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Bibliography

Books


Franck, Thomas, *Fairness in International Law and Institutions* (Oxford University Press 1998)


Wouters, Kees, *International Legal Standards for the Protection from Refoulement* (Intersentia 2009)


Book Chapters

Bertrand, Anne-Aurore and Schauder, Natacha, 'Practical Cooperation Challenges Faced by the Registry of the International Criminal Court' in Olympia Bekou and Daley Birkett (eds), *Cooperation and the International Criminal Court: Perspectives from Theory and Practice* (Brill 2016)

Bitti, Gilbert, 'Article 21 and the Hierarchy of Sources of Law before the ICC' in Carsten Stahn (ed), *The Law and Practice of the International Criminal Court* (OUP 2015)

Bodansky, Daniel, 'The Concept of Legitimacy in International Law' in Rüdiger Wolfrum and Volker Röben (eds), *Legitimacy in International Law* (Springer Berlin Heidelberg 2008)


Eikel, Markus, 'External Support and Internal Coordination - The ICC and the Protection of Witnesses' in Carsten Stahn (ed), The Law and Practice of the International Criminal Court (Oxford University Press 2015)


Joseph, Sarah and Fletcher, Adam, ‘Scope of Application’ in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds), International Human Rights Law (Oxford University Press 2014)


Scalia, Damien, 'Enforcement' in Paul De Hert and others (ed), Code of International Criminal Law and Procedure, Annotated (Lacier 2013)

Sluiter, Göran, 'Human Rights Protection in the Pre-Trial Phase' in Carsten Stahn and Göran Sluiter (eds), The Emerging Practice of the International Criminal Court (Martinus Nijhoff Publishers 2009)

Stijards, Gerhard, 'Enforcement' in Otto Triffterer (ed), Commentary on the Rome Statute of the International Criminal Court (Baden Baden 1999)


Journal Articles


Arbour, Louise, 'The responsibility to protect as a duty of care in international law and practice' (2008) 34 03 Review of International Studies 445


El Zeidy, Mohamed M., 'Critical Thoughts on Article 59(2) of the ICC Statute' (2006) 4 3 Journal of International Criminal Justice 448


Golubok, Sergey, 'Pre-Conviction Detention before the International Criminal Court: Compliance or Fragmentation' (2010) 9 Law & Practice of International Courts & Tribunals 295


Hollenberg, Stephan, 'The Diverging Approaches of the European Court of Human Rights in the Cases of Nada and Al-Dulimi' (2015) 64 02 International & Comparative Law Quarterly 445


Irving, Emma, 'Protecting Witnesses at the International Criminal Court from Refoulement' (2014b) 12 Journal of International Criminal Justice 1141


Milanovic, Marko, 'Norm Conflict in International Law: Whither Human Rights' (2009-2010) 20 Duke Journal of Comparative & International Law 69

Morgenthau, Hans J., 'Positivism, Functionalism, and International Law' (1940) 34 2 The American Journal of International Law 260

Mulgrew, Róisín, 'The International Movement of Prisoners' (2011) 22 Criminal Law Forum 103


Pettit, Phillip and Goodin, Robert, 'The Possibility of Special Duties' (1986) 16 4 Canadian Journal of Philosophy 651


Ryngaert, Cedric and Buchanan, Holly, 'Member State Responsibility for the Acts of International Organisations' (2011) 7 1 Utrecht Law Review 131


Vasiliev, Sergey, 'Proofing the Ban on 'Witness Proofing: Did the ICC Get it Right?' (2009) 20 2 Criminal Law Forum 193


Verhoeven, J., 'Article 21 of the Rome Statute and the ambiguities of applicable law' (2002) 33 Netherlands Yearbook of International Law 2

Yabasun, Dersim and Holvoet, Mathias, 'Seeking Asylum before the International Criminal Court. Another Challenge for a Court in Need of Credibility' (2013) 13 3 International Criminal Law Review 725

Young, Rebecca, 'Internationally Recognised Human Rights' Before the International Criminal Court' (2011) 60 01 International and Comparative Law Quarterly 189

Reports

Human Rights Watch, 'Courting History: The Landmark International Criminal Court's First Years' (July 2008)

Nick Donovan, 'The Enforcement of International Criminal Court' Aegis (2009)


International Bar Association, 'Witneses before the International Criminal Court: An international Bar Association International Criminal Court Programme report on the ICC"s efforts and challenges to protect, support and ensure the rights of witnesses' (July 2013)

News Articles


**ICC Documents**

**ICC Press Releases**


**ICC Decisions**

ICC-01/04-01/06-424 *The Prosecutor v Thomas Lubanga Dyilo* (Decision on the Prosecutor's "Application for Leave to Reply to 'Conclusions de la défense en réponse au mémoire d'appel du Procureur"”) 12 September 2006 (Appeals Chamber)

ICC-01/04-01/06-447 *The Prosecutor v Thomas Lubanga Dyilo* (Decision on a General Framework concerning Protective Measures for Prosecution and Defence Witnesses) 19 September 2006 (Pre-Trial Chamber I)

ICC-01/04-01/06-512 *The Prosecutor v Thomas Lubanga Dyilo* (Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to Article 19(2)(a) of the Statute) 3 October 2006 (Pre-Trial Chamber I)

ICC-01/04-01/06-586-ten *The Prosecutor v Thomas Lubanga Dyilo* (Decision on the Application for the interim release of Thomas Lubanga Dyilo) 18 October 2006 (Pre-Trial Chamber I)

ICC-01/04-01/06-679 *The Prosecutor v Thomas Lubanga Dyilo* (Decision on the Practices of Witness Familiarisation and Witness Proofing) 8 November 2006 (Pre-Trial Chamber I)

-212-
Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to Article 19(2)(a) of the Statute of 3 October 2006) 14 December 2006 (Appeals Chamber)

ICC-01/04-01/06-824 The Prosecutor v Thomas Lubanga Dyilo (Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled "Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo") 13 February 2007 (Appeals Chamber) ICC-01/04-01/06-924 The Prosecutor v Thomas Lubanga Dyilo (Second Review of the "Decision on the Application for Interim Release of Thomas Lubanga Dyilo") 11 June 2007 (Pre-Trial Chamber I)

ICC-01/04-01/06-1311-Anx2 The Prosecutor v Thomas Lubanga Dyilo (Annex 2, Decision on Disclosure Issues, Responsibilities for Protective Measures and Other Procedural Matters) 24 April 2008 (Trial Chamber I)

ICC-01/05-01/08-28 Situation in the Central African Republic (Prosecutor's Application for Request for Provisional Arrest under Article 92) 23 May 2008 (Pre-Trial Chamber III)

ICC-01/05-01/08-3 The Prosecutor v Jean-Pierre Bemba Gombo (Demande d'arrestation provisoire de M. Jean-Pierre Bemba Gombo addressee au Royaume de Belgique) 23 May 2008 (Pre-Trial Chamber II)

ICC-01/04-01/06-1401 The Prosecutor v Thomas Lubanga Dyilo (Decision on the consequences of non-disclosure of exculpatory materials covered by Article 54(3)(e) agreements and the application to stay the prosecution of the accused, together with certain other issues raised at the Status Conference on 10 June 2008) 13 June 2008 (Trial Chamber I)

ICC-01/04-01/06-1486 The Prosecutor v Thomas Lubanga Dyilo (Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I entitled "Decision on the consequences of non-disclosure of exculpatory materials covered by Article 54(3)(e) agreements and the application to stay the prosecution of the accused, together with certain other issues raised at the Status Conference on 10 June 2008") 21 October 2008 (Appeals Chamber)

ICC-01/04-01/07-776 The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui (Judgment on the appeal of the Prosecutor against the "Decision on Evidentiary Scope of the Confirmation Hearing, Preventive Relocation and Disclosure under Article 67(2) of the Statute and Rule 77 of the Rules" of Pre-Trial Chamber I) 26 November 2008 (The Appeals Chamber)

ICC-02/05-01/09-3 The Prosecutor v Omar Hassan Ahmad Al Bashir (Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir) 4 March 2009 (Pre-Trial Chamber I)

ICC-RoR217-02/08-8 The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui (Decision on "Mr Mathieu Ngudjolo's Complaint Under Regulation 221(1) of the Regulations of the Registry Against the Registrar's Decision of 18 November 2008") 10 March 2009 (The Presidency)

ICC-01/04-01/07-1263 The Prosecutor v Katanga and Ngudjolo (Public Redacted Version of the Defence motion for a declaration on unlawful detention and stay of proceedings (ICC-01/07-01/04-1258-Conf-Exp)) 2 July 2009 (Trial Chamber II)

ICC-01/05-01/08-475 The Prosecutor v Jean-Pierre Bemba Gombo (Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa) 14 August 2009 (Pre-Trial Chamber II)
ICC-01/04-01/07-1666-Red-tENG The Prosecutor v Germain Katanga (Public Redacted version of the “decision on the motion of the defence for Germain Katanga for a Declaration on Unlawful Detention and Stay of Proceedings” of 20 November 2009 (ICC-01/04-01/07-1666-Conf-Exp)) 3 December 2009 (Trial Chamber II)

ICC-01/05-01/08-631-Red The Prosecutor v Bemba Gombo (Judgment on the appeal of the Prosecutor against Pre-Trial Chamber II's "Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic and the Republic of South Africa) 2 December 2009 (Appeals Chamber)

ICC-01/04-01/07-2635 The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui (Decision on the Prosecutor's Bar Table Motions) 17 December 2010 (Trial Chamber II)

ICC-01/04-01/07-3003-tENG The Prosecutor v Katanga and Ngudjolo (Decision on an Amicus Curiae application and on the “Requête tenant à obtenir présentations des témoins DRC D02 P 0350, DRC D02 P 0236, DRC D02 P 0228 aux autorités néerlandaises aux fins d’asile” (articles 68 and 93(7) of the Statute)) 9 June 2011 (Trial Chamber II)

ICC-01/04-01/07-3033 The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui (Decision on the security situation of three detained witnesses in relation to their testimony before the Court (art. 68 of the Statute) and Order to request cooperation from the Democratic Republic of the Congo to provide assistance in ensuring their protection in accordance with article 93(1)(j) of the Statute) 22 June 2011 (Trial Chamber II)

ICC-01/04-01/07 The Prosecutor v Katanga and Ngudjolo (Decision on the Security Situation of witnesses DRC-D02-P-0236, DRC-D02-P-0228, and DRC-D02-P-0350) 24 August 2011 (Trial Chamber II)

ICC-01/05-01/08-1722 The Prosecutor v Jean-Pierre Bemba Gombo (Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 2 September 2011 entitled "Decision on the 'Demande de mise en liberté de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo") 9 September 2011 (Appeals Chamber)

ICC-02/05-01/09-139 The Prosecutor v Oman Hassan Ahmad Al Bashir (Decision Pursuant to Article 87(7) of the Rome Statute on the Failure by the Republic of Malawi to Comply with the Cooperation Requests Issued by the Court with Respect to the Arrest and Surrender of Omar Hassan Ahmad Al Bashir) 12 December 2011 (Pre-Trial Chamber I)

ICC-01/04-01/06-2827 The Prosecutor v Thomas Lubanga Dyilo, Amicus Curiae Observations by mr. Schüller and mr. Sluiter, Counsel in Dutch asylum proceedings of witness 19 (Public Document) 23 November 2011

ICC-01/09-01/11-446 The Prosecutor v Wiliam Samoei Ruto and Joshua Arap Sang (Prosecution Motion Regarding the Scope of Witness Preparation) 13 August 2012 (Trial Chamber V)

ICC-02/11-01/11-212 The Prosecutor v Laurent Gbagbo (Decision on the "Corrigendum of the challenge to the jurisdiction of the International Criminal Court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the Defence for President Gbagbo (ICC-02/11-01/11-129") 15 August 2012 (Pre-Trial Chamber I)

ICC-01/04-02/12-12 Prosecutor v Mathieu Ngudjolo Chui (Decision on the request of the Prosecutor of 19 December 2012 for suspensive effect) 20 December 2012 (Appeals Chamber)
ICC-01/04-02/12-15-tENG The Prosecutor v Mathieu Ngudjolo Chui (Urgent Defence Application for the international relocation of Mathieu Ngudjolo outwith the African continent and his presentation to the authorities of one of the States Parties to the International Criminal Court for the purposes of expediting his asylum application) 21 December 2012 (Appeals Chamber)

ICC-01/04-02/12-22-tENG The Prosecutor v Mathieu Ngudjolo Chui (SECOND ADDENDUM to “Defence request that the Appeals Chamber order the Victims and Witnesses Unit to execute and the host State to comply with the acquittal judgment of 18 December 2012 issued by Trial Chamber II of the International Criminal Court”) 8 February 2013 (Appeals Chamber)

ICC-01/04-01/07-3352 The Prosecutor v Germain Katanga (Decision on the request for release of witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350) 8 February 2013 (Trial Chamber II)

ICC-01/04-02/12-25-tENG The Prosecutor v Mathieu Ngudjolo Chui (Registry's observations pursuant to regulation 24 bis of the Regulations of the Court on the "SECOND ADDENDUM" to 'Defence request that the Appeals Chamber order the Victims and Witnesses Unit to execute and the host State to comply with the acquittal judgment of 18 December 2012 issued by Trial Chamber II of the International Criminal Court") 22 February 2013 (Appeals Chamber)

ICC-02/05-01/09-151 The Prosecutor v Oman Hassan Ahmad Al Bashir (Decision on the Non-compliance of the Republic of Chad with the Cooperation Requests Issued by the Court Regarding the Arrest and Surrender of Omar Hassan Ahmad Al-Bashir) 26 March 2013 (Pre-Trial Chamber II)

ICC-01/04-02/12-69-Red The Prosecutor v Mathieu Ngudjolo Chui (Registry's update on the situation in relation to Mathieu Ngudjolo Chui) 3 June 2013 (Appeals Chamber)

ICC-01/04-02/12-74-Red The Prosecutor v Mathieu Ngudjolo Chui (Decision on Mr Ngudjolo's request to order the Victims and Witnesses Unit to execute and the Host State to comply with the acquittal judgment of 18 December 2012 issued by Trial Chamber II of the International Criminal Court) 12 June 2013 (Appeals Chamber)

ICC-01/04-01/07-3405-tENG The Prosecutor v Germain Katanga (Decision on the application for the interim release of detained Witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350) 1 October 2013 (Trial Chamber II)

ICC-01/04-01/07-3405Anx The Prosecutor v Germain Katanga (Decision on the application for the interim release of detained Witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350, Dissenting opinion of Judge Christine Van den Wyngaert) 1 October 2013 (Trial Chamber II)


ICC-01/04-01/07-3424-Anx The Prosecutor v Germain Katanga (Decision on the admissibility of the appeal against the "Decision on the application for the interim release of detained Witnesses DRC-D02-P0236, DRC- D02-P0228 and DRC-D02-P0350", Dissenting Opinion Judge Sang-Hyun Song) 20 January 2014 (Appeals Chamber)
ICC-01/04-02/12-158 *The Prosecutor v Mathieu Ngudjolo Chui* (Order on the implementation of the cooperation agreement between the Court and the Democratic Republic of the Congo concluded pursuant article 93 (7) of the Statute) 20 January 2014 (Appeals Chamber)

ICC-01/04-01/07-3436-tENG *The Prosecutor v Germain Katanga* (Judgment pursuant to article 74 of the Statute) 7 March 2014 (Trial Chamber II)

ICC-02/05-01/09-195 *The Prosecutor v Omar Hassan Ahmad Al Bashir* (Decision on the Cooperation of the Democratic Republic of the Congo Regarding Omar Al Bashir’s Arrest and Surrender to the Court) 9 April 2014 (Pre-Trial Chamber II)

ICC-01/05-01/13-588 *The Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (Decision on "Narcisse Arido's request for interim release") 24 July 2014 (Pre-Trial Chamber II)

ICC-01/05-01/13-612 *The Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (Decision on the first review of Jean-Jacques Mangenda Kabongo’s detention pursuant to article 60(3) of the Statute) 5 August 2014 (Pre-Trial Chamber II)

ICC-01/05-01/13-703 *Situation in the Central African Republic in the case of the Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido) 21 October 2014 (Pre-Trial Chamber II)

ICC-01/09-01/15-1-Red *The Prosecutor v Paul Gicheru and Philip Kipkoech Bett* (Decision on the “Prosecution’s Application under Article 58(1) of the Rome Statute”) 10 March 2015 (Pre-Trial Chamber II)

ICC-01/05-01/13-969 *The Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (Judgment on the appeals against Pre-Trial Chamber II’s decisions regarding interim release in relation to Aimé Kilolo Musamba, Jean-Jacques Mangenda, Fidèle Babala Wandu, and Narcisse Arido and order for reclassification) 29 May 2015 (Appeals Chamber)

ICC-01/05-01/13-1151 *The Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (Decision Regarding Interim Release) 17 August 2015 (Trial Chamber VII)

ICC-01/04-02/12-301-tENG *The Prosecutor v Mathieu Ngudjolo Chui* (Decision on the “Requête en indemnisation en application des dispositions de l’article 85(1) et (3) du Statut de Rome”) 16 December 2015 (Trial Chamber II)

ICC-01/04-01/07-3679 *The Prosecutor v Germain Katanga* (Decision Pursuant to Article 108(1) of the Rome Statute) 7 April 2016 (The Presidency)

*ICC Assembly of State Parties Documents*

'Proposed Programme Budget for 2008 of the International Criminal Court' Assembly of State Parties (New York, 30 November to 14 December 2007) Sixth session ICC-ASP/6/8

'Report of the Court on the Kampala Field Office: activities, challenges and review of staffing levels; and on memoranda of understanding with situation countries' Assembly of State Parties (New York, 6-10 December 2010 30 July 2010) Ninth session ICC-ASP/9/11


'Report of the Bureau on non-cooperation' Assembly of States Parties (New York, 8-17 December 2014) Thirteenth session ICC-ASP/13/40


'Proposed Programme Budget for 2016 of the International Criminal Court' Assembly of State Parties (The Hague, 18-26 November 2015) Fourteenth session ICC-ASP/14/10


Other ICC Documents

Regulations of the Court, 26 May 2004, ICC-BC/01-03-11

Regulations of the Registry, 6 March 2006, ICC-BD/03-01-06

Headquarters Agreement between the International Criminal Court and the Host State 1 March 2008 ICC-BD/04-01-08


'Complaint under the Optional Protocol to the International Covenant on Civil and Political Rights' (22 November 2011) ICC-01/04-01/06-2827-Anx5

ICTR Decisions

Case No. ICTR-97-19-AR72 Jean Bosco Barayagwiza v The Prosecutor (Decision (Prosecutor's Request for Review or Reconsideration)) 31 March 2000 (Appeals Chamber)
Case No. ICTR-97-20-A Laurent Semanza v The Prosecutor (Decision) 31 May 2000 (Appeals Chamber)

Case No. ICTR-98-44A Juvenal Kajelijelo v The Prosecutor (Judgment) 23 May 2005 (Appeals Chamber)

Case No. ICTR-99-46-A28 The Prosecutor v André Ntagerura (Decision on the Motion by an Acquitted Person for Cooperation from Canada, Article 28 of the Statute) 15 May 2008 (Trial Chamber III)

Case No. ICTR- 99-46-A28 In Re André Ntagerura (Decision on Motion to Appeal the President's Decision of 31 March 2008 and the Decision of Trial Chamber III of 15 May 2008) 18 November 2008 (Appeals Chamber)

Case No. ICTR-97-19-AR72 Prosecutor vs Jean-Bosco Barayagwiza (Decision) 3 November 2011 (Appeal Chamber)

ICTY Decisions

IT-96-21-ES D79-072 Prosecutor v Hazim Delić (Order Issuing a Public Redacted Version of Decision on Hazim Delić's Motion for Commutation of Sentence) 15 July 2008 (The President of the International Tribunal)

Human Rights Committee Documents

General Comment 31 Human Rights Committee (Eightieth session) cl U.N. Doc. CCPR/C/21/Rev.1/Add.13

General Comment 21 Human Rights Committee (Forty-fourth session) cl U.N. Doc. HRI/GEN/1/Rev.1


'Complaint under the Optional Protocol to the International Covenant on Civil and Political Rights' (22 November 2011) ICC-01/04-01/06-2827-Anx5


European Court of Human Rights Documents

Decisions

Application no. 6289/73 Airey v Ireland (Judgment) 9 October 1979

Application no. 14038/88 Case of Soering v. The United Kingdom (Judgment) 07 July 1989

Application no. 13972/88 Case of Imbrioscia v Switzerland (Judgment) 24 November 1993
Application no. 24833/94 *Case of Matthews v the United Kingdom* (Judgment) 18 February 1999

Application no. 26083/94 *Case of Waite & Kennedy v Germany* (Judgment) 18 February 1999

Application no. 45036/98 *Case of Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi v Ireland* (Judgment) 30 June 2005

Application no. 71412/01 *Behrami and Behrami v France; Saramati v France, Germany and Norway* (Admissibility Decision) 2 May 2007

Application nos. 36357/04, 36360/04, 38346/04, 41705/04, 45190/04, 45578/04, 45579/04, 45580/04, 91/05, 97/05, 100/05, 101/05, 1121/05, 1123/05, 1125/05, 1129/05, 1132/05, 1133/05, 1169/05, 1172/05, 1175/05, 1177/05, 1180/05, 1185/05, 20793/05 and 25496/05 *Dušan Berić and Others v Bosnia and Herzegovina* (Admissibility Decision) 16 October 2007

Application no. 6293/04 *Case of Mirilashvili v Russia* (Judgment) 11 December 2008

Application No. 13645/05 *Kokkelvisserij v the Netherlands* (Admissibility Decision) 20 January 2009

Application no 22617/07 *Galić v The Netherlands* (Decision on Admissibility) 9 June 2009

Application no. 43643/04 *Case of Bielaj v Poland* (Judgment) 27 April 2010

Application no. 8139/09 *Case of Othman (Abu Qatada) v the United Kingdom* (Judgment) 17 January 2012

Application no. 10593/08 *Case of Nada v Switzerland* (Judgment) 12 September 2012

Application no. 33917/12 *Djokaba Lambi Longa v The Netherlands* (Decision) 9 October 2012

Application no. 1377/04 *Case of Pakshayev v Russia* (Judgment) 13 March 2014 (ECtHR)

**Other**


**International Court of Justice**

ICJ Reports 1949 *Reparation for injuries suffered in the service of the United Nations* (Advisory Opinion) 11 April 1949

ICJ Reports 1962 *Case concerning the Temple of Preah Vihear [Cambodia v Thailand]* (Merits) 15 June 1962


**International Law Commission**

'Articles on Prevention of Transboundary Harm from Hazardous Activities with commentaries' (2001) vol. II Part Two Yearbook of the International Law Commission

'Commentaries on the Articles on the Responsibility of International Organisations' (2011) II Part Two Yearbook of the International Law Commission

Treaties

Statute of the International Court of Justice 1946

European Convention on Human Rights 1950

Convention Relating to the Status of Refugees 1951

International Covenant on Civil and Political Rights 1966


Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

Rome Statute of the International Criminal Court 1998

Headquarters Agreement between the International Criminal Court and the Host State 2002

Negotiated Relationship Agreement with the International Criminal Court and the United Nations 2004

Agreement Between the International Criminal Court and the Federal Government of Austria on the Enforcement of Sentences of the International Criminal Court 2005


Agreement between the Kingdom of the Netherlands and the United Nations concerning the Headquarters of the Special Tribunal for Lebanon 2007

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Special Court for Sierra Leone on the Enforcement of Sentences of the Special Court for Sierra Leone 2007

Agreement Between the International Criminal Court and the Government of the Kingdom of Belgium on the Enforcement of Sentences of the International Criminal Court 2010

Agreement Between the International Criminal Court and the Government of the Republic of Finland on the Enforcement of Sentences of the International Criminal Court 2011

Agreement between the Republic of Serbia and the International Criminal Court on the Enforcement of Sentences of the International Criminal Court 2011
Accord entre la Cour pénale internationale et le Gouvernement de la République du Mali concernant l’exécution des peines prononcées par la Cour 2012

Agreement Between the Kingdom of Denmark and the International Criminal Court on the Enforcement of Sentences of the International Criminal Court 2012


Dutch Domestic Decisions

ECLI:NL:RBSGR:2011:BU9492, District Court of The Hague (sitting in Amsterdam), 28 December 2011

ECLI:NL:GHSGR:2012:BY6075, Court of Appeal, 18 December 2012

ECLI:NL:RBDHA:2013:BJ7942, District Court of The Hague, 8 March 2013


ECLI:NL:HR:2014:828, Supreme Court, 4 April 2014


ECLI:NL:RBDHA:2015:4659, District Court of The Hague, 23 April 2015

Miscellaneous

Cottier, Thomas and Müller, Jörg Paul, 'Estoppel' (2007) Max Planck Encyclopedia of Public International Law

Francioni, Francesco, 'Equity in International Law' (2013) Max Planck Encyclopedia of Public International Law

Lachenmann, Frauke, 'Legal Positivism' (2011) Max Planck Encyclopedia of Public International Law