



UvA-DARE (Digital Academic Repository)

International criminal trials: A normative theory

Vasiliev, S.

Publication date
2014

[Link to publication](#)

Citation for published version (APA):

Vasiliev, S. (2014). *International criminal trials: A normative theory*.

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

TABLE OF INSTRUMENTS

International Treaties, Conventions, and Agreements	xcv
Resolutions and regulations of (international) organizations	xcvi
African Union	xcvi
Assembly of States Parties (ICC)	xcvi
ECCC	xcvii
ICC	xcvii
ICTR	xcviii
ICTY	xcviii
IMT	xcix
IMTFE	xcix
SCSL	xcix
STL	xcix
Preparatory Commission for the International Criminal Court	xcix
Preparatory Committee on the Establishment of the International Criminal Court	c
United Nations International Law Commission	c
United Nations Mechanism for International Criminal Tribunals (MICT)	c
United Nations Secretary-General	ci
United Nations Security Council	ci
Official statements, records, reports, and letters	ci
Human Rights Committee	cii
ICTR	cii
ICTY	cii
SCSL	civ
STL	civ
United Nations Commission on Human Rights	civ
United Nations Secretary-General	civ
United Nations Security Council	cv
National Legislation, Instruments, and Reports	cv
Austria	cv
Bosnia and Herzegovina	cv
Cambodia	cvi
England and Wales	cvi
France	cvi
Germany	cvi
Indonesia	cvi
Italy	cvii
Japan	cvii
Netherlands	cvii
Poland	cvii
Rwanda	cvii
Sierra Leone	cvii
Spain	cvii
United States of America	cvii

International Treaties, Conventions, and Agreements

- Treaty of Peace between the Allied and Associated Powers and Germany, Versailles, signed 28 June 1919, entered into force 10 January 1920, 11 *Martens Nouveau Recueil* (ser. 3) 323
- Declaration of Potsdam, 26 July 1945
- Charter of the International Military Tribunal at Nuremberg, annexed to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, 82 UNTS 279, 8 August 1945
- Instrument of Surrender, signed at Tokyo Bay, Japan, 2 September 1945
- Charter of the United Nations, 1 UNTS XVI, signed 26 June 1945 in San Francisco, in force 24 October 1945
- Moscow Conference Agreement, 26 December 1945
- Charter of the International Military Tribunal for the Far East, TIAS No. 1589, annexed to the Special Proclamation of Supreme Commander for the Allied Powers Gen. Douglas MacArthur, 19 January 1946, Bevans 20, 19 January 1946, amended 26 April 1946
- Convention on the Prevention and Punishment of the Crime of Genocide, adopted by UNGA Resolution 260 (III) A, 9 December 1948
- Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949
- Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949
- Convention (III) Relevant to the Treatment of Prisoners of War, Geneva, 12 August 1949
- Convention (IV) Relevant to the Protection of Civilian Persons in the Time of War, Geneva, 12 August 1949
- European Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, 4 November 1950, ETS 5
- American Convention on Human Rights, signed on 22 November 1969, entry into force 18 July 1978, The Organization of American States Treaty Series No. 36
- International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), adopted on 16 December 1966, 21 U.N. GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS 171, entered into force 23 March 1976
- Vienna Convention on the Law of Treaties, signed on 23 May 1969, entered into force 27 January 1980, 1155 UNTS 331, 8 ILM 679
- 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, 1125 UNTS 3
- 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
- Statute of the International Tribunal for the Law of the Sea, Annex VI, United Nations Convention on the Law of the Sea, 10 December 1982

Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11, ETS 117, Strasbourg, 22 November 1984

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UNGA Resolution 39/46, 10 December 1984

Rome Statute of the International Criminal Court, 17 July 1998, A/CONF. 183/9

Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (annex: Statute of the Special Court for Sierra Leone), 16 January 2002, 2178 UNTS 138

Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, 6 June 2003, annexed to UN General Assembly Resolution 57/228B, 22 May 2003

Protocol No. 14 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Amending the Control System of the Convention, CETS No. 194, 13 May 2004

Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon and Statute of the Special Tribunal for Lebanon, annexed to UNSC Resolution 1757 (2007), UN Doc. S/RES/1757, 30 May 2007

Agreement between the United Nations and the Government of Sierra Leone on the Establishment of Residual Special Court for Sierra Leone, signed on 11 August 2010 and ratified by Sierra Leone on 1 February 2012

Treaty on European Union (Consolidated Version 2012), OJ C 326, 26 October 2012

Resolutions and regulations of (international) organizations

African Union

Decision on the Meeting of African States Parties to the Rome Statute of the International Criminal Court (ICC), Decision No. Assembly/AU/Dec.245 (XIII) Rev.1, Assembly of the AU, AU Doc. Assembly/AU/13 (XIII), 1-3 July 2009

Assembly of States Parties (ICC)

Rules of Procedure and Evidence, International Criminal Court, agreed upon by the Preparatory Commission on 30 June 2000 and adopted at the first session of the Assembly of States Parties, New York, 3-10 September 2002

Conduct of Professional Conduct for Counsel, Resolution ICC-ASP/4/Res. 1, 3rd Plenary Meeting, 2 December 2005

Strategic Plan for Outreach of the International Criminal Court, ICC-ASP/5/12, 29 September 2006

Resolution ICC-ASP/9/Res.2 ‘Establishment of a Study Group on Governance’,
Assembly of States Parties, 5th plenary meeting, 10 December 2010

Annex VI: Proposal for amendments to rule 4 of the Rules of Procedure and Evidence,
Report on the Working Group on Amendments, ASP, ICC-ASP/10/32, 9
December 2011

Amendments to rule 4 of the Rules of Procedure and Evidence, ICC-ASP/10/Res.1, in
*Assembly of States Parties to the Rome Statute of the International Criminal
Court, Tenth Session, New York, 12-21 December 2011, Official Records, Volume
I*

Report of the Study Group on Governance on rule 132bis of the Rules of Procedure and
Evidence, ASP, ICC-ASP/11/41, 1 November 2012

Report of the Working Group on Amendments, ICC-ASP/11/36, 13 November 2012
Amendment of the Rules of Procedure and Evidence, Resolution ICC-ASP/11/Res.2,
adopted at the 8th plenary meeting, on 21 November 2012 (by consensus), in
*Assembly of States Parties to the Rome Statute of the International Criminal
Court, Eleventh Session, the Hague, 14-22 November 2012, Official Records, Vol.
I*

Resolution ICC-ASP/11/Res.2, Amendment of the Rules of Procedure and Evidence,
adopted at the 8th plenary meeting, 21 November 2012

Resolution ICC-ASP/12/Res.7, Amendments to the Rules of Procedure and Evidence,
adopted at the 12th plenary meeting, 27 November 2013

Control Council and Coordinating Committee of the Allied Control Authority

Control Council Law No. 10, Punishment of Persons Guilty of War Crimes, Crimes
Against Peace and Against Humanity, 20 December 1945, Official Gazette of the
Control Council for Germany, No. 3, Berlin, 31 January 1946

ECCC

Internal Rules (as adopted on 12 June 2007)
Internal Rules (Rev. 1, as revised on 1 February 2008)
Internal Rules (Rev. 2, as revised on 5 September 2008)
Internal Rules (Rev. 3, as revised on 6 March 2009)
Internal Rules (Rev. 4, as revised on 11 September 2009)
Internal Rules (Rev. 5, as revised on 9 February 2010)
Internal Rules (Rev. 6, as revised on 17 September 2010)
Internal Rules (Rev. 8, as revised on 3 August 2011)

ICC

Regulations of the Court, adopted by the judges of the Court on 26 May 2004, as
amended on 14 June and 14 November 2007 (entry into force 18 December 2007)
and on 2 November 2011 (entry into force 29 June 2012), ICC-BD/01-03-11

Regulations of the Registry, ICC-BD/03-01-06-Rev.1, entered into force on 6 March 2006 and revised on 25 September 2006

ICTR

Rules of Procedure and Evidence, UN Doc. ITR/3/Rev.1, 29 June 1995
Rules of Procedure and Evidence, as amended on 8 June 1998
Prosecutor's Regulation No. 2 (1999), Standards of Professional Conduct for Prosecution Counsel, ICTY and ICTR, 14 September 1999
Rules of Procedure and Evidence, as amended on 8 June 2000
Rules of Procedure and Evidence, as amended on 21 February 2000
Rules of Procedure and Evidence, as amended on 6 July 2002
Rules of Procedure and Evidence, as amended on 27 May 2003
Rules of Procedure and Evidence, as amended on 14 May 2004
Code of Professional Conduct for Defense Counsel, 14 March 2008

ICTY

Rules of Procedure and Evidence, IT/32 14 March 1994
Rules of Procedure and Evidence, IT/32/Rev. 11, 25 July 1997
Rules of Procedure and Evidence, IT/32/Rev. 12, 12 November 1997
Rules of Procedure and Evidence, IT/32/Rev. 13, 10 July 1998
Rules of Procedure and Evidence, IT/32/Rev. 14, 17 December 1998
Rules of Procedure and Evidence, IT/32/Rev. 16, 22 July 1999
Prosecutor's Regulation No. 2 (1999), Standards of Professional Conduct for Prosecution Counsel, ICTY and ICTR, 14 September 1999
Rules of Procedure and Evidence, IT/32/Rev. 17, 17 November 1999
Rules of Procedure and Evidence, IT/32/Rev. 18, 2 August 2000
Rules of Procedure and Evidence, IT/32/Rev. 19, 1 and 13 December 2000
Rules of Procedure and Evidence, IT/32/Rev. 20, 12 April 2001
Rules of Procedure and Evidence, IT/32/Rev. 22, 13 December 2001
ICTY Practice Direction on Procedure for the Proposal, Consideration of and Publication of Amendments to the Rules of Procedure and Evidence of the International Tribunal, UN Doc. IT/143/Rev.2, 26 February 2002
Rules of Procedure and Evidence, IT/32/Rev. 26, 6 July 2002
Rules of Procedure and Evidence, IT/32/Rev. 28, 17 July 2003
Rules of Procedure and Evidence, IT/32/Rev. 29, 12 December 2003
Rules of Procedure and Evidence, IT/32/Rev. 33, 8 December 2004
Rules of Procedure and Evidence, IT/32/Rev. 38, 30 May 2006
Rules of Procedure and Evidence, IT/32/Rev. 39, 13 September 2006
Rules of Procedure and Evidence, (IT/32/Rev. 40, 12 July 2007
Code of Professional Conduct for Counsel Appearing before the International Tribunal, IT/125 Rev. 3, 22 July 2009

IMT

Rules of Procedure, 29 October 1945

IMTFE

Rules of Procedure of the International Military Tribunal for the Far East, 25 April 1946

SCSL

Rules Governing the Detention of Persons Awaiting Trial or Appeal before the SCSL or
Otherwise Detained on the Authority of the SCSL, 7 March 2003

Rules of Procedure and Evidence, adopted on 7 March 2003

Rules of Procedure and Evidence, as amended on 1 August 2003

Rules of Procedure and Evidence, as amended on 29 May 2004

Rules of Procedure and Evidence, as amended on 14 May 2005

Rules of Procedure and Evidence, as amended on 13 May 2006

Rules of Procedure and Evidence, as amended on 24 November 2006

Rules of Procedure and Evidence, as amended on 31 May 2012

STL

Rules of Procedure and Evidence, adopted on 20 March 2009

Rules of Procedure and Evidence (STL/BD/2009/01/Rev. 1, 5 June 2009)

Rules of Procedure and Evidence (STL/BD/2009/01/Rev. 2, 30 October 2009)

Summary of the Accepted Rule Amendments and Some Key Rejected Proposals (Third
Plenary of Judges November 2010), 1 December 2010

Rules of Procedure and Evidence (STL/BD/2009/01/Rev. 4, 8 February 2012)

Summary of Accepted Rules Amendments and Some Key Rejected Rule Amendment
Proposals (Fourth Plenary of Judges, February 2012), 21 March 2012

Rules of Procedure and Evidence (as of 12 April 2012) – Explanatory Memorandum by
the STL's President

Preparatory Commission for the International Criminal Court

Proposal submitted by Australia – Draft Rules of Procedure and Evidence of the
International Criminal Court, UN Doc. PCNICC/1999/DP.1, 26 January 1999
ICC Liaison Committee of the ICTY Chambers to the ICC PrepComm, UN Doc.
PCNICC/1999/WGRPE/DP.38, 13 August 1999

Report of the Preparatory Commission for the International Criminal Court, 6 July 2000,
PCNICC/2000/INF/3/Add.1

Preparatory Committee on the Establishment of the International Criminal Court

- Paper Submitted by Australia and The Netherlands, UN doc. A/AC.249/L.2, 26 July 1996, Rule 74
- Draft Statute of the International Criminal Court: Working Paper Submitted by France, UN Doc. A/AC.249/L/3 (1996), 6 August 1996
- Report of the Preparatory Committee on the Establishment of an International Criminal Court, UNGAOR, 51st Session, Supp. No. 22, UN Doc. A/51/22 (1996), Vol. I
- Decisions taken by the Preparatory Committee at its Session held from 1 to 12 December 1997, A/AC.249/1997/L.9
- Report of the Working Group on Procedural Matters, UN Doc. A/CONF.183/C.1/WGPM/L.2/ Add.2, 24 June 1998

United Nations International Law Commission

- Draft Statute for an International Criminal Court, 1994, 44th session, Yearbook of the International Law Commission, 1994, vol. II, Part Two
- Draft Articles on International Responsibility of International Organizations (2011), 63rd session, UN Doc. A/66/10, Yearbook of the International Law Commission, 2011, vol. II, Part Two
- Report of the International Law Commission, Sixty-Third Session, GAOR 66th session, Supplement No. 10 (A/66/10)

United Nations Interim Administration Mission in Kosovo (UNMIK)

- Regulation 1999/1 on the Authority of the Interim Administration in Kosovo, 25 July 1999, UNMIK/REG/1999/1
- Regulation 2000/64 on Assignment of International Judges/Prosecutors and/or Change of Venue, 15 December 2000

United Nations General Assembly

- UNGA Res. 53/212, 18 December 1998
- Report of the Expert Group to Conduct Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, UN Doc. A/54/634, 22 November 1999
- Comments on the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, UN Doc. A/54/850, 27 April 2000

United Nations Mechanism for International Criminal Tribunals (MICT)

- Rules of Procedure and Evidence (MICT/1, 8 June 2012) and Corrigendum (Mict/1/Corr.1, 17 August 2012)

United Nations Secretary-General

Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), UN Doc. S/25704, 3 May 1993

Report of the Secretary-General Pursuant to Paragraph 5 of Security Council Resolution 955 (1994), UN Doc. S/1995/134, 13 February 1995

United Nations Security Council

UNSC Resolution 808 (1993), UN Doc. S/RES/808, 22 February 1993

UNSC Resolution 827 (1993), UN Doc. S/RES/827, 25 May 1993

UNSC Resolution 955 (1994), UN Doc. S/RES/955, 8 November 1994

UNSC Resolution 1166 (1998), UN Doc. S/RES/1166, 13 May 1998

UNSC Resolution 1272 (1999), UN Doc. S/RES/1272 25 October 1999

UNSC Resolution 1329 (2000), UN Doc. S/RES/1329, 5 December 2000

UNSC Resolution 1431 (2002), UN Doc. S/RES/1431, 14 August 2002

UNSC Resolution 1481 (2003), UN Doc. S/RES/1481, 19 May 2003

UNSC Resolution 1503 (2003), UN Doc. S/RES/1503, 28 August 2003

UNSC Resolution 1534 (2004), UN Doc. S/RES/1534, 26 March 2004

UNSC Resolution 1573 (2004), UN Doc. S/RES/1573, 16 November 2004

UNSC Resolution 1593 (2005), UN Doc. S/RES/1593, 31 March 2005

UNSC Resolution 1599 (2005), UN Doc. S/RES/1599, 28 April 2005

UNSC Resolution 1757 (2007), UN Doc. S/RES/1757, 30 May 2007, annex: Statute of the Special Tribunal for Lebanon

UNSC Resolution 1877 (2009), UN Doc. S/RES/1877, 7 July 2009

UNSC Resolution 1901 (2009), UN Doc. S/RES/1901, 16 December 2009

UNSC Resolution 1966 (2010), UN Doc. S/RES/1966, 22 December 2010

UNSC Resolution 1970 (2011), UN Doc. S/RES/1970, 26 February 2011

United Nations Transitional Administration in East Timor (UNTAET)

Regulation No. 1999/1, UNTAET/REG/1999/1 On The Authority of the Transitional Administration in East Timor, UNTAET/REG/1999/1, 27 November 1999

Regulation 2000/11 On Organization of Courts in East Timor, UNTAET/REG/2000/11, 6 March 2000

Regulation No. 2000/15, UNTAET/REG/2000/15 On the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offences, UNTAET/REG/2000/15, 6 June 2000

Regulation No. 2000/30, UNTAET/REG/2000/30, 25 September 2000 on the Transitional Rules of Criminal Procedure as amended by Regulation No. 2001/25, UNTAET/REG/2001/25, 14 September 2001

Regulation No. 2001/25, UNTAET/REG/2001/25, 14 September 2001

Official statements, records, reports, and letters

Human Rights Committee

General Comment No. 13 of 1984 (Art. 14), HRC, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 14 (1994)

ICTR

Third Annual Report of the ICTR, UN Doc. A/53/429-S/1998/857, 23 September 1998

Fifth Annual Report of the ICTR, UN Doc. A/55/435-S/2000/927, 2 October 2000

Eighth Annual Report of the ICTR, UN Doc. A/57/163-S/2002/733, 11 July 2003

Completion Strategy of the International Criminal Tribunal for Rwanda, Enclosure, Letter dated 29 September 2003 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General, UN Doc. S/2003/946 (2003), 6 October 2003

Completion Strategy of the International Criminal Tribunal for Rwanda, Annex, Agenda item 133, UNSCOR, 58th sess., UNGAOR, UN Doc. A/RES/58/269 (2003)

Letter dated 23 May 2007 from the President of the ICTR, Report on the Completion Strategy of the ICTR, UN Doc. S/2007/323, 31 May 2007

Twelfth Annual Report of the ICTR, UN Doc. A/62/284- S/2007/502, 21 August 2007

Letter dated 16 November 2007 from the President of the ICTR, Report on the Completion Strategy of the ICTR, UN Doc. S/2007/676, 20 November 2007

Letter dated 12 May 2008 from the President of the International Tribunal for Rwanda to the President of the Security Council, Report on the Completion Strategy of the ICTR, UN Doc. S/2008/322, 13 May 2008

Address to the UN General Assembly, 13th Annual Report, Judge Dennis Byron, President of the ICTR, 13 October 2008, available at <<http://ictr-archive09.library.cornell.edu/ENGLISH/speeches/byron081013.html>>

Letter by Hassan Jallow, Chief Prosecutor of the ICTR, to Mr. Kenneth Roth, Executive Director of the Human Rights Watch, OTP/2009/P/084, 22 June 2009, <http://www.hrw.org/sites/default/files/related_material/2009_06_Rwanda_Jallow_Response_0.pdf>

ICTY

Statement by the President Made at a Briefing to Members of Diplomatic Missions, IT/29, ICTY, 11 February 1994

First Annual Report of the ICTY, UN Doc. A/49/342-S/1994/1007, 29 August 1994

Third Annual Report of the ICTY, UN Doc. A/51/292-S/1996/665, 16 August 1996

Fourth Annual Report of the ICTY, UN Doc. A/52/375-S/1997/729, 18 September 1997

Address of ICTY President Antonio Cassese to the UN General Assembly, UN Doc. A/52/PV.44, 4 November 1997

Fifth Annual Report of the ICTY, UN Doc. A/53/219-S/1998/737, 10 August 1998

Remarks made by Judge Gabrielle Kirk McDonald, President of the ICTY, to the Preparatory Commission or the ICC, New York, 30 July 1999, JL/P.I.S./425-E, <<http://www.icty.org/sid/7745>>

Sixth Annual Report of the ICTY, UN Doc. A/54/187-S/1999/846, 25 August 1999
Report on the Operation of the ICTY, submitted by Judge Claude Jorda, on behalf of the judges of the Tribunal, UN Doc. A/55/382-S/2000/865, 12 May 2000
Seventh Annual Report of the ICTY, UN Doc. A/55/273-S/2000/777, 26 July 2000
Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, 13 June 2000, PR/P.I.S./510-e, <<http://www.icty.org/sid/10052>>
Address to the Security Council by Carla Del Ponte, Prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, to the UN Security Council, The Hague, Press Release, JL/P.I.S./542-e, 24 November 2000
Eighth Annual Report of the ICTY, UN Doc. A/56/352-S/2001/865, 17 September 2001
Report on the Judicial Status of the International Criminal Tribunal for the Former Yugoslavia and the Prospects for Referring Certain Cases to National Courts, June 2002, annexed to Letter dated 10 June 2002 from the President of the ICTY addressed to the Security Council, UN Doc. S/2002/678, 19 June 2002
Ninth Annual Report of the ICTY, UN Doc. A/57/379-S/2002/985, 4 September 2002
Tenth Annual Report of the ICTY, UN Doc. A/58/297-S/2003/829, 20 August 2003
Assessments and report of Judge Theodor Meron, President of the ICTY, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) and Assessment of Carla Del Ponte, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004), UN Doc. S/2004/420, 21 May 2004
Twelfth Annual Report of the ICTY, UN Doc. A/60/267-S/2005/532, 17 August 2005
Assessment and Report of Judge Fausto Pocar, President of the ICTY, provided to the Security Council Pursuant to Paragraph 6 of Council Resolution 1534 (2004), Annex 1 to Letter dated 29 May 2006, UN Doc. S/2006/353, 31 May 2006
Assessment of Carla Del Ponte, Prosecutor of the [ICTY], provided to the Security Council Pursuant to Paragraph 6 of Security Council Resolution 1534, Annex II to Letter dated 29 May 2006, UN Doc. S/2006/353, 31 May 2006
Statement by Tribunal President Judge Fausto Pocar to the Security Council, 7 June 2006, LM/MOW/1084eA
Thirteenth Annual Report of the ICTY, UN Doc. A/61/271-S/2006/666, 15 August 2006
Fourteenth Annual Report of the ICTY, UN Doc. A/62/172-S/2007/469, 1 August 2007
Assessment and report of Judge Theodor Meron, President of the ICTY, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004), and covering the Period from 23 May 2012 to 16 November 2012 and Report of Serge Brammertz, Prosecutor of the ICTY, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004), UN Doc. S/2012/847, 19 November 2012

SCSL

First Annual Report of the President of the SCSL (December 2002 – 1 December 2003)
Second Annual Report of the President of the SCSL (1 January 2004 - 17 January 2005)
Third Annual Report of the President of the SCSL (January 2005 - January 2006)
Fourth Annual Report of the President of the SCSL (January 2006 – May 2007)
Suggestions for Consideration by the Plenary of Possible Amendments to the Rules of Procedure and Evidence of the Special Court, submitted on 23 October 2006 by Antonio Cassese, Independent Expert
Report on the Special Court for Sierra Leone, submitted by the Independent Expert Antonio Cassese, 12 December 2006

STL

Rules of Procedure and Evidence (as of 10 June 2009) – Explanatory Memorandum by the Tribunal’s President
Rules of Procedure and Evidence (as of 10 November 2009) – Explanatory Memorandum by the Tribunal’s President, STL
Rules of Procedure and Evidence (as of 12 April 2012) – Explanatory Memorandum by the Tribunal’s President, STL

United Nations Commission on Human Rights

Question of the impunity of perpetrators of human rights violations (civil and political), revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119, UN Doc. E/CN.4/Sub.2/1997/20/Rev. 1, 2 October 1997, Annex 1

United Nations Secretary-General

Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), 3 May 1993, UN Doc. S/25704
Report of the Secretary-General Pursuant to Paragraph 5 of Security Council Resolution 955 (1994), UN Doc. S/1995/134, 13 February 1995
Report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, UN Doc. A/54/634, 22 November 1999
Annex (ICTY President’s Letter), Letter dated 2 November 2000 from the Secretary-General addressed to the President of the Security Council, UN Doc. S/2000/1063, 3 November 2000
Annex (ICTR President’s Letter), Letter dated 14 December 2000 from Secretary-General addressed to the President of the Security Council, UN Doc. S/2000/1198, 15 December 2000

Comprehensive report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, UN Doc. A/56/853, 4 March 2002
Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, UN Doc. S/2004/616, 23 August 2004
Report of the Secretary-General on the establishment of a special tribunal for Lebanon, UN Doc. S/2006/893, 15 November 2006

United Nations Security Council

Statement by the Representative of the US (Madeleine Albright) to the Security Council, Provisional Verbatim Record of the 48th Sess., 3217th Meeting, New-York, 25 May 1993, UN Doc. S/PV.3217
Statement made by the President of the Security Council, UN Doc. S/PRST/2002/2123, July 2002
UNSCOR, 4999th meeting, UN Doc. S/PV/4999, 29 June 2004
UNSCOR, 6134th meeting, UN Doc. S/PV.6134, 4 June 2009
Statement by the President of the Security Council, UN Doc. S/PRST/2004/28, 4 August 2004

National Legislation, Instruments, and Reports

Austria

Code of Criminal Procedure [*Strafprozeßordnung*]

Bangladesh

International Crimes (Tribunals) Act 1973, Act No XIX of 1973, Bangladesh, as amended by the International Crimes (Tribunals) (Amendment) Act 2009

Bosnia and Herzegovina

Report of the Republika Srpska Commission for Investigation of the Events in and around Srebrenica between 10th and 19th July 1995, Banja Luka, 11 June 2004
Criminal Division of the State Court of Bosnia and Herzegovina pursuant to the Law on State Court of Bosnia and Herzegovina, as amended, Official Gazette of Bosnia and Herzegovina, 49/09, consolidated version is available at http://www.sudbih.gov.ba/files/docs/zakoni/en/Law_on_Court_BiH_-_Consolidated_text_-_49_09.pdf > (visited 31 December 2012)
Code of Criminal Procedure of Bosnia and Herzegovina, 24 January 2003, Official Gazette of Bosnia and Herzegovina, 03/03, as last amended on 30 November 2009, Official Gazette of BiH, 93/09, unofficial consolidated version available at

<http://www.sudbih.gov.ba/files/docs/zakoni/en/Criminal_Procedure_Code_of_BH_-_consolidated_version_dec2009.pdf> (last visited, 9 September 2012)

Cambodia

Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, as Amended on 27 October 2004 (NS/RKM/1004/006)

Code of Criminal Procedure of Kingdom of Cambodia, 2007,

<<http://www.oecd.org/site/adboecdanti-corruptioninitiative/46814242.pdf>>

England and Wales

Criminal Procedure Act 1865 (Denman's Act)

Report of the Royal Commission on Criminal Justice (London: HMSO, 1993)

Civil Litigation: Practice Direction [1995] 1 W.L.R. 262

Family Division, [1995] 1 W.L.R. 332

Access to justice: Final Report by Lord Woolf MR, to the Lord Chancellor on the Civil Justice System in England and Wales (London: HMSO, 1996)

House of Lord Debates, 16 December 1997, col. 562

Crime and Disorder Act 1998

Justices' Clerks Rules 1999

A Review of the Criminal Courts of England and Wales by The Right Honourable Lord Justice Auld, September 2001, Chapter 5, available at <http://www.criminal-courts-review.org.uk/> (last visited 1 August 2013)

2003 Criminal Justice Act

Code of Conduct of the Bar of England and Wales, adopted by Bar Council on 18 September 2004 and in force on 31 October 2004, <

https://www.barstandardsboard.org.uk/media/1541992/code_of_conduct_22_october_2013.pdf>

Criminal Procedure Rules 2005

France

Code of Criminal Procedure [*Code de procédure pénale*]

Germany

Gesetz zur Verfolgung von Kriegsverbrechen und Kriegsvergehen, 18 December 1919, RGBI 1919

Code of Criminal Procedure [*Strafprozeßordnung, StPO*]

Indonesia

Code of Criminal Procedure [*Kitab Undang-Undang Hukum Acara Pidana*]

Italy

Code of Criminal Procedure [*Codice di Procedura Penale*]

Iraq

Law of The Iraqi Higher Criminal Court, Law No. (10) 2005, Al-Waqa’I Al-Iraqiya
[Official Gazette of the Republic Iraq], 18 October 2005

Rules of Procedure and Evidence of the Iraqi Special Tribunal, annexed to Law of The
Iraqi Higher Criminal Court, Law No. (10) 2005, Al-Waqa’I Al-Iraqiya [Official
Gazette of the Republic Iraq], 18 October 2005

Japan

Code of criminal procedure

Law no. 64 2004

Netherlands

Code of Criminal Procedure [*Wetboek van Strafvordering*]

Poland

Code of criminal Procedure

Rwanda

Organic Law No. 33 bis /2003 of 6 September 2003 ‘Repressing the Crime of Genocide,
Crimes against Humanity and War Crimes’

Sierra Leone

Criminal Procedure Act, 1965 of Sierra Leone

The Truth and Reconciliation Commission Act 2000, Part III

Residual Special Court for Sierra Leone Agreement (Ratification) Act, 2011, Supplement
to the Sierra Leone Gazette Vol. CXLIII, No. 6, 9 February 2012

Spain

Law of criminal procedure

Timor Leste

Code of Criminal Procedure (Timor-Leste) (*Código do Processo Penal de Timor-Leste*)

Decree-Law No. 13/2005, 22 November 2005, in force since January 2006 (revoking
UNTAET Regulation 2000/31 as amended by Regulation 2001/25)

United States of America

ABA Standards for Criminal Justice: Prosecution Function and Defense Function
(Washington, DC: ABA, 1993)

Fifth amendment, Constitution

Federal Rules of Criminal Procedure

Federal Rules of Evidence

Florida Rules of Criminal Procedure

Military Government—Germany, United States Zone Ordinance No. 7 of 18 October
1946 ‘Organization and Powers of Certain Military Tribunals’

Ordinance No. 11 of 17 February 1947, 15 NMT 28-35

Uniform Rules of Procedure, Military Tribunals, Nuernberg, revised to 8 January 1948,
15 NMT 70-78