

I. ANNEX A: CITED MATERIAL AND DEFINED TERMS

A. Defined terms and abbreviations

<u>Abbreviation</u>	<u>Full Name</u>
ECCC	Extraordinary Chambers in the Courts of Cambodia
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
Main Case	<i>Prosecutor v. Jean-Pierre Bemba Gombo</i> , ICC-01/05-01/08
MLC	Mouvement de Libération du Congo
SCSL	Special Court for Sierra Leone
Statute	Rome Statute of the International Criminal Court, 17 July 1998, 2187 United Nations Treaty Series 38544
STL	Special Tribunal for Lebanon
Trial Chamber	Trial Chamber VII
Trial Chamber III	Trial Chamber III in the case of <i>Prosecutor v. Jean-Pierre Bemba Gombo</i> , ICC-01/05-01/08

B. Materials from the Pre-Trial and Trial Proceedings

<u>Designation</u>	<u>Full Name</u>	<u>Document Number and Date</u>
Mr Mangenda's Submissions on Legal Elements	Submissions on the Elements of Article 70 Offences and the Applicable Modes of Liability	ICC-01/05-01/13-974 1 June 2015
Mr Arido's Submissions on Legal Elements	Narcisse Arido's Submissions on the Elements of Article 70 Offences and the Applicable Modes of Liability (ICC-01/05-01/13-T-8-CONF-ENG)	ICC-01/05-01/13-978 1 June 2015
Decision on Mr Arido's Request Concerning Sentencing Witnesses	Decision on Arido Defence Request for Exclusion of Prosecution Witness or, in the Alternative, Clarification	ICC-01/05-01/13-2038 21 November 2016

	of Sentencing Witnesses Decision	
Mr Bemba's Sentencing Submissions	Defence Submission on Sentencing	ICC-01/05-01/13-2089-Conf 8 December 2016 A public redacted version was registered on 14 December 2016 (ICC-01/05-01/13-2089-Red).
Mr Arido's Sentencing Submissions	Narcisse Arido's Submission on the Additional Evidence Presented and Appropriate Sentence to be Imposed	ICC-01/05-01/13-2086-Conf 8 December 2016 A corrigendum was registered on 13 December 2016 (ICC-01/05-01/13-2086-Conf-Corr). A public redacted version was registered on 8 January 2017 (ICC-01/05-01/13-2086-Corr-Red).
Mr Babala's Sentencing Submissions	Conclusions de Monsieur Fidèle Babala Wandu sur la peine	ICC-01/05-01/13-2090 8 December 2016
Prosecutor's Sentencing Submissions	Prosecution's Submission on Sentencing	ICC-01/05-01/13-2085-Conf 8 December 2016 A public redacted version was registered on 12 December 2016 (ICC-01/05-01/13-2085-Red).
Conviction Decision	Judgment pursuant to Article 74 of the Statute	ICC-01/05-01/13-1989-Red 19 October 2016
Updated Solvency Report	Updated Registry's report on the convicted persons' solvency	ICC-01/05-01/13-2119 17 March 2017
Sentencing Decision	Decision on Sentence pursuant to Article 76 of the Statute	ICC-01/05-01/13-2123-Corr 22 March 2017
Separate Opinion of Judge Pangalangan	Separate Opinion of Judge Raul C. Pangalangan	ICC-01/05-01/13-2123-Anx 22 March 2017

C. Material from the Appeals Proceedings

<u>Designation</u>	<u>Full Name</u>	<u>Document Number and Date</u>
Mr Babala's Notice of Appeal	Notification d'appel de la Défense de M. Fidèle Babala Wandu à l'encontre de la «Decision on Sentence pursuant to Article 76 of the Statute» (ICC-01/05-01/13-2123) rendue par la Chambre de première instance VII	ICC-01/05-01/13-2139 13 April 2017
Mr Bemba's Notice of Appeal	Bemba Defence Notice of Appeal against Decision on Sentence pursuant to Article 76 of the Statute, (ICC-01/05-01/13-2123) by Trial Chamber VII	ICC-01/05-01/13-2142 24 April 2017
Mr Arido's Notice of Appeal	Narcisse Arido's Notice of Appeal against the Trial Chamber VII's "Decision on Sentence pursuant to Article 76 of the Statute" (ICC-01/05-01/13-2123-Corr)	ICC-01/05-01/13-2141 24 April 2017
Mr Babala's Conviction Notice of Appeal	Notification d'appel de la Défense de M. Fidèle Babala Wandu à l'encontre du jugement rendu en application de l'article 74 du Statut par la Chambre de première instance VII le 19 octobre 2016	ICC-01/05-01/13-1999 2 November 2016
Prosecutor's Notice of Appeal	Prosecution's Notice of Appeal against Trial Chamber VII's "Decision on Sentence pursuant to Article 76 of the Statute"	ICC-01/05-01/13-2146 24 April 2017
Mr Babala's Conviction Appeal Brief	Public redacted version of corrigendum, Appel brief of the for Mr Fidèle Babala Wandu against the Conviction Decision	ICC-01/05-01/13-2147-Conf (With annexes) 24 April 2017 A corrected version was registered on 29 May 2017 (ICC-01/05-01/13-2147-

		<p>Conf-Corr).</p> <p>A public redacted version was registered on 30 May 2017 (ICC-01/05-01/13-2147-Corr-Red).</p> <p>An English version was registered on 10 July 2017 (ICC-01/05-01/13-2147-Conf-Corr-tENG).</p>
Mr Arido's Conviction Appeal Brief	Narcisse Arido's Document in Support of Appeal Pursuant to Article 81	<p>ICC-01/05-01/13-2145-Conf With Annexes A (ICC-01/05-01/13-2145-AnxA), B (ICC-01/05-01/13-2145-AnxB), and C (ICC-01/05-01/13-2145-AnxC).</p> <p>24 April 2017</p> <p>A corrected version was registered on 8 May 2017 (ICC-01/05-01/13-2145-Conf-Corr).</p> <p>A public redacted version was registered 31 May 2017 (ICC-01/05-01/13-2145-Corr-Red).</p>
Mr Bemba's Conviction Appeal Brief	Defence Document in Support of Appeal	<p>ICC-01/05-01/13-2144-Conf</p> <p>With Annexes</p> <p>24 April 2017</p> <p>A public redacted version was registered on 4 May 2017 (ICC-01/05-01/13-2144-Red).</p>
Mr Bemba's Appeal Brief	Defence Document in Support of the Appeal against the Sentence	<p>ICC-01/05-01/13-2167-Conf</p> <p>With annexes A (ICC-01/05-01/13-2167-Conf-AnxA), B (ICC-01/05-01/13-2167-AnxB), C (ICC-01/05-01/13-2167-AnxC), D (ICC-01/05-01/13-2167-Conf-AnxD), E (ICC-01/05-01/13-2167-Conf-AnxE), F (ICC-01/05-01/13-2167-Conf-AnxF), G</p>

		<p>(ICC-01/05-01/13-2167-Conf-AnxG), H (ICC-01/05-01/13-2167-Conf-AnxH).</p> <p>21 June 2017</p> <p>A public redacted version was registered on 28 June 2017 (ICC-01/05-01/13-2167-Red).</p>
Mr Babala's Appeal Brief	<p>Mémoire d'appel de la Défense de M. Fidèle Babala Wandu contre la sentence prononcée par la Chambre de première instance VII (ICC-01/05-01/13-2123-Corr)</p>	<p>ICC-01/05-01/13-2166-Conf</p> <p>With annexes A (ICC-01/05-01/13-2166-AnxA), B (ICC-01/05-01/13-2166-Conf-AnxB), B1 (ICC-01/05-01/13-2166-AnxB1), B2, (ICC-01/05-01/13-2166-AnxB2), B3 (ICC-01/05-01/13-2166-AnxB3), B4 (ICC-01/05-01/13-2166-AnxB4), B5 (ICC-01/05-01/13-2166-AnxB5), B6 (ICC-01/05-01/13-2166-AnxB6), B7 (ICC-01/05-01/13-2166-AnxB7), B8 (ICC-01/05-01/13-2166-AnxB8), B9 (ICC-01/05-01/13-2166-AnxB9), B10 (ICC-01/05-01/13-2166-AnxB10), B11 (ICC-01/05-01/13-2166-AnxB11), B12 (ICC-01/05-01/13-2166-AnxB12), B13 (ICC-01/05-01/13-2166-AnxB13), B14 (ICC-01/05-01/13-2166-AnxB14), B15 (ICC-01/05-01/13-2166-AnxB15), B16 (ICC-01/05-01/13-2166-AnxB16), B17 (ICC-01/05-01/13-2166-AnxB17), B18 (ICC-01/05-01/13-2166-AnxB18), B19 (ICC-01/05-01/13-2166-AnxB19), B20 (ICC-01/05-01/13-2166-AnxB20), C (ICC-01/05-01/13-2166-Conf-AnxC).</p> <p>21 June 2017</p> <p>An English translation of the</p>

		<p>appeal brief was registered on 31 October 2017 (ICC-01/05-01/13-2166-Conf-tENG).</p> <p>A public redacted version of the appeal brief was registered on 31 January 2018 (ICC-01/05-01/13-2166-Red).</p>
Mr Arido's Appeal Brief	Narcisse Arido's Document in Support of Appeal Against Sentence Pursuant to Article 81	<p>ICC-01/05-01/13-2169-Conf With annexes A (ICC-01/05-01/13-2169-AnxA), B (ICC-01/05-01/13-2169-AnxB).</p> <p>21 June 2017</p> <p>A public redacted version was registered on 31 January 2018 (ICC-01/05-01/13-2169-Red).</p>
Prosecutor's Appeal Brief	Prosecution's Document in Support of Appeal against Trial Chamber VII's "Decision on Sentence pursuant to Article 76 of the Statute"	<p>ICC-01/05-01/13-2168-Conf With annex A (ICC-01/05-01/13-2168-AnxA).</p> <p>21 June 2017</p> <p>A public redacted version was registered on 24 July 2017 (ICC-01/05-01/13-2168-Red).</p>
Mr Bemba's Response	Bemba Defence Response to Prosecution's Appeal Brief on Sentence	<p>ICC-01/05-01/13-2202-Conf-Exp</p> <p>With annexes A (ICC-01/05-01/13-2202-AnxA), B (ICC-01/05-01/13-2202-Conf-AnxB), C (ICC-01/05-01/13-2202-Conf-Exp-AnxC).</p> <p>21 August 2017</p> <p>A confidential redacted version was registered on 21 August 2017 (ICC-01/05-01/13-2202-Conf-Red).</p> <p>A corrected version was registered on 26 September 2017 (ICC-01/05-01/13-2202-Conf-Red-Corr).</p> <p>A public redacted version</p>

		was registered on 30 January 2018 (ICC-01/05-01/13-2202-Red2-Corr).
Mr Kilolo's Response	Aimé Kilolo Musamba's Response to the Prosecution's Document in Support of Appeal against Trial Chamber VII's Decision on Sentence pursuant to Article 76 of the Statute (ICC-01/05-01/13-2168-Conf)	ICC-01/05-01/13-2204-Conf With annexes A (ICC-01/05-01/13-2204-AnxA) and B (ICC-01/05-01/13-2204-Conf-AnxB). 21 August 2017 A corrected version was filed on 29 August 2017 (ICC-01/05-01/13-2204-Conf-Corr). A public redacted version of the corrected version was registered on 30 August 2017 (ICC-01/05-01/13-2204-Corr-Red).
Prosecutor Consolidated Response	Prosecution's Consolidated Response to Mr Bemba's, Mr Babala's, and Mr Arido's Appeals against the Sentencing Decision	ICC-01/05-01/13-2203-Conf With annexes A (ICC-01/05-01/13-2203-Conf-AnxA) and B (ICC-01/05-01/13-2203-Conf-Exp-AnxB). 21 August 2017 A public redacted version was registered on 6 February 2018 (ICC-01/05-01/13-2203-Red).
Mr Mangenda's Response	Response to Prosecution's Document in Support of Appeal against Trial Chamber VII's "Decision on Sentence pursuant to Article 76 of the Statute"	ICC-01/05-01/13-2201-Conf With annexes A (ICC-01/05-01/13-2201-AnxA), B (ICC-01/05-01/13-2201-AnxB), C (ICC-01/05-01/13-2201-AnxC). 21 August 2017 A public redacted version was registered on 31 January 2018 (ICC-01/05-01/13-2201-Red).
Bemba et al. Appeal Judgment	"Judgment on the appeals of Mr Jean-Pierre Bemba	ICC-01/05-01/13-2275-Conf

	Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled ‘Judgment pursuant to Article 74 of the Statute’”	8 March 2018 A public redacted version was registered on 8 March 2018 (ICC-01/05-01/13-2275-Red).
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D. Drafting History of the Court

<u>Designation</u>	<u>Full Name</u>	<u>Case Number and Date</u>
1998 Report of the Preparatory Committee on the Establishment of an International Criminal Court	United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, <i>Report of the Preparatory Committee on the Establishment of an International Criminal Court</i>	A/CONF.183/2/Add.1 14 April 1998
19 November 1999 France Proposal on Penalties	Preparatory Commission for the International Criminal Court, <i>Proposal submitted by France concerning part 7 of the Rome Statute of the International Criminal Court, on penalties</i>	PCNICC/1999/WGRPE(7)/DP.1 19 November 1999
23 November 1999 Spain Proposal on Penalties	Preparatory Commission for the International Criminal Court, <i>Proposal submitted by Spain on the Rules of Procedure and Evidence relating to part 7 of the Rome Statute of the International Criminal Court (Penalties)</i>	PCNICC/1999/WGRPE(7)/DP.2 23 November 1999

30 November 1999 Brazil and Portugal Proposal on Penalties	Preparatory Commission for the International Criminal Court, <i>Proposal submitted by Brazil and Portugal concerning Part VII of the Rome Statute of the International Criminal Court, on penalties</i>	PCNICC/1999/WGRPE(7)/DP.3 30 November 1999
1 December 1999 Australia, Canada and Germany Proposal on Penalties	Preparatory Commission for the International Criminal Court, <i>Proposal submitted by Australia, Canada and Germany concerning Part VII of the Rome Statute of the International Criminal Court, on Penalties</i>	PCNICC/1999/WGRPE(7)/DP.5 1 December 1999

E. Jurisprudence

1. Jurisprudence of the Court

<u>Designation</u>	<u>Full Name</u>	<u>Case Number and Date</u>
Al-Mahdi Sentencing Decision	Trial Chamber VII, <i>Prosecutor v. Ahmad Al Faqi Al Mahdi</i> , “Judgment and Sentence”	ICC-01/12-01/15-171 27 September 2016
Banda and Jerbo Stay of Proceedings Decision	Trial Chamber IV, <i>Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus</i> , “Decision on the deference request for a temporary stay of proceedings”	ICC-02/05-03/09-410 26 October 2012
Bemba Sentencing Decision	Trial Chamber III, <i>Prosecutor v. Jean- Pierre Bemba Gombo</i> , “Decision on Sentence pursuant to Article 76 of the Statute”	ICC-01/05-01/08-3399 21 June 2016

DRC Judgment OA3	Appeals Chamber, <i>Situation in the Democratic Republic of the Congo</i> , “Judgment on the Prosecutor’s application for extraordinary review of Pre-Trial Chamber I’s 31 March 2006 Decision Denying Leave to Appeal”	ICC-01/04-168 (OA3) 13 July 2006
Katanga Article 108(1) Decision	Appeals Chamber, <i>Prosecutor v. Germain Katanga</i> , “Decision on the admissibility of Mr Katanga’s appeal against the ‘Decision pursuant to article 108(1) of the Rome Statute’”,	ICC-01/04-01/07-3697 (OA15) 9 June 2016
Katanga Conviction Decision	Trial Chamber II, <i>Prosecutor v. Germain Katanga</i> , “Judgment pursuant to article 74 of the Statute”	ICC-01/04-01/07-3436-tENG 7 March 2014
Katanga Sentencing Decision	Trial Chamber II, <i>Prosecutor v. Germain Katanga</i> , “Decision on Sentence pursuant to article 76 of the Statute”	ICC-01/04-01/07-3484-tENG 23 May 2014
Kenyatta Decision on Stay of Proceedings	Trial Chamber V (B), <i>Prosecutor v. Uhuru Muigai Kenyatta</i> , “Decision on Defence application for a permanent stay of the proceedings due to abuse of process”	ICC-01/09-02/11-868-Red 5 December 2013
Lubanga OA6 Judgment	Appeals Chamber, <i>Prosecutor v. Thomas Lubanga Dyilo</i> , “Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled ‘Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 82’”	ICC-01/04-01/06-774 14 December 2006
Lubanga Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Thomas Lubanga Dyilo</i> , “Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction”	ICC-01/04-01/06-3121-Red (A5) 1 December 2014

Lubanga Sentencing Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Thomas Lubanga Dyilo</i> , “Judgment on the appeals of the Prosecutor and Mr Thomas Lubanga Dyilo against the ‘Decision on Sentence pursuant to Article 76 of the Statute’”	ICC-01/04-01/06-3122 (A4 A6) 1 December 2014
Kenyatta OA5 Judgment	Appeals, Chamber, <i>Prosecutor v. Uhuru Muigai Kenyatta</i> , “Judgment on the Prosecutor’s appeal against Trial Chamber V(B)’s ‘Decision on Prosecution’s application for a finding of non-compliance under Article 87(7) of the Statute’”	ICC-01/09-02/11-1032 (OA5) 19 August 2015

2. *Jurisprudence of the International Criminal Tribunal for the former Yugoslavia*

<u>Designation</u>	<u>Full Name</u>	<u>Case Number and Date</u>
Blaškić Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Tihomir Blaškić</i> , “Judgement”	IT-95-14-A 29 July 2004
Delalić et al. Trial Chamber	Appeals Chamber, <i>Prosecutor v. Zejnil Delalić et al.</i> , “Judgement”	IT-96-21-T 16 November 1998
Delalić et al. Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Zejnil Delalić et al.</i> , “Judgement”	IT-96-21-A 20 February 2001
Deronjić Sentencing Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Miroslav Deronjić</i> , “Judgement on Sentencing Appeal”	IT-02-61-A 20 July 2005
Limaj et al. Trial Judgment	Trial Chamber, <i>Prosecutor v. Fatmir Limaj, Haradin Bala and Isak Musliu</i> , “Judgment”,	IT-03-66-T 30 November 2005

D. Milošević Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Dragomir Milošević</i> , “Judgement”	IT-98-29/1-A 12 November 2009
Naletilić and Martinović Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Mladen Naletilić and Aleksandar Martinović</i> , “Judgement”	IT-98-34-A 3 May 2006
Popović et al. Trial Judgment	Appeals Chamber, <i>Prosecutor v. Popović et al.</i> , “Judgement”	IT-05-88-T 10 June 2010
Popović et al. Appeal Judgment	Appeals Chamber, <i>Prosecutor v. Popović et al.</i> , “Judgement”	IT-05-88-A 30 January 2015

3. *Jurisprudence of the International Criminal Tribunal for Rwanda*

<u>Designation</u>	<u>Full Name</u>	<u>Case Number and Date</u>
Nzabonimana Appeal Judgment	Appeals Chamber, <i>Callixte Nzabonimana v. The Prosecutor</i> , “Judgement”	ICTR-98-44D-A 29 September 2014

4. *Special Tribunal for Lebanon*

<u>Designation</u>	<u>Full Name</u>	<u>Case Number and Date</u>
STL Jurisdiction Appeal	Appeals Chamber, “Decision on Appeal of Pre-Trial Judge’s Order regarding Jurisdiction and Standing”	CH/AC/2010/02 10 November 2010

5. *International Court of Justice*

<u>Designation</u>	<u>Full Name</u>	<u>Case Number and Date</u>
<u>ICJ Advisory Opinion</u>	<i>Reparation for injuries suffered in the service of the United Nations</i> , “Advisory Opinion”	I.C.J. Reports 1949 11 April 1949
<u>Nuclear Tests Judgment</u>	<i>Nuclear Tests (Australia v. France)</i> , “Judgment”	I.C.J. Reports 1974, p. 253 20 December 1974

F. Books, Journals and Reports

<u>Full Citation</u>
K. Ambos, <i>Treatise on International Criminal Law</i> Vol. II (Oxford University Press, 2014)
Rolf Einar Fife, “Penalties” in R. S. Lee (ed.), <i>The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence</i> (Transnational Publishers, 2001)
Jens Peglau, “Penalties and the Determination of the Sentence in the Rules of Procedure and Evidence”, in H. Fischer et al. (eds.) <i>International and National Prosecution of Crimes Under International Law</i> (Berliner Wissenschafts-Verlag, 2 nd ed., 2004)