Avoiding a full criminal trial: Fair trial rights, diversions, and shortcuts in Dutch and international criminal proceedings
Vriend, K.C.J.

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<td>ICTY, Decision on Interlocutory Appeals against Trial Chamber’s Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Prosecution’s Catalogue of Agreed Facts, <strong>Prosecutor v. Milošević</strong>, ICTY-IT-98-29/1-AR73.1, A. Ch., 26 June 2007</td>
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<td>ICTY, Judgement, <strong>Prosecutor v. Limaj et al.</strong>, Case No.: IT-03-66-A, A. Ch., 27 September 2007</td>
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<td>ICTY, Judgement, <strong>Prosecutor v. Halilović</strong>, Case No.: IT-01-48-A, A. Ch., 16 October 2007</td>
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<td>ICTY, Professor Vojislav Šešelj’s Response to the Prosecution’s Motion to Take Judicial Notice of Documentary Evidence Pursuant to Rule 94 (B) With Annex A., <strong>Prosecutor v. Šešelj</strong>, Case No.: IT-03-67-PT, T.Ch.III, 2 November 2007</td>
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<td>ICTY, Order Setting Out the Guidelines for the Presentation of Evidence and the Conduct of the Parties during the Trial, <strong>Prosecutor v. Šešelj</strong>, Case No.: IT-03-67-T, T. Ch. III, 15 November 2007</td>
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<td>ICTY, Judgement, <strong>Prosecutor v. Dragomir Milošević</strong>, Case No.: IT-98-29/1-T, T. Ch. III, 12 December 2007</td>
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<td>ICTY, Judgement, <strong>Prosecutor v. Haradinaj et al.</strong>, Case No.: IT-04-84-T, T.Ch. I., 3 April 2008</td>
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<td>ICTY, Judgement, <strong>Prosecutor v. Hadžihasanović</strong>, Case No.: IT-01-47-A, A. Ch., 22 April 2008</td>
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<td>ICTY, Decision on Prosecution Motions for Judicial Notice of Documents Pursuant to Rule 94 (B), <strong>Prosecutor v. Šešelj</strong>, ICTY-IT-03-67-T, T. Ch. III, 16 June 2008</td>
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<td>ICTY, Judgement, <strong>Prosecutor v. Delić</strong>, Case No.: IT-04-83-T, T. Ch. I, 15 September 2008</td>
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<td>ICTY, Order for Guidelines on the Admission and Presentation of Evidence and Con-</td>
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ICTY, Judgement, *Prosecutor v. Mrkšić & Šljivančanin*, Case No.: IT-95-12/1-A, A. Ch., 5 May 2009


ICTY, Decision Granting in Part Prosecution’s Motions for Judicial Notice of Adjudi-
cated Facts pursuant to Rule 94 (B), *Prosecutor v. Stanišić and Župljanin*, ICTY-IT-08-91-T, T. Ch. II, 1 April 2010


ICTY, Judgement, *Prosecutor v. Popović et al.*, ICTY-IT-0588-T, T. Ch. II, 10 June 2010


ICTY, Judgement, *Prosecutor v. Haradinaj et al.*, Case No.: IT-04-84-A, A. Ch., 19 July 2010


ICTY, Decision on Motion for Admission of Agreed Facts, *Prosecutor v. Stanišić & Simatović*, Case No.: IT-03-69-T, T. Ch. I, 12 January 2011


ICTY, Judgement, *Prosecutor v. Perišić*, Case No.: IT-04-81-T, 6 September 2011

ICTY, Decision on Joint Defence Oral Motion Pursuant to Rule 89(D), *Prosecutor v. Haradinaj et al.*, Case No.: IT-04-84bis-T, T. Ch. II, 28 September 2011


ICTY, Decision on Accused’s Motion to Subpoena Svetozar Andrić, *Prosecutor v. Karadžić*, Case No.: IT-95-5/18-T, T. Ch., 28 May 2013


ICTY, Decision on Prosecution Motion for Admission of Morten Torkildsen Report and its Associated Exhibits, *Prosecutor v. Hadžić*, Case No.: IT-04-75-T, T. Ch., 15 July 2013


ICTY, Decision on Ratko Mladić’s Appeal Against the Trial Chamber’s Decisions on the Prosecution Motion for Judicial Notice of Adjudicated Facts, *Prosecutor v. Mladić*, Case No.: IT-09-92-AR73.1, A. Ch., 12 November 2013


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ICTR, Judgement and Sentence, *Prosecutor v. Rutaganira*, Case No.: ICTR-95-1C-T, T. Ch. III, 14 March 2005


ICTR, Decision on the Prosecutor’s Motion for Judicial notice pursuant to Rules 73 (A), 94 (A) and 89 of the Rules and Article 7 of the Statute, *Prosecutor v. Bizimungu et al.*, ICTR-00-56-T, T. Ch. II, 6 December 2005
ICTR, Judgement and Sentence, *Prosecutor v. Bisengimana*, Case No.: ICTR-00-60-T, 13 April 2006


ICTY, Decision on Prosecution Motion to Admit Documentary Evidence, *Prosecutor v. Milutinovic et al.*, ICTY-IT-05-87-T, T. Ch., 10 October 2006


ICTR, Decision on Joseph Nzirogera’s Motion to Postpone or Compel the Testimony of Augustin Ngirabatware, *Prosecutor v. Karemera et al.*, T. Ch. III, Case No.: ICTR-98-44-T, 3 May 2010


**International Criminal Court**


ICC, Decision on the Status Before the Trial Chamber of the Evidence Heard by the Pre-Trial Chamber and the Decisions of the Pre-Trial Chamber in Trial Proceedings, and the Manner in Which Evidence Shall be Submitted, *Prosecutor v. Lubanga Dyilo*, T. Ch. I, Case No.: ICC-01/04-01/06, 13 December 2007


ICC, Decision on the Admissibility of Four Documents, *Prosecutor v. Lubanga Dyilo*, Case No.: ICC-01/04-01/06, T. Ch. I, 13 June 2008

ICC, Order Instructing the Participants and the Registry to Respond to Questions of Trial Chamber II for the Purpose of the Status Conference (article 64 (3)(a) of the Stat-
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ICC, Decision on the Prosecution’s Application for the Admission of the Prior Recorded Statements of Two Witnesses, *Prosecutor v. Lubanga Dyilo*, Case No.: ICC-01/04-01/06, T. Ch. I, 15 January 2009

ICC, Decision on the Admission of Material from the “Bar Table”’, *Prosecutor v. Lubanga Dyilo*, Case No.: ICC-01/04-01/06, T. Ch. I., 24 June 2009


ICC, Corrigendum to the Decision on the Prosecution Motion for Admission of Prior Recorded Testimony of Witness P-02 and Accompanying Video Excerpts, *Prosecutor v. Katanga & Ngudjolo Chui*, Case No.: ICC-01/04-01/07, T. Ch. II, 27 August 2010

ICC, Decision on the Prosecutor’s Bar Table Motions, *Prosecutor v. Katanga & Ngudjolo Chui*, Case No.: ICC-01/04-01/07, T. Ch. II, 17 December 2010

ICC, Decision on Agreements as to Evidence, *Prosecutor v. Katanga & Ngudjolo Chui*, Case No.: ICC-01/04-01/07, T. Ch. II, 3 February 2011

ICC, Judgment on the Appeals from Mr Jean-Pierre Bemba Gombo and the Prosecutor Against the Decision of Trial Chamber III entitled “Decision on the Admission into Evidence of Materials Contained in the Prosecution’s List of Evidence”, *Prosecutor v. Bemba*, Case No.: ICC-01/05-01/08 OA 5 OA 6, A. Ch., 3 May 2011


ICC, Judgment pursuant to Article 74 of the Statute, *Prosecutor v. Lubanga Dyilo*, Case No.: ICC-01/04-01/06, T. Ch. I, 14 March 2012

ICC, Judgement pursuant to Article 74 of the Statute, *Prosecutor v. Ngudjolo*, Case No.: ICC-01/04-02/12, T. Ch. II, 18 December 2012

ICC, Judgement pursuant to Article 74 of the Statute, *Prosecutor v. Katanga*, Case No.: ICC-01/04-01/07, T. Ch. II, 7 March 2014

ICC, Judgement on the Appeal of Mr Thomas Lubanga Dyilo Against his Conviction, *Prosecutor v. Lubanga Dyilo*, Case No.: ICC-01/04-01/06 A 5, A. Ch., 1 December 2014

ICC, Dissenting Opinion of Judge Anita Ušacka to the Judgement on the Appeal of Mr Thomas Lubanga Dyilo against his Conviction, *Prosecutor v. Lubanga Dyilo*, Case No.: ICC-01/04-01/06A 5 A.Ch., 1 December 2014

ICC, Judgement on the Prosecutor’s Appeal against the Decision of Trial Chamber II entitled “Judgement pursuant to Article 74 of the Statute”, *Prosecutor v. Ngudjolo Chui*, Case No.: ICC-01/04-02/12 A, A. Ch., 7 April 2015
ICC, Decision on Prosecution and Defence Joint Submission on Agreed Facts’, *Prosecutor v. Bosco Ntaganda*, Case No.: ICC-01/04-02/06, T. Ch. VI, 22 June 2015

**Special Court for Sierra Leone**

SCSL, Separate Opinion of Justice Robertson to Fofana—Decision on Appeal against “Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence”, *Prosecutor v. Norman et al.*, SCSL-2004-14-AR73, A. Ch., 16 May 2005


SCSL, Decision on Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgement Pursuant to Rule 94 (B) and Prosecution Motion for Judicial Notice of Adjudicated Facts from the RUF Judgement’, *Prosecutor v. Taylor*, SCSL-03-1-T, T. Ch. II, 17 June 2010