

ANNEX 3

ANNEX 3: LIST OF REFERENCES

LEGAL DOCUMENTS

Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949.

<http://www.icrc.org/ihl.nsf/full/380>

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

<http://www2.ohchr.org/english/law/protocol2.htm>

European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950.

http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf

French Criminal Code, Article 121-1.

<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006417201&cidTexte=LEGITEXT000006070719&dateTexte=20110715&oldAction=rechCodeArticle>

TRAVAUX PRÉPARATOIRES

Report of the Preparatory Committee on the Establishment of an International Criminal Court, A/CONF.183/2/Add.1, 14 April 1998.

www.un.org/law/n9810105.pdf

Bureau Proposal, A/CONF.183/C.1/L.59, 10 July 1998.

http://www.un.org/french/documents/view_doc.asp?symbol=A/CONF.183/C.1/L.59&TYPE=&referer=/french/&Lang=E

Committee of the Whole, summary record of the 35th meeting, A/CONF.183/C.1/SR.35, 20 November 1998.

<http://daccess-ods.un.org/TMP/4776899.html>

CASE LAW

International Criminal Court

The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, Decision on the confirmation of charges, ICC-01/04-01/07-717, Pre-Trial Chamber I, 11 January 2010.

The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, ICC-01/04-01/08-424, Pre-Trial Chamber II, 15 June 2009.

International Criminal Tribunal for the former Yugoslavia

The Prosecutor v. Delalic et al, Case No. IT-96-21-T, *Judgement*, 16 November 1998.

The Prosecutor v. Anto Furundžija, Case No. IT-95-17/1-T, *Judgement*, 10 December 1998.

The Prosecutor v. Delalić et al, Case No. IT-96-21-A, Appeals Chamber, *Judgement*, 20 February 2001.

The Prosecutor v. Radislav Krstić, Case No. IT-98-33-T, *Judgement*, 2 August 2001.

The Prosecutor v. Krnojelac, Case No. IT-97-25-A, Appeals Chamber, *Judgement*, 17 September 2003.

The Prosecutor v. Mitar Vasiljević, Case No. IT-98-32-A, Appeals Chamber, *Judgement*, 25 February 2004.

The Prosecutor v. Tihomir Blaškić, Case No. IT-95-14-A, Appeals Chamber, *Judgement*, 29 July 2004.

The Prosecutor v. Stakić, Case No. IT-97-24-A, Appeals Chamber, *Judgement*, 22 March 2006.

International Criminal Tribunal for Rwanda

The Prosecutor v. Akayesu, Case No. ICTR-96-4-T, *Judgement*, 2 September 1998.

The Prosecutor v. Rutaganda, Case No. ICTR-96-3-T, *Judgement*, 6 December 1999.

The Prosecutor v. Bagilishema, Case No. ICTR-95-1A, *Judgement*, 7 June 2001.

The Prosecutor v. Bagilishema, Case No. ICTR-95-1A-A, Appeals Chamber, *Judgement*, 3 July 2002.

The Prosecutor v. Rukundo, Case No. ICTR-2001-70-A, Appeals Chamber, *Judgement*, 20 October 2010.

Special Court for Sierra Leone

The Prosecutor v. Samuel Hinga Norman, *Decision on preliminary motion based on lack of jurisdiction*, Case No. SCSL-2004-14-AR72(E), Appeals Chamber, 31 May 2004, Dissenting Opinion of Justice Robertson.

The Prosecutor v. Brima, Kamara and Kanu, Case No. SCSL-04-16-T, *Judgement*, 20 June 2007.

The Prosecutor v. Fofana and Kondewa, Case No. SCSL-04-14-T, *Judgement*, 2 August 2007.

The Prosecutor v. Sesay, Kallon and Gbao, Case No. SCSL-04-15-T, *Judgement*, 2 March 2009.

Extraordinary Chambers in the Courts of Cambodia

ECCC, Case File No. 001/18-07-2007/ECCC/TC, *Judgement*, 26 July 2010.

European Court of Human Rights

ECHR, *Veeber v. Estonia*, Application No. 45771/99, Fourth Section, 21 January 2003.

ECHR, *Pessino v. France*, Application No. 40403/02, Second Section, 12 February 2007.

ECHR, *Coëme and others v. Belgium*, Application Nos. 32492/96, 32547/96, 32548/96, 33209/96 and 33210/96, Second Section, 22 June 2000.

LEGAL WRITING

Matthew Happold, *Child soldiers in international law* (2005), JP Juris.

Mahnoush H. Arsanjani, "The Rome Statute of the International Criminal Court", in *American Journal of International Law*, 1999, vol.93, No. 1.

Magali Maystre, *Les enfants soldats en droit international* (2010), Editions Pedone.

Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, December 2008 (hereinafter "Official Position of the ICRC"), ICRC

<http://www.icrc.org/eng/assets/files/other/irrc-872-reports-documents.pdf>

Commentaries on Protocol Additional to the Geneva Conventions (Protocol I)

<http://www.icrc.org/ihl.nsf/WebList?ReadForm&id=470&t=com>

F. Kalshoven, *Constraints on the Waging of War* (2001), Geneva.

Marco Sassoli and Antoine A. Bouvier, *How Does Law Protect in War?* (2003), International Committee of the Red Cross, Volume I.

Marx Henzelin, *Les « raisons de savoir » du supérieur hiérarchique qu'un crime va être commis ou a été commis par un subordonné, Examen de la jurisprudence des Tribunaux pénaux internationaux pour l'Ex-Yougoslavie et le Rwanda*

[http://www.lalive.ch/files/mhe/Les raisons de savoir du superieur hierarchique qu un crime va etre commispdf](http://www.lalive.ch/files/mhe/Les%20raisons%20de%20savoir%20du%20superieur%20hierarchique%20qu%20un%20crime%20va%20etre%20commis%20....pdf)