

***PUBLIC***  
**ANNEX A**

**LIST OF PROSECUTION AUTHORITIES FOR APPEAL HEARING IN *PROSECUTOR V. BEMBA***

*N.B. All pinpoint references are advisory only, and do not exclude the need to refer to other passages for context, etc.*

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| <b><u>GROUP A: “PRELIMINARY ISSUES”</u></b> |
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**ICC authorities**

***Prosecutor v. Bemba***

[ICC-01/05-01/08-3255](#) (“*Bemba* Abuse of Process Decision”), **throughout**

[ICC-01/05-01/08-3335](#) (“*Bemba* Stay of Proceedings Decision”), **throughout**

***Prosecutor v. Lubanga***

[ICC-01/04-01/06-2901](#) (“*Lubanga* Sentencing Judgment”), **especially paras. 89-91**

[ICC-01/04-01/06-3121-Red A5](#) (“*Lubanga* AJ”), **especially paras. 21, 24-25, 27-28, 56, 147-149, 155**

***Prosecutor v. Katanga***

[ICC-01/04-01/07-3484-tENG-Corr](#) (“*Katanga* Sentencing Judgment”), **especially paras. 136-140**

***Prosecutor v. Ngudjolo***

[ICC-01/04-02/12-271-Corr A](#) (“*Ngudjolo* AJ”), **especially para. 24**

***Prosecutor v. Ntaganda***

[ICC-01/04-02/06-2026 OA6](#) (“*Ntaganda* No Case to Answer Appeal Decision”), **especially para. 11**

**Other authorities**

***Caselaw (alphabetically by first accused or other name)***

*Case 001* (Kaing Guek Eav *alias* “Duch”), Appeal Judgment, Sup.Ct.Ch., 3 February 2012, available at <http://www.legal-tools.org/doc/681bad/>, **especially para. 17**

*Prosecutor v. Moinina Fofana & Allieu Kondewa*, Case No. SCSL-04-14-A, App.Ch., Judgment, 28 May 2008, available at <http://www.legal-tools.org/doc/b31512/>, **especially paras. 33, 35**

*Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, App.Ch., Judgment, 30 November 2006, available at <http://www.legal-tools.org/doc/c81a32/>, **especially para. 21**

*Prosecutor v. Enver Hadžihasanović & Amir Kubura*, Case No. IT-01-47-A, App.Ch., Judgment, 22 April 2008, available at <http://www.legal-tools.org/doc/2705b3/>, **especially para. 11**

*Prosecutor v. Ramush Haradinaj, Idriz Balaj & Lahi Brahimaj*, Case No. IT-04-84-A, App.Ch., Judgment, 19 July 2010, available at <http://www.legal-tools.org/doc/0e6ffb/>, **especially para. 17**

*Prosecutor v. Dario Kordić & Mario Čerkez*, Case No. IT-95-14/2-A, App.Ch., Judgment, 17 December 2004, available at <http://www.legal-tools.org/doc/738211/>, **especially paras. 119, 288**

*Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, App.Ch., Judgment, 17 March 2009, available at <http://www.legal-tools.org/doc/770028/>, **especially para. 28**

*Prosecutor v. Milorad Krnojelac*, Case No. IT-97-25-A, App.Ch., Judgment, 17 September 2003, available at <http://www.legal-tools.org/doc/46d2e5/>, **especially para. 12**

*Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović & Vladimir Šantić*, Case No. IT-95-16-A, App.Ch., Judgment, 23 October 2001, available at <http://www.legal-tools.org/doc/c6a5d1/>, **especially paras. 22, 30, 41**

*Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, App.Ch., Judgment, 12 November 2009, available at <http://www.legal-tools.org/doc/44327f/>, **especially paras. 14-15**

*Prosecutor v. André Ntagerura, Emmanuel Bagambiki & Samuel Imanishimwe*, Case No. ICTR-99-46-A, App.Ch., Judgment, 7 July 2006, available at <http://www.legal-tools.org/doc/816b44/>, **especially para. 12**

*Prosecutor v. Issa Hassan Sesay, Morris Kallon & Augustine Gbao*, Case No. SCSL-04-15-A, App.Ch., Judgment, 26 October 2009, available at <http://www.legal-tools.org/doc/133b48/>, **especially para. 34**

*Prosecutor v. Milomir Stakić*, Case No. IT-97-24-A, App.Ch., Judgment, 22 March 2006, available at <http://www.legal-tools.org/doc/09f75f/>, **especially fn. 470**

*Prosecutor v. Pavle Strugar*, Case No. IT-01-42-A, App.Ch., Judgment, 17 July 2008, available at <http://www.legal-tools.org/doc/981b62/>, **especially Separate Opinion of Judge Shahabuddeen, para. 27**

*Prosecutor v. Protais Zigiranyirazo*, Case No. ICTR-01-73-T, App.Ch., Judgment, 16 November 2009, available at <http://www.legal-tools.org/doc/8c455f/>, **especially para. 11**

#### **Academic works (alphabetically by first author)**

R. Roth and M. Henzelin, 'The Appeal Procedure of the ICC,' in A. Cassese et al (eds.), *The Rome Statute of the International Criminal Court: a Commentary* (Oxford: OUP, 2002), **especially p. 1555** (see "Annex B")

C. Staker and F. Eckelmans ‘Article 81,’ in O. Triffterer and K. Ambos (eds.), *The Rome Statute of the International Criminal Court: a Commentary*, 3<sup>rd</sup> Ed. (München/Oxford/Baden-Baden: C.H. Beck/Hart/Nomos, 2016), **especially p. 1941, mn. 62** (see “Annex C”)

|                                                                                   |
|-----------------------------------------------------------------------------------|
| <b>GROUP B: “ISSUES RELATED TO MR BEMBA’S SECOND GROUND OF APPEAL” (CHARGING)</b> |
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**ICC authorities**

***Prosecutor v. Bemba***

[ICC-01/05-01/08-3343](#) (“Judgment”), **especially paras. 2, 33, 42-50, 622-648, 694**

[ICC-01/05-01/08-424](#) (“Confirmation Decision”), **especially paras. 129, 160, 272, 282, 315, and pp. 184-185**

[ICC-01/05-01/08-1386 OA5 OA6](#) (“*Bemba* Evidence Appeal Decision”), **especially paras. 63-64**

[ICC-01/05-01/08-3472-Corr-Red](#) (“Prosecution Response”), **especially paras. 78-88**

[ICC-01/05-01/08-3578-Red](#) (“Prosecution CAH Submissions”), **especially fn. 85**

***Prosecutor v. Lubanga***

[ICC-01/04-01/06-356-Anx2](#) (“*Lubanga* Pre-Confirmation DCC”), **especially paras. 20-40**

[ICC-01/04-01/06-803-tEN](#) (“*Lubanga* Confirmation Decision”), **especially paras. 249-267, 410**

[ICC-01/04-01/06-2842](#) (“*Lubanga* TJ”), **especially paras. 480, 1351-1356**

[ICC-01/04-01/06-3121-Red A5](#) (“*Lubanga* AJ”), **especially paras. 118-137**

***Prosecutor v. Katanga***

[ICC-01/04-01/07-649-Anx2A](#) (“*Katanga* Pre-Confirmation DCC”), **especially paras. 42-94**

***Prosecutor v. Gbagbo and Blé Goudé***

[ICC-02/11-01/15-172 OA6](#) (“*Gbagbo* Victim Participation Appeal Decision”), **especially para. 14**

***Other ICC materials***

Chambers Practice Manual, 3<sup>rd</sup> Ed., May 2017, available at [https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual\\_May\\_2017\\_ENG.pdf](https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual_May_2017_ENG.pdf), **especially pp. 11-13**

## **Other authorities**

### **Caselaw (alphabetically by first accused or other name)**

*Prosecutor v. Sefer Halilović*, Case No. IT-01-48-A, App.Ch., Judgment, 16 October 2007, available at <http://www.legal-tools.org/doc/d97ef6/>, **especially para.125**

*Prosecutor v. André Ntagerura, Emmanuel Bagambiki & Samuel Imanishimwe*, Case No. ICTR-99-46-A, App.Ch., Judgment, 7 July 2006, available at <http://www.legal-tools.org/doc/816b44/>, **especially para. 174, and fn. 356**

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| <b>GROUP C: “ISSUES RELATED TO MR BEMBA’S THIRD GROUND OF APPEAL” (MENS REA FOR ARTICLE 28)</b> |
|-------------------------------------------------------------------------------------------------|

## **ICC authorities**

### **Prosecutor v. Bemba**

[ICC-01/05-01/08-424](#) (“Confirmation Decision”), **especially paras. 429, 432-434**

[ICC-01/05-01/08-2324](#) (“Regulation 55 Notice”), **especially para. 5**

[ICC-01/05-01/08-2334](#) (“Prosecution Submissions on Regulation 55 Notice”), **especially paras. 13, 16, 18**

[ICC-01/05-01/08-2419](#) (“Request for Further Bemba Submissions”), **especially para. 7**

[ICC-01/05-01/08-2451-Red](#) (“Bemba Further Submissions on Regulation 55 Notice”), **especially paras. 19-21**

[ICC-01/05-01/08-2480](#) (“Temporary Suspension Decision”), **especially paras. 12-15**

[ICC-01/05-01/08-2492](#) (“Second Request for Further Bemba Submissions”), **especially para. 10**

[ICC-01/05-01/08-2500](#) (“Resumption of Trial Decision”), **especially para. 21**

[ICC-01/05-01/08-3343](#) (“Judgment”), **especially paras. 299, 357-360, 368, 414, 417, 422, 429, 433-435, 445, 448, 457, 530, 544, 557-558, 572, 581, 583-585, 706-718**

[ICC-01/05-01/08-3472-Corr-Red](#) (“Prosecution Response”), **especially paras. 181-183, 232-234, 245-246, 252**

[ICC-01/05-01/08-3483-Red](#) (“Bemba Reply”), **especially para. 37**

### **Prosecutor v. Lubanga**

[ICC-01/04-01/06-803-tEN](#) (“Lubanga Confirmation Decision”), **especially para. 358**

[ICC-01/04-01/06-3121-Red A5](#) (“Lubanga AJ”), **especially para. 447**

**Prosecutor v. Katanga**

[ICC-01/04-01/07-3363 OA13](#) (“Katanga Appeal Decision”), **especially paras. 17, 22, 49-50, 57-58, 87-88, 91, 93**

**Other authorities**

**Caselaw (alphabetically by first accused or other name)**

*Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-T, T.Ch., Judgment, 3 March 2000, available at <http://www.legal-tools.org/doc/e1ae55/>, **especially paras. 312, 314-332**

*Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-A, App.Ch., Judgment, 29 July 2004, available at <http://www.legal-tools.org/doc/88d8e6/>, **especially paras. 62-64**

*Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. “Pavo”, Hazim Delić & Esad Landžo, a.k.a. “Zenga”*, Case No. IT-96-21-T, T.Ch., Judgment, 16 November 1998, available at <http://www.legal-tools.org/doc/6b4a33/>, **especially paras. 388-390**

*Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. “Pavo”, Hazim Delić & Esad Landžo, a.k.a. “Zenga”*, Case No. IT-96-21-A, App.Ch., Judgment, 20 February 2001, available at <http://www.legal-tools.org/doc/051554/>, **especially paras. 239, 241**

**Academic works (alphabetically by first author)**

M. E. Badar, *The Concept of Mens Rea in International Criminal Law* (Abingdon: Hart, 2013), **especially pp. 412-413** (see “Annex D”)

G. Boas et al, *International Criminal Law Practitioner Library, Volume I: Forms of Responsibility in International Criminal Law* (Cambridge: CUP, 2007), **especially pp. 258-259** (see “Annex E”)

C. Meloni, *Command Responsibility in International Criminal Law* (The Hague: T.M.C. Asser, 2010), **especially pp. 180, 182-186** (see “Annex F”)

D. Robinson, ‘A justification of command responsibility,’ [2017] 28 *Criminal Law Forum* 633, **especially pp. 643-644, 664-667** (see “Annex G”)

Y. Sandoz et al, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva: ICRC, 1987) (“API Commentary”), **especially p. 1022, mn. 3560** (see “Annex H”)

E. Van Sliedregt, *Individual Criminal Responsibility in International Law* (Oxford: OUP, 2012), **especially pp. 200-201** (see “Annex I”)

H. Olásolo, *The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes* (Oxford: Hart, 2009), **especially p. 101** (see “Annex J”)

**Treaties (alphabetically by title)**

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 (“First Additional Protocol”), available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmodes/domino/OpenAttachment/applic/ihl/ihl.nsf/D9E6B6264D7723C3C12563CD002D6CE4/FULLTEXT/AP-I-EN.pdf>, especially arts. 86-87

Vienna Convention of the Law of Treaties (“Vienna Convention”), available at [https://treaties.un.org/doc/Treaties/1980/01/19800127%2000-52%20AM/Ch\\_XXIII\\_01.pdf](https://treaties.un.org/doc/Treaties/1980/01/19800127%2000-52%20AM/Ch_XXIII_01.pdf), especially arts. 31-33

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| <p><b>GROUP D: “FURTHER ISSUES RELATED TO MR BEMBA’S THIRD GROUND OF APPEAL”<br/>(NECESSARY AND REASONABLE MEASURES UNDER ARTICLE 28, AND CAUSATION)</b></p> |
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**ICC authorities**

**Prosecutor v. Bemba**

[ICC-01/05-01/08-424](#) (“Confirmation Decision”), especially paras. 417, 423-426, 437-442, 449-477, 490-501

[ICC-01/05-01/08-950-Red-AnxA](#) (“Post-Confirmation DCC”<sup>1</sup>), especially paras. 23-31, 58-75, 91-100

[ICC-01/05-01/08-1386 OA5 OA6](#) (“Bemba Evidence Appeal Decision”), especially paras. 63-64

[ICC-01/05-01/08-3343](#) (“Judgment”), especially paras. 59, 197-198, 213, 719-725, 727, 729-730, 736-739, 741

[ICC-01/05-01/08-3343-AnxI](#) (“Judge Steiner Separate Opinion”), especially paras. 12-14, 18, 22

[ICC-01/05-01/08-3343-AnxII](#) (“Judge Ozaki Separate Opinion”), especially paras. 17, 21, 23, and fn. 33

**Other authorities**

**Caselaw (alphabetically by first accused or other name)**

*Prosecutor v. Théoneste Bagosora & Anatole Nsengiyumva*, Case No. ICTR-98-41-A, App.Ch., Judgment, 14 December 2011, available at <http://www.legal-tools.org/doc/52d501/>, especially paras. 191, 663, 672

<sup>1</sup> Also described in the Prosecution’s Response (filing ICC-01/05-01/08-3472-Corr-Red) as “DCC” or “Amended DCC”.

*Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-A, App.Ch., Judgment, 29 July 2004, available at <http://www.legal-tools.org/doc/88d8e6/>, **especially paras. 72, 77, 218, 417**

*Prosecutor v. Ljube Bošković & Johan Tarčulovski*, Case No. IT-04-82-T, T.Ch., Judgment, 10 July 2008, available at <http://www.legal-tools.org/doc/939486/>, **especially paras. 528, 534-536**

*Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. "Pavo", Hazim Delić & Esad Landžo, a.k.a. "Zenga"*, Case No. IT-96-21-T, T.Ch., Judgment, 16 November 1998, available at <http://www.legal-tools.org/doc/6b4a33/>, **especially para. 399**

*Prosecutor v. Enver Hadžihasanović & Amir Kubura*, Case No. IT-01-47-A, App.Ch., Judgment, 22 April 2008, available at <http://www.legal-tools.org/doc/2705b3/>, **especially paras. 33, 38, 151**

*Prosecutor v. Sefer Halilović*, Case No. IT-01-48-A, App.Ch., Judgment, 16 October 2007, available at <http://www.legal-tools.org/doc/d97ef6/>, **especially paras. 63-64**

*Prosecutor v. Dario Kordić & Mario Čerkez*, Case No. IT-95-14/2-A, App.Ch., Judgment, 17 December 2004, available at <http://www.legal-tools.org/doc/738211/>, **especially para. 832**

*Ferdinand Nahimana, Jean-Bosco Barayagwiza & Hassan Ngeze v. Prosecutor*, Case No. ICTR-99-52-A, App.Ch., Judgment, 28 November 2007, available at <http://www.legal-tools.org/doc/04e4f9/>, **especially paras. 323, 366-368**

*Aloys Ntabakuze v. Prosecutor*, Case No. ICTR-98-41A-A, App.Ch., Judgment, 8 May 2012, available at <http://www.legal-tools.org/doc/281406/>, **especially paras. 100, 123**

*Prosecutor v. Naser Orić*, Case No. IT-03-68-A, App.Ch., Judgment, 3 July 2008, available at <http://www.legal-tools.org/doc/e053a4/>, **especially para. 177**

*Prosecutor v. Vujadin Popović, Lubiša Beara, Drago Nikolić, Radivoje Miletić & Vinko Pandurević*, Case No. IT-05-88-A, App.Ch., Judgment, 30 January 2015, available at <http://www.legal-tools.org/doc/4c28fb/>, **especially paras. 68, 1928-1929, 1931**

*Prosecutor v. Jadranko Prlić et al*, Case No. IT-04-74-A, App.Ch., Judgment, 29 November 2017, Vol. III, available at <http://www.legal-tools.org/doc/9379b6/>, **especially paras. 3138, 3140**

*Tharcisse Renzaho v. Prosecutor*, Case No. ICTR-97-31-A, App.Ch., Judgment, 1 April 2011, available at <http://www.legal-tools.org/doc/0abb32/>, **especially paras. 43, 54, 118**

*Prosecutor v. Pavle Strugar*, Case No. IT-01-42-T, T.Ch., Judgment, 31 January 2005, available at <http://www.legal-tools.org/doc/927ba5/>, **especially paras. 435-446**

**Academic works (alphabetically by first author)**

K. Ambos, ‘Superior responsibility’ in A. Cassese et al (eds.), *The Rome Statute of the International Criminal Court: a Commentary* (Oxford: OUP, 2002), **especially p. 862** (see “Annex K”)

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| <p><b><u>GROUP E: “ISSUES RELATED TO MR BEMBA’S FOURTH GROUND OF APPEAL” (CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY)</u></b></p> |
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**Evidence in *Prosecutor v. Bemba***

EVD-T-CHM-00019/CAR-OTP-0056-0278, **especially 0280**

EVD-T-OTP-00391/CAR-DEF-0001-0152, **especially 0152**

EVD-T-OTP-00400/CAR-OTP-0004-0345, **especially 0346-0348**

EVD-T-OTP-00407/CAR-OTP-0004-0667, **especially 0667-0668**

EVD-T-OTP-00453/CAR-OTP-0017-0363

EVD-T-OTP-00575/CAR-OTP-0031-0093

EVD-T-OTP-00690/CAR-DEF-0001-0154

ICC-01/05-01/08-T-215, **especially 20:14-21:29, 66:12-21**

**ICC authorities**

***Prosecutor v. Bemba***

[ICC-01/05-01/08-424](#) (“Confirmation Decision”), **especially para. 479**

[ICC-01/05-01/08-3343](#) (“Judgment”), **especially paras. 147, 149-151, 160, 163, 168-213, 425, 462-474, 487-501, 509-519, 563-564, 566, 576-581, 590-596, 604-611, 618, 646, 671-672, 675-689, 691, 696-718**

[ICC-01/05-01/08-3399](#) (“*Bemba* Sentencing Judgment”), **especially paras. 49-51, 53-57**

[ICC-01/05-01/08-3434-Red](#) (“*Bemba* Appeal Brief”), **especially paras. 414-415, 417-418, 437**

[ICC-01/05-01/08-3472-Corr-Red](#) (“Prosecution Response”), **especially paras. 223, 225, 293, 314-317**

[ICC-01/05-01/08-3573](#) (“*Bemba* CAH Submissions”), **especially paras. 5, 42, 47, 49**

[ICC-01/05-01/08-3578-Red](#) (“Prosecution CAH Submissions”), **especially paras. 4, 6-9, 15-16, 18-29**

[ICC-01/05-01/08-3585](#) (“Bemba Response to LRV CAH Submissions”), **especially para. 5**

**Prosecutor v. Katanga**

[ICC-01/04-01/07-717](#) (“Katanga Confirmation Decision”), **especially paras. 395, 445-453**

[ICC-01/04-01/07-3436-tENG](#) (“Katanga TJ”), **especially paras. 1108, 1123**

**Situation in Kenya**

[ICC-01/09-19-Corr](#) (“Kenya Article 15 Decision”), **especially paras. 87-88**

**Prosecutor v. Ruto and Sang**

[ICC-01/09-01/11-373](#) (“Ruto and Sang Confirmation Decision”), **especially para. 213**

**Prosecutor v. Kenyatta**

[ICC-01/09-02/11-382-Red](#) (“Kenyatta Confirmation Decision”), **especially paras. 278-279**

**Prosecutor v. Gbagbo**

[ICC-02/11-01/11-656-Red](#) (“Gbagbo Confirmation Decision”), **especially paras. 214, 222**

**Other authorities**

**Caselaw (alphabetically by first accused or other name)**

*Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, T.Ch., Judgment, 2 September 1998, available at <http://www.legal-tools.org/doc/b8d7bd/>, **especially para. 581**

*Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, T.Ch., Judgment and Opinion, 5 December 2003, available at <http://www.legal-tools.org/doc/eb6006/>, **especially para. 700**

*Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, App.Ch., Judgment, 30 November 2006, available at <http://www.legal-tools.org/doc/c81a32/>, **especially para. 377**

*Prosecutor v. Sefer Halilović*, Case No. IT-01-48-T, T.Ch., Judgment, 16 November 2005, available at <http://www.legal-tools.org/doc/abda04/>, **especially paras. 726, 734, 752**

*Prosecutor v. Dragoljub Kunarac, Radomir Kovač & Zoran Vuković*, Case No. IT-96-23 & IT-96-23/1-A, App.Ch., Judgment, 12 June 2002, available at <http://www.legal-tools.org/doc/029a09/>, **especially para. 102**

*Prosecutor v. Fatmir Limaj, Haradin Bala & Isak Musliu*, Case No. IT-03-66-T, T.Ch., Judgment, 30 November 2005, available at <http://www.legal-tools.org/doc/4e469a/>, **especially para. 190**

*Prosecutor v. Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević & Sreten Lukić*, Case No. IT-05-87-T, T.Ch., Judgment, 26 February

2009, Vol. I, available at <http://www.legal-tools.org/doc/9eb7c3/>, **especially paras. 119, 138, 153-161**

*Prosecutor v. Naser Orić*, Case No. IT-03-68-A, App.Ch., Judgment, 3 July 2008, available at <http://www.legal-tools.org/doc/e053a4/>, **especially paras. 56-60**

*Prosecutor v. Vujadin Popović, Lubiša Beara, Drago Nikolić, Radivoje Miletić & Vinko Pandurević*, Case No. IT-05-88-A, App.Ch., Judgment, 30 January 2015, available at <http://www.legal-tools.org/doc/4c28fb/>, **especially paras. 893, 987, 1684, 1715, 1733**

*Prosecutor v. Jadranko Prlić et al*, Case No. IT-04-74-A, App.Ch., Judgment, 29 November 2017, Vol. I, available at <http://www.legal-tools.org/doc/00b491/>, **especially paras. 385-392**

### **Other reference works**

Oxford Dictionary, “*mutatis mutandis*”, available at [https://en.oxforddictionaries.com/definition/mutatis\\_mutandis](https://en.oxforddictionaries.com/definition/mutatis_mutandis)

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|------------------------------------------------------------|
| <b><u>“ISSUES RELATED TO APPEALS AGAINST SENTENCE”</u></b> |
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### **ICC authorities**

#### **Prosecutor v. Bemba**

[ICC-01/05-01/08-3343](#) (“Judgment”), **especially paras. 496-501, 685, 706-718, 738**

[ICC-01/05-01/08-3375-Conf-AnxII](#) (“Registry Report”), **throughout**

[ICC-01/05-01/08-3381-Conf](#) (“Bemba Response to Registry Report on Solvency and Conduct”), **paras. 2-3**

[ICC-01/05-01/08-3399](#) (“Bemba Sentencing Judgment”), **throughout, and especially paras. 27, 32, 34, 36-47, 49-51, 53, 56, 63, 65-66, 71-76, 92, 95**

[ICC-01/05-01/08-3450-Red](#) (“Bemba Sentencing Appeal Brief”), **throughout, and especially paras. 14, 51, 55, 61, 67-68**

[ICC-01/05-01/08-3451](#) (“Prosecution Sentencing Appeal Brief”), **throughout**

[ICC-01/05-01/08-3485](#) (“Bemba Sentencing Appeal Response”), **especially paras. 7, 12-32**

[ICC-01/05-01/08-3486-Red2](#) (“Prosecution Sentencing Appeal Response”), **throughout**

#### **Prosecutor v. Lubanga**

[ICC-01/04-01/06-3121-Red A5](#) (“Lubanga AJ”), **especially para. 22**

[ICC-01/04-01/06-3122 A4 A6](#) (“Lubanga SAJ”), **especially paras. 33-34, 43, 76-77**

**Prosecutor v. Ngudjolo**

[ICC-01/04-02/12-271-Corr A](#) (“Ngudjolo AJ”), especially paras. 124-125

**Other ICC materials**

Preparatory Committee on the Establishment of an International Criminal Court, Working Group on Penalties, A/AC.249/1997/WG.6/CRP.10, 10 December 1997, available at [https://www.legal-tools.org/uploads/tx\\_ltpdb/doc31732.pdf](https://www.legal-tools.org/uploads/tx_ltpdb/doc31732.pdf)

**Other authorities****Caselaw (alphabetically by first accused or other name)**

*Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. “Pavo”, Hazim Delić & Esad Landžo, a.k.a. “Zenga”,* Case No. IT-96-21-A, App.Ch., Judgment, 20 February 2001, available at <http://www.legal-tools.org/doc/051554/>, especially para. 741