

ANNEX 4

Clean Sample – In-Depth Analysis Chart

I. Crimes Against Humanity

I. A. Common contextual elements

I. A. 1. - Attack

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. A. 2. - Widespread or systematic

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. A. .3. - Directed against any civilian population

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. A. 4. - The conduct was committed as part of a widespread or systematic attack directed against a civilian population

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. A. 5 - The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. Specific constituent elements of the Counts

I. B. 1. Count 1 - Rape Article 7(1)(g)

I. B. 1 . a – The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. 1. b – The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. 1. c – Intent - Count 1

I. B. 1. d – Knowledge - Count 1

I. B. 2. Count 3 -Torture Article 7(1)(f)

I. B. 2. a – The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. 2. b – Such person or persons were in the custody or under the control of the perpetrator

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. 2. c – Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. 2. e – Intent - Count 3**I. B. 2. f – Knowledge - Count 3****I. B. 3. Count 7- Murder Article 7(1)(a)****I. B. 3. a – The perpetrator killed one or more persons**

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

I. B. 3. b - Intent - Count 7

I. B. 3. c – Knowledge - Count 7

II. War Crimes

II. A. Common contextual elements

II. A. 1. - Armed conflict

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. A. 2. - Non-international

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. A. 3. – The conduct took place in the context of and was associated with an armed conflict not of an international character

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. A. 4. – The perpetrator was aware of factual circumstances that established the existence of an armed conflict

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. - Specific constituent elements of the Counts

II. B. 1. Count 2 – Rape - Article 8(2)(e)(vi)

II. B. 1. a - The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 1. b - The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 1. c – Intent - Count 2

II. B. 1. d – Knowledge - Count 2

II. B. 2. Count 4 -Torture - Article 8(2)(c)(i)

II. B. 2. a - The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 2. b – The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 2. c – Such person or persons were either *hors de combat* or were civilians, medical personnel or religious personnel taking no active part in the hostilities

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 2. d - Intent-Count 4

II. B. 2. e - Knowledge-Count 4

II. B. 3. Count 5 - Outrages upon personal dignity-Article 8(2)(c)(ii)

II. B. 3. a – The perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons

II. B. 3. b – The severity of the humiliation, degradation or other violation was of such degree as to be generally recognized as an outrage upon personal dignity

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 3. c - Such person or persons were either *hors de combat* or were civilians, medical personnel or religious personnel taking no active part in the hostilities

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 3. d - Intent - Count 5

II. B. 3. e - Knowledge - Count 5

II. B. 4. Count 6 - Murder Article 8 (2)(c)(i)

II. B. 4. a – The perpetrator killed one or more persons

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 4. b - Such person or persons were either *hors de combat* or were civilians, medical personnel or religious personnel taking no active part in the hostilities

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 4. c - Intent - Count 6**II. B. 4. d - Knowledge - Count 6****II. B. 5. Count 8 – Pillaging - Article 8(2)(e)(v)****II. B. 5. a – The perpetrator appropriated certain properties**

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 5. b - The perpetrator intended to deprive the owner of the property and to appropriate it for private or personal use

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 5. c – The appropriation was without the consent of the owner

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

II. B. 5. d – Intent - Count 8

II. B. 5. e – Knowledge - Count 8

III. Modes of Liability

III. A. Article 25(3)(a) - Joint Perpetration

III. A. 1 - Plurality of Persons/Agreement or Common Plan

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. - Coordinated essential contribution by each co-perpetrator

III. A. 2. a - Bemba - Essential contributions

III. A. 2. a. i) - Bemba - Provision of Troops

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. a. ii) - Bemba-Provision of Weaponry for MLC

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. a. iii) - Bemba - Provision of transportation of troops and/or supplies

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. a. iv) - Bemba - Provision of communication means

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. b - Patasse - Essential contributions

III. A. 2. b. i) - Patasse - Joint Operation

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. b. ii) - Patasse - Provision of transportation to troops/MLC

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. b. iii) - Patasse - Provision of food and PGA

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. b. iv) - Patasse - Provision of government bases

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. b. v) - Patasse - Provision of supplies including fuel

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 2. b. vi) - Patasse - Provision of Uniforms

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 3 - Mutual awareness/acceptance-will result in realization of objective elements

III. A. 3. a - Bemba - Mutual awareness/acceptance-will result in realization of objective elements

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 3. b - Patasse - Mutual awareness/acceptance-will result in realization of objective elements

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. A. 4. - Awareness of factual circumstances/Joint control of the crimes

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. Article 28 - Command/Superior Responsibility

III. B. 1. - Article 28 (a)

III. B. 1. a - A crime within the jurisdiction of the Court was committed

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 1. b - The suspect was a military commander or a person effectively acting as a military commander

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 1. c - The suspect exercised effective command and control, or effective authority and control over the perpetrator of the crime

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 1. d - The crime was committed as a result of the military commander's failure to exercise control properly over his forces

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 1. e - The suspect either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 1. f - The suspect failed to take all the necessary and reasonable measures within his power to prevent or repress the offence or to submit the matter to the competent authorities for investigation and prosecution

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. - Article 28 (b)

III. B. 2. a - A crime within the jurisdiction of the Court was committed

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. b - There existed between the suspect and the person who committed the crime a superior and subordinate relationship not described in article 28 (a)

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. c - The suspect exercised authority and control over the perpetrator of the crime

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. d - The crime was committed as a result of the superior's failure to exercise control properly over his subordinates

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. e - The suspect either knew or consciously disregarded information that clearly indicated that the subordinates were committing or about to commit crimes

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. f - The crime concerned activities that were within the effective responsibility and control of the superior

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |

III. B. 2. g - The suspect failed to take all necessary and reasonable measures within his power to prevent or repress the commission of the crime or to submit the matter to the competent authorities for investigation and prosecution

| Fact Text | Source (start ERN) | Source (at ERN) |
|-----------|--------------------|-----------------|
| | | |