

**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



# Rome Statute of the International Criminal Court

A Commentary

edited by  
Otto Triffterer†  
Kai Ambos

Third Edition

C.H. BECK · Hart · Nomos  
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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 20<sup>th</sup> 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 132*bis* 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 8*bis* 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 15*bis*, 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 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 plan 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



### Judge Silvia Fernandez De Gurmendi, President of the ICC

As the 18<sup>th</sup> 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

<b>A</b>	
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 <sup>th</sup> 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
AmUILLRev .....	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>B</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
CalLRev .....	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 <sup>th</sup> Sess., Supp. No. 12, UN Doc. A/2654 (1954)
Draft Statute 1951 .....	UN GAOR, 7 <sup>th</sup> 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

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 alri</i> (and others)
<i>et seq.</i> .....	<i>et sequentis</i> (and so forth)
ETS .....	European Treaty Series
EuCLR .....	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 .....	Goltdammer's Archiv für Strafrecht
GA Res. ....	(UN) General Assembly Resolution
GAOR .....	(UN) General Assembly Official Records
Gen. ....	General
GeorgetownLEnvLRev .....	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) <a href="http://www.untreaty.un.org/ilc/summaries/7_3.htm">http://www.untreaty.un.org/ilc/summaries/7_3.htm</a>
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) <a href="http://www.untreaty.un.org/ilc/summaries/7_3.htm">http://www.untreaty.un.org/ilc/summaries/7_3.htm</a>
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 <sup>th</sup> Session, 6 June – 18 July, 1954 <a href="http://untreaty.un.org/ilc/texts/instruments/engli sh/draft%20articles/7_3_1954.pdf">http://untreaty.un.org/ilc/texts/instruments/engli sh/draft%20articles/7_3_1954.pdf</a>
ILC Draft Code 1991 .....	UN GAOR, 46 <sup>th</sup> 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 <sup>th</sup> 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, <a href="http://untreaty.un. org/ilc/texts/instruments/english/draft%20articles/7_4_1996.pdf">http://untreaty.un. org/ilc/texts/instruments/english/draft%20articles/7_4_1996.pdf</a>
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

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
IRvContempL .....	International Review of Contemporary Law
IRvCrimPol .....	International Review of Criminal Policy
IRvPenalL .....	International Review of Penal Law
IRvRC .....	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
<b>J</b>	
J .....	Journal
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
JHumLStud .....	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
<b>K</b>	
KAS .....	Konrad-Adenauer-Stiftung
KobeULRev .....	Kobe University Law Review
<b>L</b>	
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
<i>lit.</i> .....	<i>litera</i>
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
<b>M</b>	
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
MillRev .....	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
NethJILRev .....	Netherlands International Law Review
NethQHumRts .....	Netherlands Quarterly of Human Rights
NethYbIL .....	Netherlands Yearbook of International Law
NewEnglandJI&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
NSIZ .....	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 Züricher 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

OTP .....	Office of the Prosecutor
OUN .....	Oxford University Press
<b>P</b>	
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
<b>Q</b>	
Q .....	Quarterly
<b>R</b>	
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

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
Transnat&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
UNorthCarolinaPress .....	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
UPU .....	Universal Postal Unit
U.S. ....	Unites States
USNavalWarCollegeILStudies .....	U.S. Naval War College International Law Studies
UToLLRev .....	University of Toledo Law Review
UtrechtLRev .....	Utrecht Law Review

### V

v. ....	<i>versus</i>
ValULRev .....	Valparaiso University Law Review
VandJTransnatL .....	Vanderbilt Journal of Transnational Law
VCLT .....	Vienna Convention on the Laws of Treaties of 1969
VirgJIL .....	Virginia Journal of International Law
VirgLRev .....	Virginia Law Review
Vol./Vols. ....	Volume/Volumes
VPRS .....	Victims Participation and Reparation Section
VStGB .....	Völkerstrafgesetzbuch
VUWellingtonLRev .....	Victoria University of Wellington Law Review

### W

WakeForestLRev .....	Wake Forest Law Review
WGA .....	Working Group on Amendments
WisconsinILJ .....	Wisconsin International Law Journal
W.L.R. ....	Weekly Law Reports
Women&IHumRtsL .....	Women and International Human Rights Law

### Y

YaleJIL .....	Yale Journal of International Law
YaleLJ .....	Yale Law Journal
Yb .....	Yearbook
YbICTY .....	Yearbook of the International Criminal Tribunal for the Former Yugo-
	slavia
YbIHumL .....	Yearbook of International Humanitarian Law
YbILC .....	Yearbook of the International Law Commission

### Z

ZaöRV .....	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
ZDV .....	Zentrale Dienstvorschrift (German joint service regulation)
ZFRV .....	Zeitschrift für Rechtsvergleichung, Internationales Privatrecht und Euro-
	perecht
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)



