

# **Annex C**

### List of Authorities

#### Filings and Decisions in *The Prosecutor v. Bosco Ntaganda*, Case No. ICC-01/04-02/06

Short-title	Reference
<a href="#">Decision</a>	Notification of the Decision of the Plenary of Judges pursuant to article 40 of the Rome Statute, ICC-01/04-02/06-2326-Anx1, 22 March 2019
<a href="#">First Disclosure Request</a>	Request for disclosure concerning the Decision of the plenary of Judges on the judicial independence of Judge Ozaki, ICC-01/04-02/06-2327, 1 April 2019
<a href="#">Second Disclosure Request</a>	Request for disclosure concerning the visit of the Registrar to Japan on 21 and 22 January 2019, ICC-01/04-02/06-2332, 8 April 2019
<a href="#">Ad Hoc Presidency Decision</a>	Decision concerning the “Request for disclosure concerning the Decision of the plenary of Judges on the judicial independence of Judge Ozaki” and the “Request for disclosure concerning the visit of the Registrar to Japan on 21 and 22 January 2019”, ICC-01/04-02/06-2336, 18 April 2019
<a href="#">Prosecution Response</a>	Prosecution’s Response to the Defence ‘Motion for a Temporary Stay of Proceedings’ (ICC-01/04-02/06-2328), ICC-01/04-02/06-2329, 5 April 2019
None	Decision on Prosecution request for reconsideration of, or leave to appeal, decision on use of certain material during the testimony of Mr Ntaganda, <a href="#">ICC-01/04-02/06-1973</a> , 23 June 2017
<a href="#">Ntaganda, Decision on Request for Reconsideration</a>	Decision on the Defence request for reconsideration and clarification, ICC-01/04-02/06-483, 27 February 2015

## Other ICC Authorities

Short-title	Reference
<a href="#">Ruto &amp; Sang, Decision on Defence Application to Vacate Decision of the Plenary</a>	<i>The Prosecutor v. William Samoei Ruto and Joshua Arap Sang</i> , Decision on the Defence Application to Vacate the Decision of the Plenary of Judges on the 'Joint Defence Application for a Change of Place where the Court Shall Sit for Trial' in the Case of The Prosecutor v. William Samoei Ruto and Joshua Arap Sang, ICC-01/09-01/11-911, 6 September 2013
<a href="#">Ruto &amp; Sang, Decision on Request for Reconsideration</a>	<i>The Prosecutor v. William Samoei Ruto and Joshua Arap Sang</i> , Decision on the Sang Defence's Request for Reconsideration of Page and Time Limits, ICC-01/09-01/11-1813, 10 February 2015
<a href="#">Kenyatta, Decision on the Prosecution's motion for reconsideration</a>	<i>The Prosecutor v. Uhuru Muigai Kenyatta</i> , Decision on the Prosecution's motion for reconsideration of the decision excusing Mr. Kenyatta from continuous presence at trial, ICC-01/09-02/11-863, 26 November 2013
None	<i>The Prosecutor v. Thomas Lubanga Dyilo</i> , Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I entitled "Decision on the consequences of non-disclosure of exculpatory materials covered by Article 54(3)(e) agreements and the application to stay the prosecution of the accused, together with certain other issues raised at the Status Conference on 10 June 2008," <a href="#">ICC-01/04-01/06-1486</a> , 21 October 2008
<a href="#">Banda Disqualification Decision</a>	<i>The Prosecutor v. Abdallah Banda Abakaer Nourain</i> , Decision of the plenary of the judges on the 'Defence Request for the Disqualification of a Judge' of 2 April 2012, ICC-02/05-03/09-344-Anx, 5 June 2012
<a href="#">Banda Disqualification Decision, Annex 2</a>	<i>The Prosecutor v. Abdallah Banda Abakaer Nourain</i> , Judge Eboe-Osuji's Memorandum Concerning 'Defence Motion for Disqualification of a Judge', in Decision of the plenary of the judges on the 'Defence Request for the Disqualification of a Judge' of 2 April

	2012, Annex 2, 16 April 2012
<a href="#">Lubanga Disqualification Decision</a>	The Prosecutor v. Thomas Lubanga Dyilo, Decision of the plenary of judges on the Defence Application of 20 February 2013 for the disqualification of Judge Sang-Hyun Song from the case of The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06-3040-Anx, 11 June 2013
<a href="#">CJE</a>	Code of Judicial Ethics
<a href="#">Statute</a>	Rome Statute of the International Criminal Court
<a href="#">2016 ICC Financial Statements</a>	Financial statements of the International Criminal Court for the year ended 31 December 2016, Annexes, Schedule 1, ICC-ASP/16/12, 31 August 2017

### ICTY Authorities

Short-title	Reference
<a href="#">Furundžija AJ</a>	<i>The Prosecutor v. Furundžija</i> , Case No. IT-95-17/1-A, Appeals Chamber Judgement, 21 July 2000
<a href="#">Delalić Bureau Decision</a>	<i>The Prosecutor v. Mucić et al.</i> , Case No. IT-96-21, Decision of the Bureau on Motion on Judicial Independence, 4 September 1998
<a href="#">Delalić AJ</a>	<i>The Prosecutor v. Mucić et al.</i> , Case No. IT-96-21-A, Appeals Judgement, 20 February 2001
<a href="#">Šešelj Disqualification Decision</a>	<i>The Prosecutor v. Šešelj</i> , Case No. IT-03-67-PT, Decision on Motion for Disqualification, 10 June 2003.
<a href="#">Jelisić AJ</a>	<i>The Prosecutor v. Goran Jelisić</i> , Case No. IT-95-10-A, Appeals Chamber Judgement, 5 July 2001

## ICTR Authorities

Short-title	Reference
<a href="#">Ngirabatware Order for Release of Judge Akai</a>	<i>The Prosecutor v. Augustin Ngirabatware</i> , Case No. MICT-12-29-R, Order to the Government of the Republic of Turkey for the Release of Judge Aydin Sefa Akay, 31 January 2017
<a href="#">Barayagwiza Decision on Reconsideration, Declaration of Judge Nieto-Nava</a>	<i>Jean Bosco Barayagwiza v. The Prosecutor</i> , Case No. ICTR-97-19-AR72, Decision (Prosecutor's Request for Review or Reconsideration), 31 March 2000

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Short-title	Reference
<a href="#">DRC, Statut des Magistrats</a>	DRC, Loi Organique n° 06/020 portant statut des magistrats, Art. 65
<a href="#">Belgium, Code Judiciaire</a>	Belgium, Chapitre II du Code judiciaire, Art.293
<a href="#">Dominican Republic, Constitution</a>	The Dominican Republic, Title V of the Constitution, as published on 10 July 2015, Art.151
<a href="#">Switzerland, Loi fédérale sur l'organisation des autorités pénales</a>	Switzerland, Section 5 de la Loi fédérale sur l'organisation des autorités pénales de la Confédération du 19 Mars 2010, Art.44(1)
<a href="#">Korea, Court Organization Act</a>	Korea, Part IV of the Court Organization Act, Art.49(2)
<a href="#">Benin, Statut de la Magistrature</a>	Benin, Chapitre 1 <sup>er</sup> de la Loi n° 2001-35, Portant Statut de la Magistrature en République du Benin, Art. 11
<a href="#">France, Statut de la magistrature</a>	France, Ordonnance n° 58-1270 du 22 décembre 1958 portant loi organique relative au statut de la magistrature, Art.8
<a href="#">Czech Republic, Courts and Judges Act</a>	Czech Republic, Part 2 of the New Act on Courts and Judges, as published on 1 <sup>st</sup> April 2002, para.74(2)
<a href="#">Slovak Republic, Constitution</a>	Slovak Republic, Title VII of the Constitution, Art.137(2).
<a href="#">Peru, Constitution</a>	Peru, Chapter VIII of the Constitution,

	Art.146
<a href="#">Portugal, Constitution</a>	Portugal, Chapitre 3 de la Constitution du 2 Avril 1976, Art.216(3).
<a href="#">Estonia, Courts Act</a>	Estonia, Chapter 7 of the Courts Act, para.49
<a href="#">Germany, Judiciary Act</a>	Germany, First Chapter of the German Judiciary Act, section 4(1)
<a href="#">Poland, Constitution</a>	Poland, Chapter VIII of the Constitution, Art.178
<a href="#">Canada, Judges Act</a>	Canada, Judges Act (R.S.C. (Revised Statutes of Canada), 1985, c. J-1.

### Treaties

Short-title	Reference
<a href="#">ICCPR</a>	International Covenant on Civil and Political Rights, 16 December 1966
<a href="#">ACHR</a>	American Convention on Human Rights, 22 November 1969
<a href="#">ECHR</a>	European Convention on Human Rights, 4 November 1950

### Academic works

Short-title	Reference
Triffterer <i>Commentary</i> , 3 <sup>rd</sup> ed.	Triffterer/Ambos, <i>The Rome Statute of the International Criminal Court A Commentary</i> , 3 <sup>rd</sup> ed., 2016
Triffterer <i>Commentary</i> , 2 <sup>nd</sup> ed.	Triffterer, <i>Commentary on the Rome Statute of the International Court</i> , 2 <sup>nd</sup> ed., p.965.
Cassese <i>Commentary</i>	Jones, Cassese, Gaeta, <i>The Rome Statute of the International Criminal Court</i> , v.1, (Oxford UP 2002)
Schabas <i>Commentary</i>	Schabas, <i>The International Criminal Court A Commentary on the Rome Statute</i> , (Oxford UP 2010)
Fernandez <i>Commentary</i>	Fernandez et Pacreau, <i>Statut de Rome de la Cour pénale internationale Commentaire article par article</i> (Pedone 2012)

Meron, Judicial Independence and Impartiality in International Criminal Tribunals	Meron, Judicial Independence and Impartiality in International Criminal Tribunals, 99 AM. J. Intl. L. 359.
Vyas, Independence of the Judiciary: A Third World Perspective	Yash Vyas, The Independence of the Judiciary: a Third World Perspective, 1992 Third World Legal Studies, 127
Oko, Seeking Justice in Transitional Societies: An Analysis of Nigeria	Okechukwu Oko, Seeking Justice in Transitional Societies: An Analysis of the Problems and Failures of the Judiciary in Nigeria, 31 Brooklyn J. International Law,9
Amoah, Independence of the Judiciary in Botswana, Lesotho and Swaziland: An Overview	P.K.A. Amoah, "Independence of the Judiciary and the Legal Profession in Botswana, Lesotho and Swaziland: An Overview," in The Independence of the Judiciary and the Legal Profession in English-Speaking Africa (ICJ, 1987), p.35

#### Other sources

Short-title	Reference
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<a href="#">1993 ILC Report</a>	Report of the International Law Commission on the work of its forty-fifth session, 1993
<a href="#">1994 ILC Report</a>	Report of the International Law Commission on the work of its forty-sixth session, 1994
<a href="#">Findlay v. The UK</a>	ECHR, <i>Findlay v. UK</i> , Application no. 22107/93, 25 February 1997
<a href="#">Incal v. Turkey</a>	ECHR, <i>Incal v. Turkey</i> , Application no. 22678/93, 9 June 1998
<a href="#">Preparatory Committee Report</a>	Report of the Preparatory Committee on the Establishment of an International Criminal Court, March-April and August 1996, Vol.I, 1996, A/51/22
<a href="#">Answers to CICC Questionnaire</a>	CICC, Questionnaire to ICC Judicial Candidates, 2009 Elections
<a href="#">HRC, Report of the Special Rapporteur</a>	Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyers, 38 <sup>th</sup> session, 2 May 2018, A/HRC/38/38

None	<a href="#">UN Basic Principles on the Independence of the Judiciary</a> , 1985, s. 1
<a href="#">African Principles and Guidelines</a>	African Commission on Human and Peoples's Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003
<a href="#">UK Guide to Judicial Conduct</a>	Courts and Tribunals Judiciary, Guide to Judicial Conduct, March 2018
<a href="#">McGonnell v. The UK</a>	ECHR, <i>McGonnell v. UK</i> , Application no. 28488/95, 8 February 2000
<a href="#">Campeche Declaration</a>	Declaration of minimal principles about judiciaries and judges' independence in latin America "Campeche Declaration", April 2008, Article 7.b)b.4
<a href="#">Philippine Code of Judicial Conduct</a>	Philippines, Code of Judicial Conduct for the Philippine Judiciary Supreme Court of the Philippines, A.M. No. 03-05-01-SC, 2004
<a href="#">UNODC Commentary on the Bangalore Principles</a>	UNODC, Commentary on the Bangalore Principles of judicial conduct, September 2007, para.37
<a href="#">Valente v. The Queen</a>	Canada, <i>Valente v. The Queen</i> , 19 December 1985, [1985] 2 SCR 673, paras.15,22.
<a href="#">Bangalore Principles</a>	UNODC, The Bangalore Principles of Judicial Conduct, 2002
<a href="#">In re. Al-Nashiri</a>	<i>In re. Al-Nashiri</i> , (D.C. Cir. 2019), No 18-1315