

PUBLIC
ANNEX A

Reference list for hearing in the case ICC-01/05-01/13: “The Prosecutor v. Jean Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean Jacques Magenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” (A10), on Wednesday 4 September 2019

A

- A1 - See e.g., Burgorgue-Larsen *et al.*, *The Inter-American Court of Human Rights: Case Law and Commentary* (Oxford: OUP, 2013), paras. 674-693; D. Harris *et al.*, *Harris, O’Boyle and Warbrick: Law of the European Convention on Human Rights*, 3rd Ed. (Oxford: OUP, 2014), paras. 745-763.
- A2 - [ICC-01/04-01/06-2901](#) (“Lubanga SD”), paras. 88-91; [ICC-01/04-01/06-3122](#) (“Lubanga SAJ”), paras. 105-112; [ICC-01/04-01/07-3484-tENG-Corr](#) (“Katanga SD”), paras. 130-140.
- A3 - See e.g., [ICC-01/05-01/08-3636-Red](#) (“Bemba AJ”), paras. 199-200; [ICC-01/05-01/08-3636-Anx1-Red](#) (“Bemba AJ Dissenting Opinion”), para. 399, [ICC-01/05-01/13-2276-Red](#) (“Bemba *et al.* SAJ”), paras. 39, 180.
- A4 - *Prosecutor v. Jean Bosco Barayagwiza*, ICTR-97-19-AR72, [Decision \(Prosecutor’s Request for Review or Reconsideration\)](#), 31 May 2000, paras. 74-75; *Prosecutor v. Ferdinand Nahimana *et al.**, ICTR-99-52-A, [Judgement](#), 28 November 2007, para. 1086; *Prosecutor v. Laurent Semanza*, ICTR-97-20-A, [Decision](#), 31 May 2000, Disposition, para. 6; *Prosecutor v. Karadzic*, IT-95-5/18-PT, [Decision on the Accused’s Motion for Remedy for Violation of Rights in Connection with Arrest](#), 31 August 2009, para. 5.
- A5 - UN General Assembly, A/RES/60/147 (60th session), *Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violation of International Human Rights Law and Serious Violations of International Humanitarian Law*, 21 March 2006 (<https://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>); [Lubanga SD](#), paras. 88-91; [Katanga SD](#), para. 137; *Prosecutor v.*

- Kajelijeli*, ICTR-98-44-A, [Judgement](#), 23 May 2005, paras. 251-255, 320-325; [ICC-01/05-01/13-2123-Corr](#) (“Bemba et al. SD”), para. 140.
- A6 - [Lubanga SAJ](#), paras. 105-112; *Prosecutor v. Jean-Baptiste Gatete*, ICTR-00-61-A, [Judgement](#), 9 October 2012, para. 286; *Prosecutor v. Ferdinand Nahimana et al.*, ICTR-99-52-A, [Judgement](#), 28 November 2007, paras. 1072-1077;
- A7 - [Bemba et al SAJ](#), para. 79; [ICC-02/05-03/09-410](#) (“Banda Stay Decision”), para. 78 and Judge Eboe-Osuji’s Concurring Separate Opinion, paras. 97-99, 116-117.
- A8 - *See eg.*, IACtHR, *Castillo Petruzzi et al. v. Peru*, [Judgment](#), 30 May 1999, para. 221.
- A9 - *See e.g. Prosecutor v. Dragan Nikolic*, IT-94-2-AR73, [Decision on Interlocutory Appeal concerning Legality of Arrest](#), 5 June 2003, para. 30; *Prosecutor v. Radovan Karadzic*, IT-95-5/18-AR73.4, [Decision on Karadzic’s Appeal of Trial Chamber’s Decision on Alleged Holbrooke Agreement](#), para. 46.

B

- B1 - [ICC-01/04-01/06-3057-Corr](#), (“Lubanga 23 December 2013 Request Decision ”), para. 2.
- B2 - *Prosecutor v. Renzaho*, ICTR-97-31-A, [Decision on Renzaho’s Motion to Amend Notice of Appeal](#) , 18 May 2010, para. 9 and 14; *Prosecutor v. Blagojević & Jokić*, IT-02-60-A, [Decision on Dragan Jokic’s Request to Amend Notice of Appeal](#), para. 7; *Prosecutor v. Nahimana et al.*, ICTR-99-52-A, [Decision on Appellant Jean-Bosco Barayagwiza’s Motions for Leave to Submit Additional Grounds of Appeal, to Amend the Notice of Appeal and to Correct his Appellant’s Brief](#) , 17 August 2006, para. 9-12; *Prosecutor v. Simba*, ICTR-01-76-A, [Decision on “Prosecutor’s Motion for Variation of Notice of Appeal Pursuant to Rule 108”](#), 17 August 2006, para. 7; *Prosecutor v. Sainović et al.*, IT-05-87-A, [Decision on Nebojsa Pavkovic’s Second Motion to Amend his Notice of Appeal](#), 22 September 2009, para. 7-9; *Prosecutor v. Haraqija and Morina*, IT-04-84-R77.4-A,

[Decision on Bajrush Morina's Application for a Variation of the Grounds of Appeal](#), 19 March 2009, para. 8.

C

C1 - [Bemba et al SAJ](#), paras. 21-25 citing [Lubanga SAJ](#), paras. 36-46 and [ICC-01/09-02/11-1032](#) ("Kenyatta Article 87(7) AD"), paras. 22-25.

C2 - [ICC-01/05-01/13-1989-Red](#) ("Bemba et al TJ"), paras. 568, 729, 787, 809-810, 812-813, 856-7; [ICC-01/05-01/13-2275-Red](#) ("Bemba et al AJ"), paras. 822-826, 921-925, 996-1000.

C3 - [Bemba et al. SAJ](#), para. 43.

C4 - *Prosecutor v. Tabaković*, IT-98-32/1-R77.1, [Oral Hearing](#) Tr. 53:1-7, 15 March 2010 and *Prosecutor v. Tabaković*, IT-98-32/1-R77.1, [Sentencing Judgment](#), 18 March 2010, para. 12; *Prosecutor v. Tadić*, IT-94-1, [Judgment on Allegations of Contempt Against Prior Counsel, Milan Vujin](#), 31 January 2000, para. 30; *Prosecutor v. Senesie*, SCSL-11-01-T, [Sentencing Judgment](#), 12 July 2012, para. 17.

C5 - [ICC-01/05-01/08-3384](#) ("Bemba Additional Evidence Decision"), paras. 27, 34; [ICC-01/04-02/06-2384-Red](#) ("Ntaganda Sentencing Witnesses Decision"), fns. 50, 72; *Prosecutor v. Zejnil Delalić et al.*, IT-96-21-A, [Judgement](#), 20 February 2001, para. 787. *See also* Rule 85 (A)(vi) of [ICTY Rules of Procedure and Evidence](#) and [ICTR Rules of Procedure and Evidence](#); rule 102(A)(vi) of [MICT Rules of Procedure and Evidence](#).

C6 - [Bemba et al SAJ](#), para. 301.

D

D1 - [Bemba et al. SAJ](#), paras. 245, 247.

D2 - *Prosecutor v. Zejnil Delalić et al.*, IT-96-21-T, [Judgment](#), 16 November 1998, para. 1225; *Prosecutor v. Zlatko Aleksovski* , IT-95-14/1, [Judgment](#), 24 March 2000, para. 182; [Katanga SD](#), paras. 39, 42.