

Annex B

List of authorities

**A. Filings and Decisions in *The Prosecutor v. Bosco Ntaganda*,
Case No. ICC-01/04-02/06**

Short-title	Reference
Appeal-Judgment-1962	Judgment on the appeal of Mr Ntaganda against the “Second decision on the Defence’s challenge to the jurisdiction of the Court in respect of Counts 6 and 9, 15 June 2017, ICC-01/04-02/06-1962 .
Confirmation-Decision-309	Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda, 9 June 2014, ICC-01/04-02/06-309 .
CLR2-Observations-2525	Observations of the Common Legal Representative of the Victims of the Attacks on the Defence Appeal Part II, 6 May 2020, ICC-01/04-02/06-2525-Conf .
DCB	Annex 1 to Defence Closing Brief, 09 July 2018, ICC-01/04-02/06-2298-Conf-Anx1-Corr .
Decision-2522	Decision on request for leave to reply, 4 May 2020, ICC-01/04-02/06-2522 .
Defence Appeal Brief – Part II	Defence Appeal Brief – Part I, 11 November 2019, ICC-01/04-02/06-2443 .
Defence-Request-2512	Defence request for leave to reply to the Prosecution Response to Defence Appeal Brief – Part II, 15 April 2020, ICC-01/04-02/06-2512 .
PCB or Prosecution-Closing-Brief-Anx1	Annex 1 to Prosecution’s Final Closing Brief, 20 April 2018, ICC-01/04-02/06-2277-Conf-Anx1-Corr .
Prosecution-PTB	Annex A to the Prosecution Pre-Trial Brief, 18 May 2015, ICC-01/04-02/06-503-Conf .
Prosecution Response – Part II or Prosecution Response	Prosecution response to “Defence Appeal Brief - Part II”, 3 April 2020, ICC-01/04-02/06-2500-Conf .
TJ	Judgment, 8 July 2019, ICC-01/04-02/06-2359 .

B. Other jurisprudence of this Court

Short-title	Reference
<i>Bemba-AJ-3636</i>	<i>The Prosecutor v. Jean-Pierre Bemba Gombo</i> , Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III's "Judgment pursuant to Article 74 of the Statute", 8 June 2018, ICC-01/05-01/08-3636-Red.
<i>Bemba-Separate-Opinion-3636</i>	<i>The Prosecutor v. Jean-Pierre Bemba Gombo</i> , Separate Opinion Judge Christine Van den Wyngaert and Judge Howard Morrison, 8 June 2018, ICC-01/05-01/08-3636-Anx2.
<i>Bemba-TJ-3343</i>	<i>The Prosecutor v. Jean-Pierre Bemba Gombo</i> , Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343.
<i>Bemba-et-al-AJ-2275</i>	<i>The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido</i> , Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled "Judgment pursuant to Article 74 of the Statute", 8 March 2018, ICC-01/05-01/13-2275-Red.
<i>Bemba-et-al-TJ-1989</i>	<i>The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido</i> , Judgment pursuant to Article 74 of the Statute, 19 October 2016, ICC-01/05-01/13-1989-Red.
<i>Gbagbo-Confirmation-Decision-656</i>	<i>The Prosecutor v. Laurent Gbagbo</i> , Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11-656-Red.
<i>Gbagbo-Prosecution-Response-1207</i>	<i>The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé</i> , Second public redacted version of "Annex 1 – Prosecution's Consolidated Response to the Defence No Case to Answer", 10 September 2018, ICC-02/11-01/15-1207-Conf-Anx1, 10 September 2018, ICC-02/11-01/15-1207-Anx1-Red2.
<i>Gbagbo-Dissenting-Opinion-Judge-Carbuccia-1263</i>	<i>The Prosecutor v. Laurent Gbagbo et Blé Goudé</i> , Dissenting Opinion Judge Herrera Carbuccia, 16 July 2019, ICC-02/11-01/15-1263-AnxC-Red.

<i>Katanga-TJ-3436</i>	<i>The Prosecutor v. Germain Katanga</i> , Judgment pursuant to article 74 of the Statute, 7 March 2014, ICC-01/04-01/07-3436-tENG .
<i>Lubanga-TJ-2842</i>	<i>The Prosecutor v. Thomas Lubanga Dyilo</i> , Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2482 .
<i>Lubanga-AJ-3121</i>	<i>The Prosecutor v. Thomas Lubanga Dyilo</i> , Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, 1 December 2014, ICC-01/04-01/06-3121-Conf .
<i>Mbarushimana-Confirmation-Decision-465</i>	<i>The Prosecutor v. Callixte Mbarushimana</i> , Decision on the Confirmation of Charges, 16 December 2011, ICC-01/04-01/10-465-Red .
<i>Ngudjolo-AJ-271</i>	<i>The Prosecutor v. Mathieu Ngudjolo Chui</i> , Judgment on the Prosecutor's appeal against the decision of Trial Chamber II entitled "Judgment pursuant to article 74 of the Statute, ICC-01/04-02/12-271-Corr .

C. Jurisprudence of other jurisdictions

(a) ICTY

Short-title	Reference
ICTY-Blaškić-AJ	<i>Prosecutor v. Tihomir Blaškić</i> , Case No. IT-95-14-A, Judgement, 29 July 2004.
ICTY-Dorđević-AJ	<i>Prosecutor v. Vlastimir Dorđević</i> , Case No. IT-05-87/1-A, Judgement, 27 January 2014.
ICTY-Dorđević-Dissenting-Opinion-Tuzmukhamedov	<i>Prosecutor v. Vlastimir Dorđević</i> , Case No. IT-05-87/1-A, Dissenting Opinion of Judge Tuzmukhamedov, 27 January 2014.
ICTY-Dorđević-TJ	<i>Prosecutor v. Vlastimir Dorđević</i> , Case No. IT-05-87/1-T, Public Judgement, 23 February 2011.
ICTY-Galić-Decision-Interlocutory-Appeal	<i>Prosecutor v. Stanislav Galić</i> , Case No. IT-98-29-AR73-2, Decision on interlocutory appeal concerning Rule 92bis(C), 7 June 2002.
ICTY-Hadžić-Decision-Rule92quater	<i>Prosecutor v. Goran Hadžić</i> , Case No. IT-04-75-T, Decision on prosecution motion for admission of evidence pursuant to Rule 92 quater (Herbert Okun), 22 February 2013.
ICTY-Karadžić-Decision-Admission-KDZ172	<i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-T, Decision on prosecution's motion for admission of the evidence of KDZ172 (Milan Babić) pursuant to Rule 92 quater, 13 April 2010.

<u>ICTY-Karadžić-Decision-Rule92quater</u>	<i>Prosecutor v. Radovan Karadžić</i> , Case No. IT-95-5/18-T, Decision on prosecution motion for admission of testimony of sixteen witnesses and associated exhibits pursuant to Rule 92quater, 30 November 2009.
<u>ICTY-Karadžić-TJ</u>	<i>Prosecutor v. Radovan Karadžić</i> , Case No. IT-95-5/18-T, Public redacted version of Judgement issued on 24 March 2016, 24 March 2016.
<u>ICTY-Krajišnik-AJ</u>	<i>Prosecutor v. Momčilo Krajišnik</i> , Case No. IT-00-39-A, Judgement, 17 March 2009.
<u>ICTR-Kordić-TJ</u>	<i>Prosecutor v. Dario Kordić and Mario Čerkez</i> , Case No. IT-95-14/2-T, Judgement, 26 February 2001.
<u>ICTY-Kunarac-AJ</u>	<i>Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković</i> , Case No. IT-96-23/1-A, Judgement, 12 June 2002.
<u>ICTY-Kunarac-TJ</u>	<i>Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković</i> , Case No. IT-96-23/1-T, Judgement, 22 February 2001.
<u>ICTY-Limaj-TJ</u>	<i>Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu</i> , Case No. IT-03-66-T, Judgement, 30 November 2005.
<u>ICTY-Martić-Decision-Evidence-Babić</u>	<i>Prosecutor v. Milan Martić</i> , Case No. IT-95-11-AR73.2, Decision on appeal against the Trial Chamber's Decision on the evidence of witness Milan Babić, 14 September 2006.
<u>ICTY-Martić-TJ</u>	<i>Prosecutor v. Milan Martić</i> , Case No. IT-95-11-T, Judgement, 12 June 2007.
<u>ICTY-Milošević-AJ</u>	<i>Prosecutor v. Dragomir Milošević</i> , Case No. IT-98-29/1-A, Judgement, 12 November 2009.
<u>ICTY-Milutinović-Decision-Rule92quater</u>	<i>Prosecutor v. Milan Milutinović, Nikola Šainović, Dragoljub Objdanić, Nebojša Pavković, Vladimir Lazarević, Sreten Lukić</i> , Case No. IT-05-87-T, Decision on prosecution motion for admission of evidence pursuant to Rule 92 quater, 16 February 2007.
<u>ICTY-Milutinović-TJ</u>	<i>Prosecutor v. Milan Milutinović, Nikola Šainović, Dragoljub Objdanić, Nebojša Pavković, Vladimir Lazarević, Sreten Lukić</i> , Case No. IT-05-87-T, Judgement, Volume 1 of 4, 26 February 2009.
<u>ICTY-Mrkšić-AJ</u>	<i>Prosecutor v. Mile Mrkšić, Veselin Šlišančanin</i> , Case No. IT-95-13/1-A, Judgement, 5 May 2009.

<u>ICTY-Popović-AJ</u>	<i>Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Miletić, Vinko Pandurević, Case No. IT-05-88-A, Judgement, 30 January 2015.</i>
<u>ICTY-Popović-Dissenting-Judge-Kwon</u>	<i>Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević, Case No. IT-05-88-T, Dissenting and Separate Opinions of Judge Kwon, 10 June 2015, starting at p.839.</i>
<u>ICTY-Popović-TJ</u>	<i>Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević, Case No. IT-05-88-T, Judgement, 10 June 2015.</i>
<u>ICTY-Prlić-Decision-Admission-Evidence</u>	<i>Prosecutor v. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić, Berislav Pušić, Case No. IT-04-74-AR73-6, Decision on appeals against decision admitting transcript of Jadranko Prlić's questioning into evidence, 23 November 2007.</i>
<u>ICTY-Šešelj-Decision-Admission-Rule92quater</u>	<i>Prosecutor v. Vojislav Šešelj, Case No. IT-03-67-T, Decision on prosecution's motion for admission of evidence of Mujo Džafić pursuant to Rule 92quater of the Rules of Procedure and Evidence, 13 May 2009.</i>
<u>ICTY-Tadić-TJ</u>	<i>Prosecutor v. Duško Tadić, Case No. IT-94-1-T, Opinion and Judgment, 7 May 1997.</i>
<u>ICTY-Tolimir-TJ</u>	<i>Prosecutor v. Zdravko Tolimir, Case No. IT-05-88/2-T, Judgement, 12 December 2012.</i>
<u>ICTY-Vasiljević-TJ</u>	<i>Prosecutor v. Mitar Vasiljević, Case No. IT-98-32-T, Judgment, 29 November 2002.</i>

(b) ICTR

Short-title	Reference
<u>ICTR-Bagosora-Decision-Admission-Statements</u>	<i>The Prosecutor v. Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, Anatole Nsengiyumva, Case No. ICTR-98-41-T, Decision on admission of statements of deceased witnesses, 19 January 2005.</i>
<u>ICTR-Bisengimana-TJ</u>	<i>The Prosecutor v. Paul Bisengimana, Case No. ICTR-00-60-T, Judgement and Sentence, 13 April 2006.</i>
<u>ICTR-Bizimungu-AJ</u>	<i>Augustin Bizimungu v. The Prosecutor, Case No. ICTR-00-56B-A, Judgement, 30 June 2014.</i>
<u>ICTR-Bizimungu-TJ</u>	<i>The Prosecutor v. Casimir Bizimungu, Justin Mugenzi, Jérôme-Clément Bicamumpaka, Prosper Mugiraneza, Case No. ICTR-99-50-T, Judgement and Sentence, 30 September 2011.</i>

<u>ICTR-Kanyarukiga-TJ</u>	<i>The Prosecutor v. Gaspard Kanyarukiga</i> , Case No. ICTR-2002-78-T, Judgement and Sentence, 1 November 2010.
<u>ICTR-Muvunyi-AJ</u>	<i>Prosecutor v. Tharcisse Muvunyi</i> , Case No. ICTR-2000-55A-A, Judgement, 29 August 2008.
<u>ICTR-Nahimana-AJ</u>	<i>Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze v. The Prosecutor</i> , Case No. ICTR-99-52-A, Judgement, 28 November 2007.
<u>ICTR-Nchamihigo-AJ</u>	<i>Siméon Nchamihigo</i> , Case No. ICTR-2001-63-A, Judgement, 18 March 2010.
<u>ICTR-Ndindiliyimana-TJ</u>	<i>The Prosecutor v. Augustin Ndindiliyimana, Augustin Bizimungu, Francois-Xavier Nzuwomeneze, Innocent Sagahutu</i> , Case No. ICTR-00-56-T, Judgement, 17 May 2011.
<u>ICTR-Ngirabatware-TJ</u>	<i>The Prosecutor v. Augustin Ngirabatware</i> , Case No. ICTR-99-54-T, Judgement and Sentence, 20 December 2012.
<u>ICTR-Semanza-TJ</u>	<i>The Prosecutor v. Laurent Semanza</i> , Case No. ICTR-97-20-T, Judgement and Sentence, 15 May 2003.

(c) SCSL

Short-title	Reference
<u>SCSL-AFRC-TJ</u>	<i>Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara, Santigie Borbor Kanu</i> , Case No. SCSL-04-16-T, Judgement, 20 June 2007.
<u>SCSL-RUF-TJ</u>	<i>Prosecutor v. Issa Hassan Sesay, Morris Kallon, Augustin Gbao</i> , Case No. SCSL-04-15-T, Judgement, 2 March 2009.

D. Academic works

Short-title	Reference
<u>Akhavan</u>	Akhavan P., <i>Reconciling Crimes Against Humanity with the Laws of War</i> , Human Rights, Armed Conflict, and the Limits of Progressive Jurisprudence, <i>Journal of International Criminal Justice</i> 6 (2008).
<u>Del Ponte</u>	Del Ponte, C., <i>Investigation and Prosecution of Large-scale Crimes at the International Level</i> , <i>Journal of International Criminal Justice</i> , 4 J. Int'l Crim., 2006.
<u>Fenrick (1999)</u>	Fenrick, W.K., <i>Should Crimes Against Humanity Replace War Crimes</i> , <i>Columbia Journal of Transnational Law</i> 37 Colum. J. Transnat', 1999.

Fenrick (2004)	Fenrick, W.J., Crimes in combat: the relationship between crimes against humanity and war crimes, 5 March 2004, Guest Lecture Series of the Office of the Prosecutor, The Hague.
Triffterer	Triffterer, O., Ambos, K., <i>The Rome Statute of the International Criminal Court, A Commentary</i> , (C.H.BECK, Hart, Nomos) Third Edition, 2016.
Yanev	Yanev L., On Common Plans and Excess Crimes: Fragmenting the Notion of Co-Perpetration in International Criminal Law, <i>Leiden Journal of International Law</i> (2018), 31, pp. 693–718.

E. Other sources

Short-title	Reference
API	Additional Protocol I to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.
APII	Additional Protocol II to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.
Commentary API	Commentary of the International Committee of the Red Cross on Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Prosecution of Victims of International Armed Conflicts (Protocol I), 8 June 1977.
Commentary APII	Commentary of the International Committee of the Red cross on 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.
Geneva Convention IV or GCIV	Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.
R. v. Dinardo	R. v. Dinardo (2008) 1 S.C.R. 788, 2008 SCC 24.
R. v. Dowling	R. v. Tracey Lee Dowling [2018] NSWDC 367.
R. v. Kereliuk	R. v. Kereliuk (2005), 2005 CarswellYukon 129, 2005 YKTC 42.