

PUBLIC

ANNEX A

**Reference list for hearing in *Situation on Certain Registered Vessels* (OA2), on
Wednesday 1 May 2019**

Question Group A (Mr Cross)

- A1 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 1-2, 57-60, 80, 82, 93, 98-100, 111-112, 122.
- A2 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 103-105.
- A3 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 20-32, 36-39, 102.
- A4 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 54-65, 114-115.
- A5 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 18 (fn. 47), 33-34.
- A6 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 69-70; [ICC-01/13-51 OA](#), paras. 50-51, 56, 59-60, 64, See also [ICC-01/13-51-Anx OA](#).
- A7 See [ICC-01/13-61](#), paras. 11 (submitting that article 53(1) decisions—which may be subject to review under article 53(3)(a)—are decisions under rule 105, whereas rule 108(3) is *lex specialis* and distinct from rule 105), 18, 21-23; [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 10, 76, 87-90. Cf. [ICC-01/13-58-Red](#), paras. 11, 23, 29.
- A8 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 28-32, 102.
- A9 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 121-122.
- A10 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 2, 94-97. See also paras. 61-65, 115.
- A11 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 58-59.

Question Group B (Mr Stewart)

- B1 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), para. 18 (*especially* citations in fns. 40, 42, 44, 46, 49).
- B2 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 39, 107.
- B3 See [ICC-01/13-6-AnxA](#) ("Prosecutor's Article 53(1) Report"), para. 145. See also [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), paras. 78-80. See

further [ICC-02/05-02/09-243-Red](#), paras. 33-34; [ICC-02/05-03/09-121-Corr-Red](#), paras. 27-28.

- B4 See ICC, Office of the Prosecutor, [Policy Paper on Case Selection and Prioritisation](#), 15 September 2016, para. 46.
- B5 See [ICC-01/13-6-AnxA](#) ("Prosecutor's Article 53(1) Report"), paras. 112-125, 146. See also [ICC-01/13-14-Red](#), para. 72; [ICC-01/13-29-Red](#), para. 116
- B6 See [ICC-01/13-6-AnxA](#) ("Prosecutor's Article 53(1) Report"), paras. 141 (especially fn. 241), 146. See also [ICC-01/13-14-Red](#), paras. 57, 72, 95.
- B7 See [ICC-01/04-169 OA](#), para. 72. See also [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), para. 133.
- B8 See [ICC-RoC46\(3\)-01/18-1](#), paras. 4, 14, 28-50, especially para. 49; [ICC-RoC46\(3\)-01/18-33](#), para. 36, 46.
- B9 See [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), paras. 135-146, 204, 209-212, 220-221, 223, 230-231; [ICC-01/13-29-Red](#), paras. 81-82, 103. See also [ICC-01/13-14-Red](#), paras. 53-54 (concerning alleged links between the identified crimes aboard the *Mavi Marmara* and the circumstances in Gaza).
- B10 See [ICC-RoC46\(3\)-01/18-33](#), para. 30. See also para. 28, fn. 60.
- B11 See [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), paras. 140-141, 144-145.
- B12 See [ICC-01/13-6-AnxA](#) ("Prosecutor's Article 53(1) Report"), paras. 32-34, 90-96.
- B13 See UN Human Rights Council, [Report of the International Fact-Finding Mission to Investigate Violations of International Law, including International Humanitarian and Human Rights Law, resulting from the Israeli Attacks on the Flotilla of Ships Carrying Humanitarian Assistance](#), 27 September 2010 ("UN Human Rights Council Report"), para. 53.
- B14 See UN, [Report of the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident](#), September 2011 ("Palmer-Uribe Report"), para. 81.

Question Groups C-D (Mr Guariglia)

- C1 See [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), paras. 19-24. See also paras. 25 (addressing the apparent approach of the majority of the former Pre-Trial Chamber), 26-32 (addressing the related question of the Prosecutor's duty to evaluate the available information).
- C2 See [ICC-01/13-6-AnxA](#) ("Prosecutor's Article 53(1) Report"), Executive Summary (para. 27), para. 148 ("In light of the conclusion reached on gravity, it is unnecessary to reach a conclusion on complementarity").
- C3 See [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), para. 249; [ICC-01/13-29-Red](#), para. 134.
- C4 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 118-120.
- C5 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), para. 119, fn. 247.
- C6 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), paras. 58-59. See also [ICC-01/13-57-Anx1](#) ("Prosecutor's Final Decision"), paras. 53-55.
- C7 See [ICC-01/13-85](#) ("Prosecution Appeal Brief"), para. 57.

Closing Submissions (Mr Stewart)

- X1 M. Shahabuddeen, *International Criminal Justice at the Yugoslav Tribunal: a Judge's Recollection* (Oxford: OUP, 2012), p. 35. See Annex B.
- X2 M. Shahabuddeen, *International Criminal Justice at the Yugoslav Tribunal: a Judge's Recollection* (Oxford: OUP, 2012), pp. 38-39. See Annex B.