

Triffterer / Ambos

The Rome Statute of the International Criminal Court

A Commentary

Third Edition

C.H.BECK · Hart · Nomos

Triffterer/Ambos
Rome Statute of the International Criminal Court

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A Commentary

edited by
Otto Triffterer†
Kai Ambos

Third Edition

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In Memoriam

Otto Triffterer

1931–2015

Editor's Preface

This commentary was founded by Prof. Otto Triffterer shortly after the adoption of the Rome Statute of the International Criminal Court. Its first edition appeared in 1999 and quickly became the number one reference for ICC practitioners and academics alike. The second edition followed almost 10 years later in 2008; now, almost eight years afterwards, we hereby publish the third edition. This new edition should have come out some time ago, of course, but *force majeure* has made it impossible to proceed as Otto Triffterer originally planned. In fact, he entrusted the undersigned with the editorial responsibility for this edition and I sincerely hope that the end result of this collective enterprise – a joint effort of editor, authors and publisher – would have been to the full satisfaction of the commentary's founder. Unfortunately Otto Triffterer died on 1 June 2015 and thus could not see how his "baby" has grown and flourished. This edition is therefore dedicated to his memory.

International criminal law is a dynamic, rapidly evolving field. The case law of the International Criminal Court, as the main driver of this development, has grown enormously in the past eight years and expanded into previously unknown areas. Here is not the place to go into detail; suffice it to refer to some articles of the Rome Statute whose commentary in this new edition had to be revised completely and expanded considerably in size (e.g. Articles 7, 8, 11, 17, 25, 56, 61, 64, 65, 72, 83, 98), to say nothing of the completely new entries (Articles 8(2)(e)(xiii)-(xv), 8bis, 15bis, 15ter).

This commentary is (still) a work in progress. We have involved a number of new authors who come from both an academic and a practical background, and this refreshing of the authorship will continue in the next editions. We have introduced some editorial changes; however, these may not have been fully implemented throughout the whole book. We have added a list of general literature and an index, but have decided to abstain from publishing any annexes with normative or other material (which is easily accessible on the internet) in order to avoid any further increase to the size and price of the book.

I am very grateful to all authors, some of whom (especially the new ones) had to update and completely revise some entries in the midst of various other important commitments within extremely short time frames. I am also indebted to the former President of the Court, Judge Song, and the current President, Judge Silvia Fernández de Gurmendi, who prepared a special introduction for this edition shortly after her appointment on 11 March 2015, *inter alia* setting out the Court's future challenges. These considerations are of special importance for the future of this commentary, which is designed not only to set standards in the field of international criminal law but also to be a useful working tool for the Court in the spirit of a constructive engagement with its jurisprudence. I would also like to thank my editorial team at my chair at the Georg-August-Universität Göttingen (in particular Wiebke Westermann and Michael Zornow, but also Muriel Nißle, Joschka Schlake and Cindy Vu) who did a great job in helping to adjust the entries to our new editorial guidelines. Last but not least, it was a great pleasure to cooperate on this project with Dr. Warth of C.H. Beck, who took a personal interest in it and made a smooth publication possible.

Kai Ambos, Göttingen, October 2015

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Introductions to the Third Edition

Judge Sang-Hyun Song, Former President of the ICC

In 1945, at a time where international law paid little or no regard to individuals, the creators of the Nuremberg International Military Tribunal spearheaded a most remarkable development in modern legal history:

First, the Statute of the Military Tribunal stipulated that individuals can and should be held accountable for crimes which constitute violations of international law. As was famously declared by the judges of the Tribunal in its Judgement, “[c]rimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.”

Second, the Tribunal embodied the modern conviction that individuals should only be punished through a fair trial which safeguards the rights of the accused.

As we now today, the Nuremberg proceedings had wide-ranging effects throughout the field of international law. In 1950, only four years after the final verdict against 21 defendants had been rendered, the United Nations’ International Law Commission codified what is often called the legacy of Nuremberg: it adopted a text setting out some of the most fundamental principles of international criminal law recognized in the Charter and the Judgement of the International Military Tribunal. These “Nuremberg Principles” have been widely cited by international lawyers ever since, and are at the core of international criminal law today, as evidenced by the fact that they are mirrored in the Rome Statute. But these Principles are only one part of the Nuremberg Tribunal’s legacy. Shortly after the judgement had been handed down, one of the alternate judges of the Tribunal, Justice John Parker, spoke about the possible legacy of the Tribunal. He said: “It is not too much to hope that what we have done [in establishing the Tribunal] may have laid the foundation for the building of a permanent court with a code defining crimes of an international character and providing for their punishment.”

The 70 years after Nuremberg have seen over 40 years of an “iron curtain” that fell across Europe; the fall of the Berlin Wall; the re-emergence of the concept of international criminal justice in the establishment of the *ad hoc* International Criminal Tribunals by the United Nations in 1993 and 1994 in response to atrocities committed in the former Yugoslavia and the Rwandan genocide; and finally the high point of international criminal justice in the 20th century: the adoption of the Rome Statute in 1998.

The ICC today is a permanent, readily-available court with a broad jurisdiction, currently covering 122 States Parties. With Libya, the Court has received its second situation by way of a – unanimous – referral of the UN Security Council in 2011 (after the UN Security Council referral in 2005 of the situation in Darfur to the ICC). In addition, with the opening of a situation in Côte d’Ivoire by the end of 2011, the Court has received its first situation by way of an *ad hoc* acceptance of jurisdiction pursuant to Article 12(3) of the Rome Statute. In its past 12 years of operation, the ICC has turned into a very busy international judicial institution. Its achievements have been many and varied. Its first trials have come to an end and others are in full swing. The Court has initiated for the first time its reparations regime following the first trial judgement in the case against Mr. *Thomas Lubanga Dyilo*. Reparations proceedings have also commenced following the issuance of the trial judgment in the case against Mr. *Germain Katanga* – the first judgment that has become final before the ICC. The Appeals Chamber is seized of a number of final and interlocutory appeals, with its first appeals judgment rendered on 1 December of this year. Investigations are ongoing in nine situations in eight countries and thirteen arrest warrants still remain outstanding at the end of December 2014. In 2015, trials will start in no less than four cases. Clearly, for the

foreseeable future the ICC will be busy carrying out the mandate it was assigned by the international community.

The most prominent achievements of the Preparatory Commission resulting from its work from 1999 through 2002, the Court's Rules of Procedure and Evidence ("Rules") as well as the Elements of Crimes, have been thoroughly tested since the Court took up its operations on 1 July 2002. States' confidence in these texts as reflected in the adoption by consensus of the Rules and the Elements of Crimes at the first session of the Assembly of States Parties ("ASP") in 2002 has not been disappointed; both texts continue to be applied and interpreted in court and the Court's jurisprudence grows steadily, as amply reflected in this Third Edition. In addition, in 2012 the judges have commenced a "lessons learnt" exercise, looking at the Court's handling of its regulatory framework in judicial proceedings with a view to identifying room for further improvement and streamlining without negatively impacting on the rights of the defence. As a first result of this exercise, the ASP adopted in November 2012 a new Rule 132bis in the Rules to allow a single judge instead of a three-judge Chamber to conduct a number of trial preparation functions in the period between the confirmation of charges and the start of the actual trial in order to administer the trial preparation phase more expeditiously and efficiently, whilst ensuring the right to a fair trial. Further important amendments to the Rules have ensued in the following years on the place of the proceedings, prior recorded testimony, and the accused's presence at trial. Another rule seeking to streamline translation issues during the proceedings is currently before States for consideration. The lessons learned exercise has since become a dynamic feature of the Judiciary, seeking to clarify in-built ambiguities in the Rome Statute system, such as the relationship between pre-trial and trial or the precise parameters and scope of victim participation in the proceedings.

Another significant development since the Second Edition of this Commentary is the monumental agreement on the definition of the crime of aggression during the Kampala Review Conference in June 2010. After years of tireless efforts of the ASP's Special Working Group on the Crime of Aggression in elaborating proposals on a provision on the crime of aggression, States Parties adopted by consensus a new Article 8bis in the Rome Statute defining the crime of aggression, as well as legal provisions defining the exercise of jurisdiction over the crime of aggression in Article 15bis, accompanied by relevant provisions in the Elements of Crimes (ICC-RC/Res.6 of 11 June 2010). The marvel of this renewed victory of the rule of law could only be overshadowed by the preconditions outlined in the resolution regarding the activation of the Court's jurisdiction over the crime of aggression at the earliest in 2017 provided the necessary amount of ratifications until then.

No less important is the amendment to article 8(2)(e) of the Rome Statute regarding certain war crimes in non-international armed conflict as adopted during the Review Conference in Kampala. The amendments concern the war crimes of employment of poison or poisoned weapons (xiii); asphyxiating, poisonous or other gases, and all analogous liquids (xiv); and bullets which expand or flatten easily in the human body (xv). The inclusion of these crimes in the Rome Statute is testimony of the increasing convergence of the law of international armed conflict with the law applicable in armed conflict of a non-international character. Further, it demonstrates that the Statute is open to amendments in order to react to major developments in customary international law.

Through its operations since its inception, the Court has raised the visibility of accountability for atrocity crimes and has galvanised the willingness of States to enforce the rule of law. In clarifying the development of international criminal law through its jurisprudence, the ICC pays tribute to the legacy of the *ad hoc* tribunals and contributes to the rising culture of accountability, both on the international plane and in the context of national legal systems. However, while the establishment of the ICC since the Rome Statute of 1998 has been a major accomplishment in the international judicial community, the Court today still faces several important challenges. To make the Rome Statute system truly comprehensive we must achieve universality. More than 70 States have yet to join, including the world's most

populous countries. A majority of the world's population therefore remains outside the Rome Statute's legal protection and limits the reach and applicability of its provisions.

The principle of complementarity, while one of the foundational pillars of the Rome Statute system, bears important challenges for both the ICC and its States Parties. The principle refers to the primacy of the national jurisdictions on the one hand, and the complementary role of the ICC to provide justice when it is not forthcoming at the national level. The ICC is merely a safety net that ensures accountability when the national jurisdictions are unable for whatever reason to carry out that task. Accordingly, the strengthening of national justice systems is crucial for establishing a credible and comprehensive system of deterrence and prevention against atrocity crimes, and to ensure accountability where crimes have occurred. Complementarity is also the area where the link between Rome Statute issues and wider questions of the rule of law and development is best seen. The fight against impunity cannot succeed in a vacuum; it must be mainstreamed across all relevant policies and States in particular have to pay their share.

With the Rome Statute strengthening the rights of victims to participate in court proceedings and its reparations regime, a new challenge has emerged for the ICC: the capability of the Court to manage the expectations of its stakeholders, and victims in particular. The ICC's Outreach and Victim Participation sections actively engage with victims and communities affected by Rome Statute crimes, informing them of their rights to participate in the proceedings pursuant to the ICC's legal framework. However, in the adjudication of mass crimes with often thousands of victims, to ensure meaningful participation of all these victims is an immensely difficult task and inevitably some victims will feel left out by the process.

Another crucial aspect for the credibility and strength of the ICC is the cooperation of States with the ICC and the enforcement of its orders under Part 9 of the Rome Statute. The ICC has no police force of its own, it has to rely entirely on States to execute its arrest warrants or to assist with a number of other core investigative activities. Without the cooperation of States the ICC is powerless. Unfortunately, several suspects subject to ICC arrest warrants have successfully evaded arrest for many years. Political will to bring these persons to justice is crucial. The continued lack of execution of arrest warrants is a constant reminder that more remains to be done.

Finally, as a judicial body the ICC interacts and cooperates with international and national political actors, such as the United Nations Security Council, the African Union, regional organisations and national governments. Therefore, it is crucial that the ICC delineates a boundary and establishes a place for itself amongst these political bodies without becoming one itself. Just as national judicial systems must separate themselves from the executive, so must the ICC separate itself from the influences of the national and international political actors around it. In order for this challenge to be met, the ICC will need unwavering support from the international community to continue its work within the independent and judicially responsible mandate it has been assigned.

I wish to commend Professor Otto Triffterer on his continuous efforts by assembling an array of such distinguished legal experts and their respective works for the publication of this Third Edition. Additional praise is in order for Professor Kai Ambos and his tireless editing work making this volume a reality. It must be recognized that the activities of the ICC are driven by its founding document, the Rome Statute, and its mandate to prosecute the gravest crimes of international concern. This Commentary represents a most valuable contribution to a more erudite understanding and interpretation of the Rome Statute and therefore a powerful tool to document and supplement the development of international criminal law. This third, updated, edition is a further brick in the solidifying wall of the evolving system of international justice.

The Hague, December 2014

Introductions

Judge Silvia Fernandez De Gurmendi, President of the ICC

As the 18th Anniversary of the Rome Conference approaches, the International Criminal Court is entering a time of great change and challenges. The ICC has seen a major change in personnel with several of the ICC's longest-serving Judges completing their service at the Court and six new judges joining the ranks of the Judiciary. A new Presidency of the ICC has been elected earlier in 2015 and, at the end of the year, the ICC will move to its new permanent premises in The Hague. Now in its thirteenth year the Court is still growing; its workload is increasing, its jurisdiction expanding and, according to recent studies, its deterrent effect is growing. The goals envisaged by the participants at the Rome Conference almost two decades ago are beginning to be realised.

However, this growth brings new and complex challenges for the ICC. As the Court confirms its presence as an important actor in the international community and the Court's profile in the international legal system grows, so too do the voices of both its supporters and its critics. Its increased jurisdiction may raise concerns, especially as the Court is called to investigate politically sensitive and divisive situations. At the same time, the ICC's visibility in the world today leads to increased calls on it to investigate and prosecute alleged atrocities. The ICC does so when and where it can but is limited by its jurisdiction, which can only be expanded by States or by the UN Security Council, and its reliance on States to enforce its decisions and aid it in its work. As its workload increases so too does the Court's need for additional resources. However, pressure to keep costs down exists in tandem with calls to intervene and end impunity for atrocities. This pressure has been particularly strong at a time when the world is facing great economic difficulties. As an institution with a mandate to end impunity for the most serious crimes known to mankind, the Court must stand firm and remain committed to this cause. This is part of the burden of the Court's success.

Nevertheless, the Court does not exist in a vacuum. In recognition of the need to work to achieve its goals as efficiently and effectively as possible, the Court has recently undertaken a series of internal reform initiatives. These are not mere cost-cutting exercises, but are part of the natural evolution of the ICC as a judicial institution into a fully-fledged, functioning international court. The *ReVision* project, a large-scale review and reform of the structure of the Registry, is a key example of how the ICC is streamlining its structure and seeking to improve. The Office of the Prosecutor has developed its new strategic plan for the coming years to discharge its duties and utilise its resources in the most effective manner. Both the Chambers and Presidency are also undertaking initiatives to contribute to the smooth functioning of the Court. In particular the Judiciary's 'Lessons Learned' exercise is striving to find ways to streamline the judicial process by developing best practices and proposing amendments to the Rules of Procedure and Evidence or the Regulations of the Court as necessary. Of course all of the efforts to increase efficiency at the Court remain subject to the fundamental values enshrined in the Rome Statute, such as fair trial procedures and rights of victims.

With these changes and the increase in the ICC's case-load, we can expect the Court's body of jurisprudence to develop rapidly. Both the reform initiatives mentioned above and case-law at the Trial and Pre-Trial level may lead to evolutions in the Court's procedure. Furthermore, as cases reach the Appeals level we can expect more authoritative decisions on both procedural and substantive matters of international criminal law. The Triffterer Commentary on the Rome Statute of the International Criminal Court, its first edition just one year younger than the Rome Statute itself, has been of immense importance for academics and practitioners alike. Providing detailed and comprehensive analysis on the provisions of the Statute and other legal texts, of their origins in international law and of the context in which they were adopted at the Rome Conference, it is a book of great authority and has been immensely helpful and influential in the early jurisprudence of the Court.

As the ICC grows and its body of jurisprudence increases, case-law will become ever-more relevant to the interpretation and application of the provisions of the Rome Statute. The continuing mandate of *ad hoc* international courts and tribunals means that the ICC will not be the only institution interpreting and developing international criminal law through judicial decisions. Comparative analysis between the jurisprudence of the ICC and that of other international criminal justice bodies will be essential in order to minimise fragmentation of the law. By taking cognisance of developments outside the ICC, this Commentary can highlight discrepancies and controversies in jurisprudence, inviting the Court to reflect on those issues in its case-law. Through this, the Commentary can continue to encourage the inclusive and consistent development of international criminal law, as it has done for the past seventeen years.

I wish to take this opportunity to express a word of appreciation to Professor Kai Ambos who has shouldered the responsibility of editing the third edition of the Commentary. This Commentary is immensely important to all of those who have an interest in the International Criminal Court, and indeed those who have an interest in international criminal justice as a whole. I am confident that I can speak for both those at the International Criminal Court and the wider international community, in congratulating Professor Ambos and indeed all contributors on compiling this edition which includes a great variety of experts from the ICC and many other important institutions. I am sure that this and future editions of the Commentary will continue to provide helpful, in-depth analysis of the Rome Statute for many years to come.

The Hague, April 2015

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Abbreviations

	A
ABAJ	Journal of the American Bar Association
A.C.	Law Reports Appeal Cases
AC	Appeals Chamber
ACABQ	Advisory Committee on Administrative and Budgetary Questions
ACHR	American Convention on Human Rights
ACLT	Advisory Committee on Legal Texts Established under Regulation 4(1)
ACN	Advisory Committee on Nominations
<i>Ad Hoc</i> Committee Report	Report of the <i>Ad Hoc</i> Committee on the Establishment of an International Criminal Court (GA, 50 th Sess., Supp. No. 22, A/50/22, 1995)
Add. Prot.	Additional Protocol to the four Geneva Conventions
AFDI	Annuaire Français de Droit International
Aff.	Affairs
AFLRev	Air Force Law Review
AfricanCtHum&PRts	African Court on Human and Peoples' Rights
AfricanSecurityRev	African Security Review
AfricanYbIL	African Yearbook of International Law
AI	Amnesty International
AIDP	Association Internationale de Droit Pénal
AJ	Appeals Judgment
AJIL	American Journal of International Law
AJP	Aktuelle Juristische Praxis
AkronLRev	Akron Law Review
AlbanyLJ	Albany Law Journal of Science and Technology
AlbertaLRev	Alberta Law Review
All E.R.	Alle England Law Reports
ALJR	Australian Law Journal Reports
Am	American [n, s]
AMICC	American Non-Governmental Organization Coalition for the International Criminal Court
AmJCrimL	American Journal of Criminal Law
AmsterdamUP	Amsterdam University Press
AmUILRev	The American University International Law Review
AmUJGenderSocialPol&Law	American University Journal of Gender, Social Policy and Law
Ann.	Annual
AnnDig	Annual Digest of International Law
APIC	Agreement on Privileges and Immunities of the Court
ASIL PROC	Proceedings of the American Society of International Law
ASP	Assembly of States Parties
AU	African Union
AULO	African Union Liaison Office
AustrianJPub&IL	Austrian Journal of Public and International Law
AVR	Archiv des Völkerrechts (German law journal)
AWB	Dutch Administrative Law Act
	B
Bassiouni Draft	M. Cherif Bassiouni, A Draft International Criminal Code And Draft Statute for an International Criminal Tribunal (1987)
BerkleyJILP	Berkeley Journal of International Law Publicist
BGBL	Bundesgesetzblatt (German Federal Gazette)
BGE	Entscheidungen des schweizer Bundesgerichts
BGHSt	Entscheidungen des Bundesgerichtshofes in Strafsachen (case report of the Federal Supreme Court of Germany)
BINUKA	UN Integrated Peacebuilding Office in the CAR
Bk.	Book
BostonCollI&CompLRev	Boston College International and Comparative Law Review
BostonCollThirdWorldLJ	Boston College Third World Law Journal
BritJAmLS	British Journal of American Legal Studies
BrookJIL	Brooklyn Journal of International Law
BrownJWorldAff	The Brown Journal of World Affairs
BT-Drs.	Bundestags-Drucksache (printed matter of the German Parliament)

Abbreviations

Bull	Bulletin
BVerfGE	Entscheidungen des Bundesverfassungsgerichts (case report of the Constitutional Court of Germany)
BVfG	Bundesverfassungsgericht (constitutional court of Germany)
BYbIL	British Yearbook of International Law
C	
CalRev	California Law Review
CalWestInt'lJL	California Western International Law Journal
CambridgeLJ	The Cambridge Law Journal
CambridgeRevIAff	Cambridge Review of International Affairs
CanYbIL	Canadian Yearbook of International Law
CAR	Central African Republic
CaseWesternResJIL	Case Western Reserve Journal of International Law
CBF	Committee on Budget and Finance
CCC	Canadian Criminal Cases
CCPR	Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
<i>cf.</i>	<i>confer</i> (see)
ChineseJIL	Chinese Journal of International Law
CIC	Criminal Investigation Command
CICC	Coalition of Non-Governmental Organizations for the Establishment of an International Criminal Court
CICR	Le Comité international de la Croix-Rouge
CJEU	Court of Justice of the European Union
CLF	Criminal Law Forum
CLQ	Criminal Law Quarterly
CLRev	Criminal Law Review
ColHumRtsLRev	Columbia Human Rights Law Review
ColJIL	Columbia Journal of International Law
ColJTransnatL	Columbia Journal of Transnational Law
ColLRev	Columbia Law Review
Comp	Comparative
conc.	concerning
Conf.	Conference
Const	Constitution [al]
Contemp	Contemporary
CornJIL	Cornell Journal of International Law
CornLQ	Cornell Law Quarterly
CrAppR	Criminal Appeal Reports
Crim	Criminal
CrimL&Phil	Criminal Law and Philosophy
CroatianAnnCrimL&Prac	Croatian Annual of Criminal Law and Practice
Ct	Court
CUP	Cambridge University Press
D	
DaPaulLRev	DePaul Law Review
DCC	Documents containing the charges
DenverJIL&Pol	Denver Journal of International Law and Policy
Dev.	Development
DickJIL	Dickinson Journal of International Law
DispResJ	Dispute Resolution Journal
Doc.	Document
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
Draft Statute 1953	UN GAOR, 9 th Sess., Supp. No. 12, UN Doc. A/2654 (1954)
Draft Statute 1951	UN GAOR, 7 th Sess., Supp. No. 11, UN Doc. A/2136 (1952)
DRC	Democratic Republic of Congo
DukeJComp&IL	Duke Journal of Comparative & International Law
DurhamLRev	Durham Law Review
E	
E + Z	Entwicklung und Zusammenarbeit
EC	European Community

Abbreviations

ECCC	Extraordinary Chambers in the Courts of Cambodia
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECommHumRts	European Commission of Human Rights
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
ECR	European Court Report
ECT	Treaty Establishing the European Community
ECtHR	European Court of Human Rights
ed./eds.	editor/editors
<i>e.g.</i>	<i>exempli gratia</i>
EHRLRep	European Human Rights Law Report
EJCLCJ	European Journal of Crime, Criminal Law and Criminal Justice
EJIL	The European Journal of International Law
Elements	Elements of Crimes
EmoryILRev	Emory International Law Review
EPIL	Encyclopaedia of Public International Law
ESA	European Space Agency
ESOC	European Space Operation Centre
esp.	especially
EssexHumRtsRev	Essex Human Rights Review
<i>et al.</i>	<i>et alia/et altri</i> (and others)
<i>et seq.</i>	<i>et sequentis</i> (and so forth)
ETS	European Treaty Series
EuCLRev	European Criminal Law Review
EuGRZ	Europäische Grundrechte-Zeitschrift
F	
FA	Foreign Affairs
FARDc	Forces Armées de la République Démocratique du Congo
FDLR	Forces Démocratiques de Libération du Rwanda
FIDH	Fédération internationale des ligues des droits de l'Homme
Final Act	Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court U.N. Doc. A/CONF.183/10
FinishYbIL	Finish Yearbook of International Law
fn.	footnote [s]
FordhamILJ	Fordham International Law Journal
G	
GA	(UN) General Assembly
GA	Golddammer's Archiv für Strafrecht
GA Res.	(UN) General Assembly Resolution
GAOR	(UN) General Assembly Official Records
Gen.	General
GeorgetownIEnvLRev	Georgetown International Environmental Law Review
GeorgetownLJ	Georgetown Law Journal
GeoWashILRev	The George Washington International Law Review
GermanLJ	German Law Journal
GoJIL	Goettingen Journal of International Law
GYbIL	German Yearbook on International Law
H	
Hague Conv.	Hague Convention respecting the Laws and Customs on Land
HagueYbIL	Hague Yearbook of International Law
HarvHumRtsJ	Harvard Human Rights Journal
HarvILJ	Harvard International Law Journal
HastingsI&CompLRev	Hastings International and Comparative Law Review
HastingsWomenLJ	Hastings Women's Law Journal
HCJ	High Court of Justice (Israel)
HCP	Hague Convention for the protection of cultural property during armed conflict
HeidelbergJIL	Heidelberg Journal of International Law
HMSO	Her Majesty's Stationery Office
HoustonJIL	Houston Journal of International Law
HRC	United Nation Human Rights Council

Abbreviations

Hum	Human/Humanitarian
HumRtsLJ	Human Rights Law Journal
HumRtsQ	Human Rights Quarterly
HuV – I	Humanitäres Völkerrecht-Informationsschriften (German law journal)
HVO	Hrvatsko vijeće obrane (Croatian Defence Council)
I	
I	International
I&CompLQ	International and Comparative Law Quarterly
<i>i. a.</i>	<i>inter alia</i> (among other things)
IACTHR	Inter American Court on Human Rights
IACtHR	Inter-American Court of Human Rights
IAEA	International Atomic Energy Agency
<i>ibid.</i>	<i>Ibidem</i> (in the same place)
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICCS	Rome Statute of the International Criminal Court
ICDAA	International Criminal Defence Attorneys Association
ICJ	International Court of Justice
ICJ Rep.	International Court of Justice Reports
ICL	International Criminal Law
ICLRev	International Criminal Law Review
ICRC	International Committee of the Red Cross
ICSS	International Centre for Sport Security
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ICTY Rules	Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia, Rev. 49, 22 May 2013, IT/32/Rev.49
<i>id.</i>	<i>idem</i> (the same)
<i>i. e.</i>	<i>id est</i> (that is)
IELR	International Enforcement Law Reporter
<i>i. f.</i>	<i>ipse fecit</i> (done by)
IHL	International Humanitarian Law
IHumRtsL&Prac	International Human Rights Law and Practice
IJChildrenRts	International Journal on Children Rights
IJHumRts	International Journal of Human Rights
ILA	International Law Association
ILC	International Law Commission
ILC Draft Code 1951	Draft Code of Offences against the Peace and Security of Mankind (Part I), Report of the International Law Commission on its third Session, 16 May–27 July, 1951 (A/CN.4/L.15, 1951) http://www.untreaty.un.org/ilc/summaries/7_3.htm
ILC Draft Code 1953	Draft Code of Offences against the Peace and Security of Mankind (Part I), Report of the International Law Commission on its fifth Session, 1 June–14 August, 1953 (A/CN.4/72,1953) http://www.untreaty.un.org/ilc/summaries/7_3.htm
ILC Draft Code 1954	Draft Code of Offences against the Peace and Security of Mankind, the International Law Commission adopted the revised draft on its 6 th Session, 6 June – 18 July, 1954 http://untreaty.un.org/ilc/texts/instruments/english/sh/draft%20articles/7_3_1954.pdf
ILC Draft Code 1991	UN GAOR, 46 th Sess., Supp. No. 10, UN Doc. A/46/10 (1991) YbILC
ILC Draft Statute 1994	Draft Statute for an International Criminal Court, Report of the International Law Commission on its Forty-Sixth Session, 2 May– 22 July, 1994 (GA, 49 th Sess., Supp. No. 10, A/49/10, 1994), p. 43 et seq. 1996 ILC Draft Code Draft Code of Crimes Against the Peace and Security of Mankind (Part II), 1996, Report of the International Law Commission on the Work of its Forty-Eighth Session, 5 June – 26 August 1996, UN GAOR, 51st Sess., Supp. No. 10, UN Doc. A/51/10, 9 et seq, http://untreaty.un.org/ilc/texts/instruments/english/draft%20articles/7_4_1996.pdf
ILF	International Law Forum
ILM	International Legal Materials
ILO	International Labour Organisation
ILR	International Law Reports
ILS	International Law Studies
ILSAJ&CompL	ILSA Journal of International and Comparative Law
IMT	(Nuremberg) International Military Tribunal

Abbreviations

IMTFE	International Military Tribunal for the Far East
IndI&CompLRev	Indiana International and Comparative Law Review
IndianYbIL&Pol	Indian Yearbook of International Law and Policy
IOM	Independent Oversight Mechanism
IRevContempL	International Review of Contemporary Law
IRevCrimPol	International Review of Criminal Policy
IRevPenalL	International Review of Penal Law
IRevRC	International Review of the Red Cross
IRG	Internationales Rechtshilfegesetz (German law on international judicial cooperation in criminal matters)
IRMCT	International Residual Mechanism for Criminal Tribunals
IRMCTS	Statute of the International Residual Mechanism for Criminal Tribunals
IsLRev	Israel Law Review
IsYbHumRts	Israel Yearbook on Human Rights
ITLOS	International Tribunal for the Law of the Sea
ITU	International Telecommunication Union
J	
JA	Juristische Arbeitsblätter
JAfricanL	Journal of African Law
JapaneseAnnIL	Japanese Annual of International Law
JArmConfL	Journal of Armed Conflict Law
JCE	Joint Criminal Enterprise
JCL&Criminology	Journal of Criminal Law and Criminology
JCompLegIL	Journal of Comparative Legislation and International Law
JCSL	Journal of Conflict and Security Law
JEastAfrStud	Journal of Eastern African Studies
JIAff	Journal of International Affairs
JICJ	Journal of International Criminal Justice
JIHumLStud	Journal of International Humanitarian Legal Studies
JILFAff	UCLA Journal of International Law and Foreign Affairs
JILPAC	Journal of International Law of Peace and Armed Conflict
JLS	Journal of Legal Studies
JohnMarshallLRev	John Marshall Law Review
JPubL	Journal of Public Law
JR	Juristische Rundschau
JRWd	The Criminal Code of the Jews
Jud	Judicial
Just	Justice
JZ	Juristen Zeitung
K	
KAS	Konrad-Adenauer-Stiftung
KobeULRev	Kobe University Law Review
L	
L	Law
L&ContempProbs	Law and Contemporary Problems
LAPE	Law and Practice of International Courts and Tribunals
LeidenJIL	Leiden Journal of International Law
LGBT	Lesbian, Gay, Bisexual and Transgender
lit.	litera
LJ	Law Journal
LJN	Dutch case law database
LNTS	League of Nations Treaty Series
LOAC	Laws of armed conflict
LoyLAI&CompLRev	Loyola of Los Angeles International and Comparative Law Review
LQRev	Law Quarterly Review
LRA	Lord's Resistance Army
LRev	Law Review
LRTWC	Law Reports of Trials of War Criminals
M	
MainLRev	Main Law Review
ManchUP	Manchester University Press

Abbreviations

MediterraneanJHumRts	Mediterranean Journal of Human Rights
MelbJIL	Melbourne Journal of International Law
MichJGender&L	Michigan Journal of Gender and Law
MichJIL	Michigan Journal of International Law
MICT	The International Criminal Court for Rwanda
MilRev	Military Law Review
MINUSMA	UN Multidimensional Integrated Stabilization Mission in Mali
MLLWRev	Military Law and Law of War Review
MLRev	Modern Law Review
mn	margin number(s)
MONUC	UN Mission in the DRC
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
MOU	Memorandum of Understanding
MPEPIL	Max Planck Encyclopaedia of Public International Law
MPIL	Max Planck Institute for Comparative Public Law and International Law
MPYbUNL	Max Planck Yearbook of United Nations Law
Mtg.	Meeting
MurdochUElectronicJL	Murdoch University Electronic Journal of Law
N	
NAL	New American Library
NATO	North Atlantic Treaty Organization
NatSec&ArmedConflictLRev	National Security and Armed Conflict Law Review
NavalWarColRev	Naval War College Review
NCarolinaJIL&CommReg	North Carolina Journal of International Law and Commercial Regulation
NCLRev	New Criminal Law Review
NEP	Nouvelles Études Pénales
NethILRev	Netherlands International Law Review
NethQHumRts	Netherlands Quarterly of Human Rights
NethYbIL	Netherlands Yearbook of International Law
NewEnglandJlI&CompL	New England Journal of International and Comparative Law
NGO	Non-governmental organization
NJ	Neue Justiz
NJECL	New Journal of European Criminal Law
NJIHumRts	New Journal of International Human Rights
NJW	Neue Juristische Wochenschrift
NLJ	New Law Journal
No./Nos.	number/numbers
NordJIL	Nordic Journal of International Law
NotreDameLRev	Notre Dame Law Review
NStZ	Neue Zeitschrift für Strafrecht
NYJIL&Pol	New York University Journal of International Law and Politics
NYLSchLRev	New York Law School Law Review
NZYbIL	The New Zealand Year Book of International Law
NZZ	Neue Zürcher Zeitung
O	
OAS	Organization of American States
OASTS	Organization of American States Treaty Series
OAU	Organization of African Unity
<i>o. b.</i>	<i>Obiter (dictum – by the way)</i>
OEA	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights
OJ	Official Journal
OJLS	Oxford Journal of Legal Studies
ÖJZ	Österreichische Juristen Zeitung
OklahomaLRev	Oklahoma Law Review
OKW	Oberkommando der Wehrmacht (former German armed forces high command)
OLA	Office Legal Affairs
ONUC	Opération des Nations Unies au Congo
OPCW	Organization for the Prohibition of Chemical Weapons
Org.	Organisation
OSCE	Organisation on Security and Cooperation in Europe
ÖStPO	Austrian Code of Criminal Procedure

Abbreviations

OTP	Office of the Prosecutor
OUP	Oxford University Press
<p>P</p>	
p./pp.	page/pages
PaceLRev	Pace Law Review
PacificBasinLJ	UCLA Pacific Basin Law Journal
para./paras.	paragraph/paragraphs
PCIJ	Permanent Court of International Justice
PennJIL	Pennsylvania Journal of International Law
PennStILRev	Pennsylvania State University International Law Review
Pol	Policy
POW	Prisoner of War
Preparatory Committee (Consolidated) Draft	Preparatory Committee on the Establishment of an International Criminal Court, Draft Statute & Draft Final Act (A/Conf.183/2/Add.1, 1998)
Preparatory Committee I 1996	Report of the Preparatory Committee on the Establishment of an International Criminal Court, Volume I, (Proceedings of the Preparatory Committee During March-April and August 1996) (G.A., 51st Sess., Supp. No. 22, A/51/22, 1996)
Preparatory Committee II 1996	Report of the Preparatory Committee on the Establishment of an International Criminal Court, Volume II, (Compilation of Proposals) (G.A., 51st Sess., Supp. No. 22, A/51/22, 1996)
Preparatory Committee Decisions Aug. 1997	Decisions Taken by the Preparatory Committee at its Session Held 4 to 15 August 1997 (A/AC.249/1997/L.8/Rev.1, 1997)
Preparatory Committee Decisions Dec. 1997	Decisions Taken by the Preparatory Committee at its Session Held 1 to 12 December 1997 (A/AC.249/1997/L.9/Rev.1, 1997)
Preparatory Committee Decisions Feb. 1997	Decisions Taken by the Preparatory Committee at its Session Held 11 to 21 Feb. 1997 (A/AC.249/1997/L.5, 1997)
PrepCom	Preparatory Committee on the Establishment of an International Criminal Court
Probs	Problems
Prot.	Protocol
PTC	Pre-Trial Chamber
Pub.	Public
<p>Q</p>	
Q	Quarterly
<p>R</p>	
R2P	Responsibility to Protect
RCADI	Recueil des Cours de l'Académie de Droit International
RdC	Recueil de Cours
RDF	Rwanda Defence Force
RDPMDG	Revue de Droit Pénal Militaire et de Droit de la Guerre
Regulations	Regulations of the Court
Rep	Report
Res.	Resolution
Rev	Review
ReviCommJurists	Review of International Commission of Jurists
RGDIP	Revue Générale de Droit International Public
RichLRev	University of Richmond Law Review
RICR	Revue internationale de la Croix-Rouge
RIDP	Revue Internationale de Droit Pénal
RoC	Regulations of the Court
RogerWilliamsULRev	Roger Williams University Law Review
Rome Conf.	Rome Conference
Rome Statute	Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9, 1998
RQDI	Revue Québécoise de Droit International
RSC	Revue de science criminelle et de droit pénal comparé
Rts	Rights
Rules	Rules of Procedure and Evidence
RutgersLJ	Rutgers Law Journal

Abbreviations

	S
SADC	South African Development Community
SAISRev	SAIS Revue of International Affairs
SanDiegoILJ	San Diego International Law Journal
SantaClaraJIL	Santa Clara Journal of International Law
SantaClaraLRev	Santa Clara Law Review
SC	Security Council
SchwZStR	Schweizerische Zeitschrift für Strafrecht
<i>scil.</i>	<i>scilicet</i> (that is)
SCLRev	Supreme Court Law Review
SCSL	Special Court for Sierra Leone
S.D.N.Y.	U.S. District Court – Southern District of New York
<i>seq.</i>	<i>sequentis</i>
Sess.	Session
Siracusa Draft	Association Internationale de Droit Pénal (AIDP)/Istituto Superiore Internazionale di Scienze Criminali (ISISC)/Max Planck Institute for Foreign and International Criminal Law (MPI), International Criminal Court, Alternative to the ILC-Draft (Siracusa-Draft) prepared by a Committee of Experts, Siracusa/Freiburg, July 1995
SouthAfricanYbIL	South African Yearbook of International Law
SouthCaliforniaLRev	Southern California Law Review
StanJIL	Stanford Journal of International Law
Statute/Rome Statute	Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9, 1998
StGB	German/Austrian Criminal Code
STL	Special Tribunal for Lebanon
StV	Strafverteidiger
SuffolkTransnatLRev	Suffolk Transnational Law Review
SUP	Stanford University Press
Supp.	Supplement
SWGCA	Special Working Group on the Crime of Aggression
	T
TC	Trial Chamber
TEU	Treaty on European Union
TJ	Trial Judgment
TorontoFacLRev	University of Toronto Faculty of Law Review
TorontoILRev	University of Toronto International Law Review
TorontoLJ	University of Toronto Law Journal
TransnatL&ContempProbs	Transnational Law & Contemporary Problems
TRWC	Trials of War Criminals
	U
UCDavisJIL&Policy	University of California Davis Journal of International Law and Policy
UChicagoLRev	University of Chicago Law Review
UCLAJIL&ForeignAffairs	UCLA Journal of International law and Foreign Affairs
UDHR	Universal Declaration of Human Rights
UFDR	Union of Democratic Forces for the Unity
UK	United Kingdom
U.N./UN	United Nations
UN Doc.	United Nations Document
UNCIO	United Nations Conference on International Organization
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNEP	United Nations Environmental Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHAS	United Nations Humanitarian Air Service
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Mission in Kosovo
UNOCI	United Nations Operation in Côte d'Ivoire
UNON	UN Office at Nairobi
UNNorthCarolinaPress	University of North Carolina Press
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSCOR	United Nations Security Council Official Record

Abbreviations

UNTAET	United Nations Transitional Administration in East Timor
UNTS	United Nations Treaty Series
UNWCC	United Nation War Crimes Commission
UPaLRev	University of Pennsylvania Law Review
Updated Siracusa Draft	Updated Siracusa Draft, 1994 ILC Draft Statute for an International Criminal Court With Suggested Modifications, prepared by a
Universal Postal Unit	Universal Postal Unit
U.S.	United States
USNavalWarCollegeILStudies	U.S. Naval War College International Law Studies
UToLRev	University of Toledo Law Review
UtrechtLRev	Utrecht Law Review
v.	V
ValULRev	versus
VandJTransnatL	Valparaiso University Law Review
VLCLT	Vanderbilt Journal of Transnational Law
VirgJIL	Vienna Convention on the Laws of Treaties of 1969
VirgJRev	Virginia Journal of International Law
Vol./Vols.	Virginia Law Review
VPRS	Volume/Volumes
VStGB	Victims Participation and Reparation Section
VUWellingtonLRev	Völkerstrafgesetzbuch
	Victoria University of Wellington Law Review
WakeForestLRev	W
WGA	Wake Forest Law Review
WisconsinILJ	Working Group on Amendments
W.L.R.	Wisconsin International Law Journal
Women&IHumRtsL	Weekly Law Reports
	Women and International Human Rights Law
YaleJIL	Y
YaleLJ	Yale Journal of International Law
Yb	Yale Law Journal
YbICTY	Yearbook
	Yearbook of the International Criminal Tribunal for the Former Yugoslavia
YbIHumL	Yearbook of International Humanitarian Law
YbILC	Yearbook of the International Law Commission
ZaöRV	Z
ZDV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
ZFRV	Zentrale Dienstvorschrift (German joint service regulation)
	Zeitschrift für Rechtsvergleichung, Internationales Privatrecht und Europarecht
ZIS	Zeitschrift für Internationale Strafrechtsdogmatik
ZRP	Zeitschrift für Rechtspolitik
ZStW	Zeitschrift für die gesamten Strafrechtswissenschaften
Zutphen Draft	Report of the Inter-Sessional Meeting from 19 to 30 January 1998 in Zutphen, The Netherlands (A/AC.249/1998/L.13, 1998)

