoslavia of 29 April 1999: 4, 391

- (Federal Republic of Yugoslavia v. Spain), Request for the Indication of Provisional Measures, Order, 2 June 1999: 4
- (Federal Republic of Yugoslavia v. United States of America), Request for the Indication of Provisional Measures, Order, 2 June 1999: 4
- Arrest Warrant of 11 April 2000* (Democratic Republic of Congo v. Belgium), Request for the Indication of Provisional Measures, Order, 8 December 2000: 55, 196, 630
- Declaration of Judge ad hoc Van den Wyngaert: 55

UN Human Rights Committee

- Pietraroia v. Uruguay*, Communication No. 44/1979, UN Doc. CCPR/C/12/D/44/1979 (9 April 1981): 122
- Weinberger v. Uruguay*, Communication No. 28/1978, UN Doc. CCPR/C/11/D/28/1978 (29 October 1980): 122

European Commission on Human Rights

- De Becker*, Appl. No. 214/56, 9 June 1958, 2 *YB ECHR* 214 (1958-1959): 143
- G. v. Federal Republic of Germany*, Appl. No. 13079/87, 6 March 1989, 60 DR 256 (1989): 135
- Natetelić v. Croatia*, Appl.No. 51891/99, 4 May 2000: 347
- Osman v. United Kingdom*, Appl. No. 14037, 13 March 1989: 131
- Touvier v. France*, Appl. No. 29420/95, 13 January 1997, 88/148: 143
- X. v. Austria*, Appl. No. 8490/79, 12 March 1981, 22 DR 140 (1981): 132
- X. v. Belgium*, Appl. No. 1028/61, 18 September 1961, 4 *YB ECHR* 325 (1961): 143
- X. v. Federal Republic of Germany*, Appl. No. 7900/77, 6 March 1978, 13 DR 70 (1978): 347
- X. Ltd and Y. v. United Kingdom*, Appl. No. 8710/79, 7 May 1982, 28 DR 77 (1982): 135, 140
- X. v. Netherlands*, Appl. No. 7512/76, 6 July 1979, 6 DR 184 (1979): 131

European Court of Human Rights¹

- Baskaya and Okçuoglu v. Turkey*, ECtHR, Judgment of 8 July 1999: 137, 138, 347
- Cantoni v. France*, ECtHR, Judgment of 15 November 1996: 134, 138
- C.R. v. United Kingdom*, ECtHR, Judgment of 22 November 1995, Ser. A- 335-C (1995) (NJ 1997, 1): 132, 134, 139, 140, 160, 232, 263
- Engel and Others v. the Netherlands*, ECtHR, Judgment of 8 June 1976, Ser. A-22 (1976): 133

1 The texts of judgments of the European Court of Human Rights are available through <http://www.echr.coe.int/Eng/Judgments.htm>.

- G. v. France*, ECtHR, Judgment of 27 September 1995, Ser. A-325-B (1995) (NJ 1996, 49): 137, 140, 347
- Golder v. United Kingdom*, Judgment of 21 February 1975, Ser. A – 18 (1975): 365
- Groppera Radio AG and Others v. Switzerland*, ECtHR, Judgment of 28 March 1990, Ser. A-173 (1990): 138
- K.-H. W. v. Germany*, ECtHR, Judgment of 22 March 2001: 134, 148, 150, 152, 153, 626
- Kokkinakis v. Greece*, ECtHR, Judgment of 25 May 1993, Ser. A-260-A (1993): 136
- Lawless v. Ireland*, ECtHR, Judgment of 1 July 1961, Ser. A-3: 131
- Öztürk v. Germany*, ECtHR, Judgment of 21 February 1984, Ser. A-73 (1984): 133
- Streletz, Kessler and Krenz v. Germany*, ECtHR, Judgment of 22 March 2001: 132, 134, 146, 147, 148, 149, 151, 153, 626
- Sunday Times v. United Kingdom*, ECtHR, Judgment of 26 April 1979, Ser. A-30 (1979): 132, 135, 136
- S.W. v. United Kingdom*, ECtHR, Judgment of 22 November 1995, Ser. A-335-B (1995): 135, 139, 140, 160, 161, 232
- Tolstoy Miloslavsky v. United Kingdom*, ECtHR, Judgment of 13 July 1995, Ser. A-316-B (1995): 138

American Court of Human Rights

- Judicial Guarantees in States of Emergency*, Advisory Opinion, OC-9/87 of 6 October 1987, Inter-Am.Ct.H.R. (Ser. A) No. 9 (1987): 155

Germany

- BayVerfGE 51, II, 194: 82
- BayVerfGE - Vf. 23-VII/80-v. 23 April 1982 (NJW 1983, 1600): 78
- KG NJW 77, 817: 88
- BGHSt 2, 194: 78
- BGHSt 10, 157: 88, 89, 90
- BGHSt 10, 259: 78
- BGHSt 13, 190: 81
- BGHSt 18, 87: 78
- BGHSt 23, 171: 81, 171
- BGHSt 24, 40: 89
- BGHSt 26, 156: 88
- BGHSt 28, 313: 82
- BVerfGE 3, 225: 79
- BVerfGE 4, 352: 82
- BVerfGE 11, 126: 88
- BVerfGE 13, 261: 79
- BVerfGE 14, 245: 82

BVerfGE 14, 288: 79
 BVerfGE 15, 313: 79
 BVerfGE 20, 323 (NJW 67, 195): 78, 79
 BVerfGE 25, 269 (NJW 1969, 1059) (*Verjährungsverlängerungsfall*): 79, 83
 BVerfGE 26, 41 (NJW 1969, 1759) (*Unfug-Fall*): 82
 BVerfGE NJW 1978, 101: 82
 BVerfGE 34, 288: 89
 BVerfGE 47, 109 (NJW 1978, 933) (*Pornofilm-Fall*): 79, 81
 BVerfGE 48, 48 (NJW 1978, 1423) (*Bankrott-Fall*): 82
 BVerfGE 49, 89: 80
 BVerfGE NJW 79, 1445 (*Fälschung von Wahlunterlagen*): 82
 BVerfGE 57, 250: 81, 90
 BVerfGE 71, 108 (NJW 1986, 1671): 83, 90
 BVerfGE 73, 206 (*Sitzblockade I*): 82
 BVerfGE 92, 1 (*Sitzblockade II*): 90

USA

Dover v. State, 664 P.2d 536 (Wyoming 1983): 109
State v. Dean, 357 N.W.2d 307 (Iowa 1984): 109

Supreme Court

Ashton v. Kentucky, 384 US 195 (1966): 104
Barrett v. United States, 423 US 212 (1976): 109
Calder v. Bull, 3 US 386 (1798): 103
City of Chicago v. Jesus Morales and Others, No. 97 – 1121 (10 June 1999): 105
Colautti v. Franklin, 439 US 379 (1979): 104
Connally v. General Construction Company, 269 US 385 (1926): 104, 106
Cummings v. Missouri, 71 U.S. 277 (Wall.) (1867): 102
Dunn v. United States, 442 US 100 (1979): 108
Ex Parte Quirin, 317 US 1 (1942): 176
International Harvester Co. v. Kentucky, 234 US 216 (1914): 104
Kolender v. Lawson, 461 US 352 (1983): 105
Lanzetta v. New Jersey, 306 US 451 (1939): 104
Liparota v. United States, 471 US 419 (1985): 99, 108
National Association for the Advancement of Colored People (NAACP) v. Button,
 371 US 415 (1963): 105
Papachristou v. City of Jacksonville, 405 US 156 (1972): 105
Rewis v. United States, 401 US 808 (1971): 108
United States v. Bailey, 444 US 394: 100
United States v. Cohen Grocery, 255 US 81 (1921): 104, 106
United States v. Culbert, 435 US 371 (1978): 109
United States v. Harris, 347 US 612 (1954): 105
United States v. Hudson and Goodwin, 11 US 32 (1812): 99
United States v. Kozminski, 487 US 931 (1988): 108

United States v. Moore, 423 US 122 (1975): 109
Winters v. People of State of New York, 333 US 507 (1948): 106

International Prosecution of Genocide, Crimes Against Humanity, and War Crimes

Judgment of the International Military Tribunal for the Trial of German Major War Criminals, Nuremberg, London: H.M.S.O. 1946 (Miscellaneous No. 12): 172, 174, 175, 176, 177, 178, 181, 197, 247, 252, 277, 279, 280, 283, 284, 294, 306, 309, 341, 342, 378, 458, 603
Tokyo Judgment (In re Hirota and Others, International Military Tribunal for the Far East, Tokyo, 12 November 1948), reprinted in: B.V.A. Röling and C.F. Rüter (eds.), *The Tokyo Judgment*, Amsterdam: APA-University Press 1977 (Two Vols.); 15 *Ann. Digest* 356 (1948), Case No. 118: 180, 181, 203, 252, 279, 299, 309, 378, 484

International Criminal Tribunal for the Former Yugoslavia

Aleksovski Case, Judgment, Trial Chamber, Case No. IT-95-14/1, 25 June 1999: 234, 235, 236, 573
 – Judgment, Trial Chamber, Dissenting Opinion of Judge Rodrigues, Case No. IT-95-14/1, 25 June 1999: 541, 573
 – Judgment, Appeals Chamber, Case No. IT-95-14/1-A, 24 March 2000: 233, 234, 235, 236, 535, 543, 613
 – Judgment Appeals Chamber, Declaration of Judge Hunt, Case No. IT-95-14/1-A, 24 March 2000: 231, 234
Blaskić Case, Judgment on the Request of the Republic of Croatia for Review of the Decision of the Trial Chamber of 18 July 1997, Appeals Chamber, Case No. IT-95-14-AR108bis, 29 October 1997: 43, 62
 – Judgment, Trial Chamber, Case No. IT-95-14-T, 3 March 2000: 457, 458, 459, 460, 465, 470, 562, 563, 564, 572
Brdjanin and Talić Case, Decision on Application by Momir Talić for the Disqualification and Withdrawal of a Judge, Trial Chamber, Case No. IT-99-36-PT, 18 May 2000: 234
 – Decision on Motion by Radoslav Brdjanin for Provisional Release, Trial Chamber, Case No. IT-99-36-PT, 25 July 2000: 239
Delalić and Others (“Celebići”) Case, Decision of the President on the Prosecutor’s Motion for the Production of Notes Exchanged between Zejnir Delalić and Zdravko Mucić, Case No. IT-96-21-PT, 11 November 1996: 241
 Judgment, Trial Chamber, Case No. IT-96-21-T, 16 November 1998: 234, 236, 238, 240, 241, 248, 358, 418, 486, 508, 529, 532, 541, 550, 563, 564, 566, 567, 570, 571, 572, 576
 – Judgment, Appeals Chamber, Case No. IT-96-21-A, 20 February 2001: 128, 536, 543

- Erdemović* Case, Judgment, Appeals Chamber, Case No. IT-96-22-A, 7 October 1997: 239
- Joint Separate Opinion of Judge McDonald and Judge Vohrah, Case No. IT-96-22-A, 7 October 1997: 240
 - Sentencing Judgment, Trial Chamber, Case No. IT-96-22-*Tbis*, 5 March 1998: 390
- Furundžija* Case, Judgment, Trial Chamber II, Case No. IT-95-17/1-T, 10 December 1998: 241, 358, 418, 452, 453, 475, 486, 490, 492, 566, 621
- Judgment, Appeals Chamber, Case No. IT-95-17/1-A, 21 July 2000: 566
- Jelisić* Case, Judgment, Trial Chamber, Case No. IT-95-10-T, 14 December 1999: 390, 392, 393, 398, 399, 408, 412, 470
- Judgment, Appeals Chamber, Case No. IT-95-10-A, 5 July 2001: 390, 391, 392, 398, 412
- Karadžić and Mladić* Case, Decision on Review of Indictment Pursuant to Rule 61, Trial Chamber, Case No. IT-95-5-R61 & IT-95-18-R61, 11 July 1996: 390, 397, 412, 419
- Kordić and Cerkez* Case, Decision on the Joint Defence Motion to Dismiss the Amended Indictment for Lack of Jurisdiction based on the Limited Jurisdictional Reach of Articles 2 and 3, Trial Chamber, Case No. IT-95-14/2-PT, 2 March 1999: 358, 541
- Judgment, Trial Chamber, Case No. IT-95-14/2-T, 26 February 2001: 458, 459, 470, 499, 508, 563, 564, 570, 571, 572
- Krstić* Case, Judgment, Trial Chamber, Case No. IT-98-33-T, 2 August 2001: 391, 398, 408, 410, 414, 453, 472, 478, 495
- Kunarac and Others* Case (“Foca”), Judgment, Trial Chamber, Case No. IT-96-23-T & IT-96-23/1-T, 22 February 2001: 453, 458, 475, 484, 486, 532, 566, 567
- Kupreskić and Others* Case, Judgment, Trial Chamber, Case No. IT-95-16, 14 January 2000: 233, 266, 456, 458, 465, 470, 478, 495, 499, 509, 563
- Mrksić and Others* Case (“Vukovar Hospital”), Review of the Indictment Pursuant to Rule 61, Case No. IT-95-13a, 3 April 1996: 456, 465
- Nikolić* Case, Review of Indictment pursuant to Rule 61, Trial Chamber, Case No. IT-94-2-R61, 20 October 1995: 408, 456, 458
- Tadić* Case, Decision of the Trial Chamber on the Application by the Prosecutor for a Formal Request for Deferral to the Competence of the International Tribunal in the Matter of Dusko Tadić, Case No. IT-94-1-D, 8 November 1994: 56
- Decision on the Prosecutor’s Motion, Protective Measures for Victims and Witnesses, Case No. IT-94-I-T, 10 August 1995: 239, 240, 364
 - Decision on the Defence Motion on the Form of the Indictment, Trial Chamber, 14 November 1995: 447
 - Decision on the Defence Motion on Jurisdiction, Case No. IT-94-5-T, 10 August 1995: 244
 - Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Appeals Chamber, Case No. IT-94-1-AR72, 2 October 1995: 226, 245, 246,

- 247, 248, 249, 251, 252, 254, 255, 256, 257, 262, 312, 443, 446, 447, 461, 465, 516, 518, 519, 528, 529, 534, 536, 541, 556, 563, 585, 594
- Separate Opinion of Judge Sidhwa on the Defence Motion for Interlocutory Appeal on Jurisdiction, Case No. IT-94-1-AR72, 2 October 1995: 220
 - Separate Opinion of Judge Abi-Saab on the Defence Motion for Interlocutory Appeal on Jurisdiction, Case No. IT-94-1-AR72, 2 October 1995: 245, 541
 - Opinion and Judgment, Trial Chamber II, Case No. IT-94-1-T, 7 May 1997: 236, 255, 266, 368, 447, 452, 453, 456, 460, 459, 461, 464, 465, 482, 494, 495, 498, 499, 508, 519, 532, 535, 536, 543, 550, 575, 615
 - Separate and Dissenting Opinion Judge McDonald, on the Applicability of Article 2 of the Statute, Case No. IT-94-1-T, 7 May 1997: 236, 535
 - Judgment, Appeals Chamber, Case No. IT-94-1-A, 15 July 1999: 236, 239, 245, 271, 272, 273, 274, 275, 276, 282, 283, 358, 364, 447, 452, 463, 465, 468, 534, 535, 536, 543
 - Judgment on Allegation of Contempt against Prior Counsel, Milan Vujin, Case No. IT-94-1-AR77, 31 January 2000: 62

International Criminal Tribunal for Rwanda

- Akayesu* Case, Judgment Trial Chamber I, Case No. ICTR-96-4-T, 2 September 1998: 255, 257, 256, 390, 399, 406, 407, 408, 416, 417, 419, 422, 424, 456, 457, 458, 459, 466, 470, 471, 486, 492, 508, 550, 552, 553, 555, 563, 564, 567
- Barayagwiza* Case, Judgment Appeals Chamber, Case No. ICTR-97-19-AR72, 3 November 1999: 231
- Théoneste Bogasora and 28 Others* Case, Decision on the Admissibility of the Prosecutor’s Appeal from the Decision of a Confirming Judge Dismissing an Indictment against Théoneste Bogasora and 28 Others, Case No. ICTR-98-37-A, 8 June 1998: 240
- Kambanda* Case, Judgment and Sentence, Trial Chamber, Case No. ICTR 97-23-S, 4 September 1998: 406
- Kanyabashi* Case, Joint and Separate Opinion of Judge McDonald and Judge Vohrah, Case No. ICTR-96- 15-A, 3 June 1999: 239
- Dissenting Opinion of Judge Shahabuddeen, Case No. ICTR-96-15-A, 3 June 1999: 239
- Kayishema and Ruzindana* Case, Judgment Trial Chamber II, Case No. ICTR-95-1-T, 21 May 1999: 257, 258, 390, 397, 399, 408, 412, 416, 417, 419, 422, 424, 458, 459, 465, 466, 470, 471, 472, 473, 474, 508, 516, 553
- Musema* Case, Judgment and Sentence, Trial Chamber I, Case No. ICTR-96-13-T, 27 January 2000: 257, 390, 408, 466, 470, 471, 472, 573
- Rutaganda* Case, Judgment, Trial Chamber, Case No. ICTR-96-3-T, 6 December 1999: 390, 408, 466, 470, 471, 472, 550
- Semanza* Case, Appeals Chamber, Case No. ICTR-97-20-A, 31 May 2000: 536

National Prosecution of Genocide, Crimes Against Humanity and War Crimes

Australia

Poluykhovic v. Commonwealth of Australia (Australian High Court, 14 August 1991, 172 CLR 501), 19 *ILR* 1: 195

Belgium

Butare Case, Cour d'Assise, Brussels, 8 July 2001 (not yet published): 374

British Military Tribunals

Eck and Others Case (The Peleus), Hamburg 20 October 1945, 13 *Ann. Digest* 248 (1946), Case No. 108: 188, 193

Heyer and Others Case (Essen Lynching Case), Essen 22 December 1945, 13 *Ann. Digest* 287 (1946), Case No. 119; 1 *L.R.T.W.C.* 88: 275, 553

Kramer and Others Case (Auschwitz and Belsen Concentration Camps Case), Lüneburg 17 November 1945, 13 *Ann. Digest* 267 (1946), Case No. 114: 409

Tesch and Others Case (Zyklon B Case), Hamburg 8 March 1946, 13 *Ann. Digest* 250 (1946), Case No. 109; 1 *L.R.T.W.C.* 103: 193, 553

Chinese War Crimes Military Tribunal of the Ministry of National Defence

Takashi Sakai Case, Chinese War Crimes Military Tribunal of the Ministry of National Defence, 29 August 1946, 13 *Ann. Digest* 222 (1946), Case No. 93: 185

France

Roehling and Others Case, General Tribunal at Rastadt of the Military Government for the French Zone of Occupation in Germany, 30 June 1948, 15 *Ann. Digest* 398 (1948), Case No. 120: 185

Barbie Case, Cour de Cassation, 6 October 1983, 26 January 1984, 68 *ILR* 137: 195

– Cour de Cassation, 3 June 1988, 100 *ILR* 331: 458

Touvier Case, Cour de Cassation, 27 November 1992, 100 *ILR* 338: 195, 458

Proc. Gén. Près CA Nîmes et autres, Cass. Crim. C., 6 January 1998, 10 *Recueil Dalloz – Droit Pénal* 17 (1998): 374

Israel

Attorney General of Israel v. Adolf Eichmann, District Court of Jerusalem (1961), 36 *ILR* 18: 374, 417

Attorney General of Israel v. Eichmann, Israel Supreme Court (1968), 36 *ILR* 277: 195, 374

The Netherlands

Beck, BrvC 11 April 1949, NJ 1949, 437; 16 *Ann. Digest* 279 (1949), Case No. 93: 189

- Bouterse*, Amsterdam Court of Appeal (*Hof Amsterdam*), 3 March 2000 (Bouterse), NJ 2000, 266: 621
 – Supreme Court (*Hoge Raad*), 18 September 2001, no. 00749/01: 630
Knesević, HR 11 November 1997, NJ 1998, 463: 541
Rauter, Special Court (War Criminals), The Hague 4 May 1948, 15 *Ann. Digest* 434 (1948), Case No. 131: 189
 – Special Court of Cassation 12 January 1949, NJ 1949, 87; 14 *L.R.T.W.C.* 90 (1949); 16 *Ann. Digest* 526 (1949), Case No. 193: 189

Poland

- Trial of Gauleiter Artur Greiser*, Supreme National Tribunal of Poland, 21 June–7 July 1946, 13 *L.R.T.W.C.* 112 (1949): 374

United Kingdom

- R. v. Bow Street Metropolitan Stipendiary Magistrate and Others, ex parte Pinochet Ungarte, 25 November 1998, 37 *ILM* 1302: 621
 R. v. Bow Street Metropolitan Stipendiary Magistrate and Others, ex parte Pinochet Ungarte, 24 March 1999, 38 *ILM* 581: 621

United States Military Commission

- Klein and Others* Case (Hadamard Sanatorium Case), Wiesbaden 15 October 1945, 13 *Ann. Digest* 253 (1946), Case No. 110; 1 *L.R.T.W.C.* 53 (1947): 553

United States Military Tribunals

- Altstötter and Others* Case (Justice Trial), Nuremberg 4 December 1947, 6 *L.R.T.W.C.* 1 (1948); 14 *Ann. Digest* (1947), 278, Case No. 126: 185, 186, 187, 287, 188, 192, 198, 252
Brandt and Others Case (Medical Trial), Nuremberg 20 August 1947, 14 *Ann. Digest* 296 (1947), Case No. 128: 183, 491
Flick and Others Case, Nuremberg 22 December 1947, 9 *L.R.T.W.C.* 1 (1949); 14 *Ann. Digest* 266 (1947), Case No. 122: 183, 186, 205, 252
Greifelt and Others Case, Nuremberg 10 March 1948, 13 *L.R.T.W.C.* 1 (1949); 15 *Ann. Digest* (1948), 653, Case No. 216: 183, 374
Krauch and Others Case, (I.G. Farben Trial), Nuremberg 29 July 1948, 10 *L.R.T.W.C.* 1 (1949); 15 *Ann. Digest* 668 (1948), Case No. 218: 183, 185
Krupp and Others Case, Nuremberg 30 June 1948, 10 *L.R.T.W.C.* 69 (1949); 15 *Ann. Digest* 620 (1948), Case No. 214: 183, 185
Von Leeb and Others Case (German High Command Case), Nuremberg 28 October 1948, 12 *L.R.T.W.C.* 1 (1949); 15 *Ann. Digest* 376 (1948), Case No. 119: 183, 185, 191
List and Others Case (Hostages Trial), Nuremberg 19 February 1948, 8 *L.R.T.W.C.* 34 (1949); 15 *Ann. Digest* 632 (1948), Case No. 215: 183, 187, 190
Milch Case, Nuremberg 17 April 1947, 13 *L.R.T.W.C.* 118 (1949); 14 *Ann. Digest* 299 (1947), Case No. 129: 183

Table of Cases

- Ohlendorf and Others* Case (Einsatzgruppen Trial), Nuremberg 10 April 1948, 15 *Ann. Digest* 656 (1948), Case No. 217: 183, 185, 186, 187, 192, 252
- Pohl and Others* Case, Nuremberg 3 November 1947, 14 *Ann. Digest* 290 (1947), Case No. 127: 183, 194
- Von Weizsaecker and Others* Case (Ministries Trial), Nuremberg 14 April 1949, Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10, Vol. 14, pp. 308-870; 16 *Ann. Digest* 344 (1949), Case No. 118: 183, 185, 186, 252

TABLE OF OTHER DOCUMENTS

UN Security Council

- Res. 620 on the Conflict between Iran and Iraq (26 August 1988)¹
Res. 771 on the former Yugoslavia (13 August 1992)
Res. 780 on the Establishment of a Commission of Experts for the former Yugoslavia (6 October 1992)
Res. 787 on Bosnia and Herzegovina (16 November 1992)
Res. 794 on Somalia (2 December 1992)
Res. 798 on Bosnia and Herzegovina (18 December 1992)
Res. 808 on the Establishment of the ICTY (22 February 1993)
Res. 819 on Bosnia and Herzegovina (16 April 1993)
Res. 820 on Bosnia and Herzegovina (17 April 1993)
Res. 827 on the Establishment of the ICTY (25 May 1993)
Res. 918 on Rwanda (17 May 1994)
Res. 935 on the Establishment of a Commission of Experts for Rwanda (1 July 1994)
Res. 941 on Ethnic Cleansing by Bosnian Serb Forces (23 September 1994)
Res. 955 on the Establishment of the ICTR (8 November 1994)
Res. 977 on the Seat of the ICTR in Arusha (22 February 1995)
Res. 1165 on Establishment of a Third Trial Chamber of the ICTR (30 April 1998)
Res. 1296 on the Protection Civilians in Armed Conflicts (19 April 2000)
Res. 1314 on Children in Armed Conflicts (11 August 2000)

Interim Report of the Commission of Experts Established pursuant to Security Council Resolution 780 (1992) (Commission of Experts for the Former Yugoslavia), UN Doc. S/25274 (10 February 1993)

Final Report of the Commission of Experts for the Former Yugoslavia, UN Doc. S/1994/674 (5 May 1994)

– Annex II, Rape and Sexual Assault: A Legal Study, UN Doc. S/1994/674/Add.2

Interim Report of the Commission of Experts for Rwanda, UN Doc. S/1994/1125 (1 October 1994)

Final Report of the Commission of Experts for Rwanda, UN Doc. S/1994/1405 (9 December 1994)

¹ The texts of the resolutions of the UN Security Council are available through <http://www.un.org>.

- S/25266 Letter Dated 10 February 1993 from the Permanent Representative of France to the United Nations, Addressed to the Secretary-General (1993)
- S.25300 Letter Dated 18 February 1993 from the Permanent Representative of Italy to the United Nations, Addressed to the Secretary-General (1993)
- S/25307 Proposal for an International War Crimes Tribunal for the former Yugoslavia by Rapporteurs Correl, Türk, and Thune, under the CSCE Moscow Human Dimension Mechanism to Bosnia-Herzegovina and Croatia (9 February 1993)
- S/25417 *Note Verbale* Dated 12 March 1993 from the Permanent Representative of Mexico to the United Nations, Addressed to the Secretary-General (16 March 1993)
- S/25512 Letter Dated 31 March 1993 from Egypt, the Islamic Republic of Iran, Malaysia, Pakistan, Saudi Arabia, Senegal, and Turkey (Organization of the Islamic Conference) (5 April 1993)
- S/25537 Letter Dated 5 April 1993 from the Permanent Representative of the Russian Federation to the United Nations, Addressed to the Secretary-General (6 April 1993)
- S/25575 Letter Dated 5 April 1993 from the Permanent Representative of the United States of America, Addressed to the Secretary-General (12 April 1993)
- S/25594 Letter Dated 13 April 1993 from the Permanent Representative of Canada to the United Nations, Addressed to the Secretary-General (14 April 1993)
- S/25652 Letter Dated 20 April 1993 from the Permanent Representative of Slovenia to the United Nations, addressed to the Secretary-General (22 April 1993)
- S/25716 *Note Verbale* Dated 30 April 1993 from the Permanent Representative of The Netherlands to the United Nations, Addressed to the Secretary-General (4 May 1993)
- S/PV.2667 (21 March 1986)
- S/PV.3217 (25 May 1993)
- S/PV.3453 (8 November 1994)

UN General Assembly

- Res. 94 (I) on the Establishment of the Committee for the Progressive Development of International Law and Its Codification (11 December 1946)
- Res. 95 (I) Affirmation of Principles of International Law recognized by the Charter of the Nürnberg Tribunal, UN Doc. A/64/Add.1 (11 December 1946)
- Res. 96 (I) on the Crime of Genocide (11 December 1946)
- Res. 170 (II) on the Surrender of War Criminals and Traitors (31 October 1947)

Res. 174 (II)	on the Establishment of the International Law Commission and the Approval of Its Statute (21 November 1947)
Res. 177 (II)	on the Formulation of the Nuremberg Principles; Tasks of the International Law Commission (21 November 1947)
Res. 180 (II)	on the Genocide Convention (21 November 1947)
Res. 488 (V)	Formulation of the Nürnberg Principles (12 December 1950)
Res. 489 (V)	International Criminal Jurisdiction (12 December 1950)
Res. 897 (IX)	on the Draft Code of Offences against the Peace and Security of Mankind (4 December 1954)
Res. 898 (IX)	on the Draft Statute for an International Criminal Court (14 December 1954)
Res. 2444 (XXIII)	Respect for Human Rights in Armed Conflicts (19 December 1968)
Res. 2603A (XXIV)	(16 December 1969)
Res. 2764 (XXV)	on Respect for Human Rights in Armed Conflicts (9 December 1970)
Res. 2675 (XXV)	Basic Principles for the Protection of Civilian Populations in Armed Conflicts (9 December 1970)
Res. 3314 (XXIX), Res. 33/97	on Aggression (14 December 1974) on the Draft Code of Offences against the Peace and Security of Mankind (16 December 1978)
Res. 36/106	on the Draft Code of Offences against the Peace and Security of Mankind (10 December 1981)
Res. 37/123(D)	on Sabra and Shatila (16 December 1982)
Res. 42/151	on the Draft Code of Crimes against the Peace and Security of Mankind (7 December 1987)
Res. 43/173	Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (9 December 1988)
Res. 44/39	on International Criminal Responsibility of Individuals and Entities Engaged in Illicit Traffick in Narcotic Drugs (4 December 1989)
Res. 46/54	on the Question of an International Criminal Jurisdiction (9 December 1991)
Res. 46/242	on Bosnia and Herzegovina (25 August 1992)
Res. 47/80	on "Ethnic Cleansing" and Racial Hatred (16 December 1992)
Res. 47/121	on the Situation in Bosnia and Herzegovina (18 December 1992)
Res. 48/31	on the Mandate to Elaborate a Draft Statute for an International Criminal Court (9 December 1993)
Res. 50/46	on the Draft Statute International Criminal Court (11 December 1995)
Res. 50/192	on the Rape and Abuse of Women in the Areas of Armed Conflict in the Former Yugoslavia (22 December 1995)

- Res. 51/115 on the Rape and Abuse of Women in the Areas of Armed Conflict in the Former Yugoslavia (7 March 1997)
- Res. 53/105 on Convening the Preparatory Commission (8 December 1998)

Principles of Law Recognized in the Charter of the Nuremberg Tribunal, UN GAOR, Fifth Session, Supplement No. 12, UN Doc. A/1316 (1950) (*Nuremberg Principles*)

Status of the Protocols Additional to the Geneva Conventions of 1949 and Relating to the Protection of Victims of Armed Conflict, A/55/605 (27 November 2000)

Summary Records of the Sixth Committee of the GA (UN GAOR 3rd Session, Plenary Meetings, 3 UN GAOR C.6, UN Doc. A/C.6/SR.69-82 (1948)

Summary Records of the Sixth Committee of the GA (UN GAOR 49th Session, Plenary Meetings, 49 UN GAOR C.6, UN Doc. A/C.6/49/SR.17-21 (1994)

ECOSOC

- Res. 47 (IV) on Preparing a Draft Genocide Convention (28 March 1947)
- Res. 117 (VI) Establishing an Ad Hoc Committee on Drafting the Genocide Convention (3 March 1948)

UN Commission on Human Rights

- E/CN.4/1992/S-1/9 (28 August 1992), First Report of the Special Rapporteur of the Commission for Human Rights on the Situation of Human Rights in the Territory of the Former Yugoslavia, T. Mazowiecki²
- S/25792 (10 May 1993), Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, by Special Rapporteur T. Mazowiecki
- E/CN.4/1994/4 (19 May 1994), Second Periodic report on the Situation of Human Rights in the Territory of the Former Yugoslavia, T. Mazowiecki
- A/47/666 and S/24809 (17 November 1992), Third Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, T. Mazowiecki
- E/CN.4/1994/8 (6 September 1994), Fourth Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, T. Mazowiecki
- E/CN.4/1994/110 (21 February 1994), Sixth Report on the situation of human rights in the territory of the former Yugoslavia, T. Mazowiecki
- E/CN.4/1993/24 Report of the Working Group on Arbitrary Detention
- E/CN.4/1995/116 Declaration on Minimum Humanitarian Standards
- E/CN.4/1998/54 Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, R. Coomaraswamy

2 The texts of the reports of the UN Commission on Human Rights are available through <http://www.unhcr.ch>.

**UN Sub-Commission on the Promotion and Protection of Human Rights
(previously UN Sub-Commission on the Prevention of Discrimination and
Protection of Minorities)**

- Res. 2000/24 (18 August 2000) The Role of Universal or Extraterritorial Competence in Preventive Action against Impunity, UN Doc. E/CN.4/SUB.2/RES/2000/24
- E/CN.4/Sub.2/416 (1978), *Study of the Question of the Prevention and Punishment of the Crime of Genocide*, Report by N. Ruhashyanko
- E/CN.4/Sub.2/1985/6, *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide*, by B. Whitaker
- E/CN.4/Sub.2/1996/18 (29 June 1996), The Administration of Justice and the Human Rights of Detainees: The Question of the Impunity of Perpetrators of Violations of Human Rights (Civil and Political Rights), Final Report by L. Joinet
- E/CN.4/Sub.2/1997/20 (26 June 1997), *The Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political)*, Final report by L. Joinet
- E/CN.4/Sub.2/1997/29 (28 May 1997), *Recognition of Gross and Massive Violations of Human Rights Perpetrated on the Orders of Government or Sanctioned by Them as an International Crime*, expanded working paper by S. Chernichenko
- E/CN.4/Sub.2/1998/13 (22 June 1998), *Final report of the Special Rapporteur of the Working Group on Contemporary Forms of Slavery, on Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict*
- E/CN.4/Sub.2/1999/28 and Corr.1 (28 June 1999), *Reservations to Human Rights Treaties*, by F. Hampson
- E/CN.4/Sub.2/2000/32 (25 July 2000), *Reservations to Human Rights Treaties*
- E/CN.4/Sub.2/2000/33 (21 June 2000), *The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights*, by M. Bossuyt
- E/CN.4/Sub.2/2000/21 (6 June 2000), *Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-Like Practices during Armed Conflict*, Update to the Final Report Submitted by Special Rapporteur G.J. McDougall

UN Secretary-General

- The Charter and Judgment of the Nürnberg Tribunal, History and Analysis, Memorandum submitted by the Secretary-General, UN Doc. A/CN.4/5 (1949)
- Historical Survey of the Question of International Criminal Jurisdiction, UN Doc. A/CN.4/7/Rev.1 (1949)
- Minimum Humanitarian Standards: Analytical Report of the Secretary-General Submitted Pursuant to Commission on Human Rights Resolution 1997/21, E/CN.4/1998/87 (1998)
- Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), UN Doc. S/25704 and Corr.1 (3 May 1993)

- Report of the Secretary-General on the Situation in Rwanda, UN Doc. S/1994/640 (31 May 1994)
- Comprehensive Report of the Secretary-General on Practical Arrangements for the Effective Functioning of the International Tribunal for Rwanda, Recommending Arusha as the Seat of the Tribunal, UN Doc. S/1995/134 (13 February 1995)
- Report of the Secretary-General on the Establishment of a Special Court for Sierra Leone, UN Doc. S/2000/915 (4 October 2000)
- Report of the Secretary-General Submitted Pursuant to Commission Resolution 2000/69, Promotion and Protection of Human Rights, Fundamental Standards of Humanity, UN Doc. E/CN.4/2001/91 (12 January 2001)
- Measures to Uphold the Authority of the 1925 Geneva Protocol, Note by the Secretary-General, UN Doc. A/55/115 (6 July 2000)
- Report of the Secretary-General on the situation in Afghanistan and Its Implications for International Peace and Security, UN Doc. A/55/393-S/2000/875 (18 September 2000)
- Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, UN Doc. S/2001/331 (30 March 2001)

UN Human Rights Committee

- General Comment Adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, General Comment No. 5 (Derogation of Rights, Article 4 CCPR), Adopted by the Committee at its Thirteenth Session, UN Doc. 31/07/81 (1981)
- General Comment Adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, General Comment No. 11 (Prohibition of propaganda for war and inciting national, racial or religious hatred, Article 20 CCPR), Adopted by the Committee at its Thirteenth Session, UN Doc. 29/07/83 (1983)
- General Comment Adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, General Comment No. 13 (Equality before the courts and the right to a fair and public hearing by an independent court established by law, Article 14 CCPR), Adopted by the Committee at its Twenty-First Session, UN Doc. 13/04/84 (1984)
- General Comment Adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, Addendum, General Comment No. 24 (52) (Reservations), Adopted by the Committee at Its 1382nd Meeting on 2 November 1994, UN Doc. CCPR/C/21/Rev.1/Add.6 (11 November 1994)
- General Comment Adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, General Comment No. 29 (state of emergency) Adopted at Its 1950th Meeting on 24 July 2001, UN doc. CCPR/C/21/Rev.1/Add.11 (31 August 2001)

International Law Commission

- 1950 International Law Commission Report on the Nuremberg Principles, 5 UN GAOR Supp. No. 12, UN Doc. A/1316 (29 July 1950), *YB ILC* 1950, Vol. II
- 1951 *Draft Code of Offences against the Peace and Security of Mankind*, Report of the International Law Commission, UN GAOR 6th Sess. Supp. No. 9, UN Doc. A/1858 (1950)
- 1951 *Draft Statute for an International Criminal Court*, prepared by the Committee on International Criminal Jurisdiction, Annex, Report of the Committee on International Criminal Jurisdiction on Its Session Held from 1 to 31 August 1951, UN GAOR, 7th Sess., Supp. No. 11, UN Doc. A/2136 (1952)
- 1953 *Revised Draft Statute for an International Criminal Court*, prepared by the Committee on International Criminal Jurisdiction, Annex, Report of the Committee on International Criminal Jurisdiction on Its Session held from 27 July to 20 August 1953, UN GAOR, 9th Sess., Supp. No. 12, UN Doc. A/2645 (1954)
- 1954 *Draft Code of Offences against the Peace and Security of Mankind*, Report of the International Law Commission on the Work of Its Sixth Session, UN GAOR, 9th Sess. Supp. No. 9, UN Doc. A/2693 (1954) (1954 ILC Draft Code of Offences), *YB ILC* (1954) Vol. II
- 1991 *Draft Code of Crimes against the Peace and Security of Mankind*, Report of the International Law Commission on the Work of Its Forty-Third Session, UN Doc. A/46/10 (1991) (1991 ILC Draft Code of Crimes)
- 1992 *Report of the Working Group on the Question of an International Criminal Jurisdiction*, UN Doc. A/47/10 (Annex) (1992), *YB ILC* 1992, Vol. II, Part 2
- 1996 *Draft Code of Crimes against the Peace and Security of Mankind*, Report of the International Law Commission on the Work of Its Forty-Eighth Session, 6 May to 26 July 1996, Chapter II.D., UN GAOR, 51st Sess., Supp. No. 10, UN Doc. A/51/10 (1996), 14-104 (1996 ILC Draft Code of Crimes)
- A/CN.4/22 (1950) Formulation of the Nürnberg Principles, by J. Spiropoulos
- A/CN.4/25 (26 April 1950), First Report on the Draft Code of Offences against the Peace and Security of Mankind, by J. Spiropoulos, *YB ILC* 1950, Vol. II
- A/CN.4/39 (4 November 1950), Memorandum concerning a draft code of offences against the peace and security of mankind, by V. Pella
- A/CN.4/44 (12 April 1951), Second report on the Draft Code of Offences against the Peace and Security of Mankind, by J. Spiropoulos, *YB ILC* 1950, Vol. II
- A/CN.4/85 (30 April 1954), Third report on the Draft Code of Offences against the Peace and Security of Mankind, by J. Spiropoulos, *YB ILC* 1954, Vol. II
- A/CN.4/404 (1987), Fifth Report on the Draft Code of Offences against the Peace and Security of Mankind, by D. Thiam, *YB ILC* 1987, Vol. II
- A/CN.4/442 (20 March 1992), Tenth Report on the Draft Code of Offences against the Peace and Security of Mankind, by D. Thiam, *YB ILC* 1987

A/CN.4/L.602/Rev.1 (26 July 2001), Titles and Texts of the Draft Articles on Responsibility of States for Internationally Wrongful Acts Adopted by the Drafting Committee on Second Reading

Summary Records of the Sixth Session of the ILC (summer 1954), *YB ILC* 1954, Vol. I

Summary Records of the Thirty-Ninth Session of the ILC (summer 1987), *YB ILC* 1987, Vol. I

Summary Records of the Fortieth Session of the ILC (summer 1988), *YB ILC* 1988, Vol. I

Report of the ILC on the Work of Its Fortieth Session (1988), *YB ILC* 1988, Vol II (2)

Report of the ILC on the Work of Its Forty-Fourth Session, UN Doc. A/47/10 (1992), *YB ILC* 1992, Vol II (2)

Report of the ILC on the Work of Its Forty-Fifth Session, UN Doc. A/48/10 (1993), *YB ILC* 1993, Vol II, (2)

Report of the ILC on the Work of Its Forty-Sixth Session, UN Doc. A/49/10 (1994), *YB ILC* 1994, Vol. II (2)

Report of the ILC on the Work of Its Forty-Eighth Session, UN Doc. A/51/10 (1996)

Report of the ILC on the Work of Its Fifty-Second Session, UN. Doc. A/55/10 (2000)

Documents on the Establishment of an International Criminal Court from 1994

1994 Draft Statute for an International Criminal Court, Report of the International Law Commission on the work of its forty-sixth session, 2 May to 22 July 1994, Chapter II.B.I. United Nations General Assembly Official Records, Forty-ninth Session, Supplement No. 10, UN Doc. A/49/10 (1994) (*ILC 1994 Draft Statute*)

1995 Report of the Ad Hoc Committee on the Establishment of an International Criminal Court, United Nations General Assembly Official Records, Fiftieth Session, Supplement No. 22, UN Doc. A/50/22 (1995) (*1995 Ad Hoc Committee Report*)

1996 Summary of the Proceedings of the Preparatory Committee during the period 25 March to 12 April 1996, UN Doc. A/AC.249/1 (7 May 1996)

1996 Report of the Preparatory Committee on the Establishment of an International Criminal Court, Vol. I (Proceedings of the Preparatory Committee during March-April and August 1996), United Nations General Assembly Official Records, Fifty-First Session, Supplement No. 22, UN Doc. A/51/22 (1996) (*1996 PrepCom Report Vol. I*)

- 1996 *Report of the Preparatory Committee on the Establishment of an International Criminal Court, Vol II (Compilation of Proposals)*, United Nations General Assembly Official Records, Fifty-first Session, Supplement No. 22A, UN Doc. A/51/22 (1996) (*1996 PrepCom Report Vol. II*)
- 1997 Decisions taken by the Preparatory Committee (February 1997), UN Doc. A/AC.249/1997/L.5 (1997)
- 1998 Zutphen Draft Statute for the International Criminal Court, Report of the Inter-Sessional Meeting from 19 to 30 January 1998 in Zutphen, the Netherlands, UN Doc. A/AC.249/1998/L.13 (4 February 1998) (*Zutphen Draft Statute*)
- 1998 Report of the Preparatory Committee on the Establishment of an International Criminal Court submitted to the Rome Conference, UN Doc. A/CONF.183/2 (1998)
- 1998 Draft Statute for the International Criminal Court, Report of the Preparatory Committee on the Establishment of an International Criminal Court, Addendum, Part One, UN Doc. A/CONF.183/2/Add.1 (14 April 1998) (*PrepCom Draft Statute/Draft Consolidated Text*)

Rome Conference

- Bureau Discussion Paper, Part 2 (Jurisdiction, Admissibility and Applicable Law), Committee of the Whole, United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, Italy, 15 June to 17 July 1998, UN Doc. A/CONF.183/C.1/L.53 (6 July 1998) (*Bureau Discussion Paper*)
- Compendium of draft articles referred to the Drafting Committee by the Committee of the Whole as of 9 July 1998, Draft Statute for the International Criminal Court, UN Doc. A/CONF.183/C.1/L.58 (9 July 1998) (*Compendium of Draft Articles*)
- Bureau Proposal, Part 2 (Jurisdiction, Admissibility and Applicable Law), Committee of the Whole, United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, Italy, 15 June to 17 July 1998, UN Doc. A/CONF.183/C.1/L.59 (9 July 1998) (*Bureau Proposal*)
- Rome Statute of the International Criminal Court, adopted and opened for signature on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, UN Doc. A/CONF.183/9*, as corrected by the *procès-verbaux* of 10 November 1998 and 12 July 1999 (*Rome Statute*)
- Final Act of the United Nations Diplomatic Conference on the Establishment of an International Criminal Court, adopted on 17 July 1998, UN Doc. A/CONF.183/10* (*Final Act*)

Preparatory Commission for the International Criminal Court

Draft Elements of Crimes, Report of the Preparatory Commission for the International Criminal Court, Addendum, Finalized Draft Text of the Elements of Crimes, UN Doc. PCNICC/2000/INF/3/Add.2 (6 July 2000) (=UN Doc. PCNICC/2000/1)

Draft Rules of Procedure and Evidence, Report of the Preparatory Commission for the International Criminal Court, Addendum, Finalized Draft Text of the Rules of Procedure and Evidence, UN Doc. PCNICC/2000/INF/3/Add.1 (12 July 2000) (=PCNICC/2000/1)

UN Press Releases

CC/PIO/302-E (10 March 1998) on Kosovo incidents

L/ROM/22 (17 July 1998), 'UN Diplomatic Conference Concludes in Rome With Decision to Establish a Permanent International Criminal Court'

DSG/SM/100 (HR/4482) (5 July 2000), on the Optional Protocol to the Convention on the Rights of Child on the Involvement of Children in Armed Conflicts

GA/9828 (20 November 2000), 'Assembly Hears Reports from International Tribunals for Rwanda, Former Yugoslavia'

'Human Rights Committee Adopts Its Annual Report,' Human Rights Committee, 72nd session, 25 July 2001, morning

Other Press Releases

International Commission of Jurists, 'African States Establish Supranational Human Rights Court,' 12 June 1998, available through <http://wwwlaw.murdoch.edu.au/icjwa/>

The Netherlands Ministry of Foreign Affairs, 'Nederland ratificeert Statuut Internationaal Strafhof,' New York, 17 July 2001, No. 093/01

Statements

Office of the Spokesman for the Secretary-General, 'Use of Sanctions under Chapter VII of the UN Charter (updated September 2001), available through <<http://www.un.org/News/oss/sanction.htm>>

United States Reference Paper, Elements of Offences for the International Criminal Court, Preparatory Committee, 27 March 1998 (on file with the author)

United States on the Elements of Offences, Preparatory Committee, 3 April 1998 (on file with the author)

ICRC

Statement of 8 July 1998 Relating to the Bureau Discussion Paper (A/CONF.183/C.1/L.53), information conveyed by New-Zealand, UN Doc. A/CONF.183/INF/10 (13 July 1998)

Concerns on Threshold for War Crimes Committed in Non-International Armed Conflicts as Contained in the Bureau Proposal (A/CONF.183/C.1/L.59),

information conveyed by New-Zealand, UN Doc. A/CONF.183/INF/11 (13 July 1998)

ICTY

Memorandum to the Members of the Preparatory Committee on the Establishment of an International Criminal Court by President Antonio Cassese, on the Subject of Definitions of Crimes and General Principles of Criminal Law as Reflected in the Tribunal's Jurisprudence, 22 March 1996 (on file with the author)

Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, June 2000, 39 *ILM* 1257 (2000)

