



Universiteit
Leiden
The Netherlands

Prosecuting environmental harm before the International Criminal Court

Gillett, M.G.

Citation

Gillett, M. G. (2018, June 19). *Prosecuting environmental harm before the International Criminal Court*. s.n., S.l. Retrieved from <https://hdl.handle.net/1887/62738>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/62738>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/62738> holds various files of this Leiden University dissertation

Author: Gillett, Matthew Grant

Title: Prosecuting environmental harm before the International Criminal Court

Date: 2018-06-19

VIII. ANNEXES

A. Bibliography

Books and Book Chapters

Abdoul-Einen, Yousuf and Sherifa Zuhur. *Islamic Rulings on Warfare*. Darby Pennsylvania: Strategic Studies Institute, US Army War College, Diane Publishing Co, 2004.

Ambos, Kai, “Defences in International Criminal Law”, in Bertram S. Brown, ed., *Research Handbook on International Criminal Law*. Edward Elgar, 2011.

Appazov, Arthur. *Expert Evidence and International Criminal Justice*. Springer, 2016.

Bassiouni, Cherif. *International Extradition: United States Law and Practice*. Oxford University Press, 2014.

Bible, Revised Standard Version, Old Testament.

Bitti, Gilbert, “Chapter 18: Article 21 and the Hierarchy of Sources of Law before the ICC”, in Carsten Stahn. *The Law and Practice of the International Criminal Court*. Oxford University Press, 2015.

Block, Robert, “Kuwaiti Oil Wells” in Anthony Dworkin et al (eds.). *Crimes of War 2.0: What the Public Should Know*. Washington: W.W. Norton & Co., 2007.

Boas, Gideon, James Bischoff, and Natalie Reid. *International Criminal Law Practitioner, Volume II: Elements of Crimes under International Law*. Cambridge University Press, 2008.

Cassese, Antonio and, Paola Gaeta. *International Criminal Law*. 2nd ed., Oxford: Oxford University Press 2008.

Cryer, Robert, Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst. *An Introduction to International Criminal Law and Procedure*. 2nd ed., Cambridge University Press, 2010.

Dam-de Jong, Daniëlla. *International law and governance of natural resources in conflict and post-conflict situations*. Cambridge University Press, 2015.

Dam-de Jong, Daniëlla and James Stewart, “Illicit Exploitation of Natural Resources” (C Jalloh and K Clarke eds.) *The African Court of Human and Peoples’ Rights*, 2017.

Dinstein, Yoram. *The Conduct of Hostilities under the Law of International Armed Conflict*. Cambridge: Cambridge University Press, 2004.

Dormann, Knut. *Elements of Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary*. Cambridge University Press, 2004.

Eser, Albin, “Article 31”, in Otto Triffterer. *Commentary On The Rome Statute Of The International Criminal Court*. 2nd ed. Hart, 2008.

Fleck, Dieter, “Legal Protection of the Environment: The Double Challenge of Non-International Armed Conflict and Post-Conflict Peacebuilding”, in Stahn et. al., *Environmental Protection and Transitions from Conflict to Peace: Clarifying Norms, Principles and Practices*. Oxford University Press, 2017.

Ford, Stuart, “How Much Money Does the ICC Need?”, in Carsten Stahn. *The Law and Practice of the International Criminal Court*. Oxford University Press, 2015.

Gallmetzer, Reinhold, “The Trial Chamber’s discretionary power and its exercise in the trial of Thomas Lubanga Dyilo” in Carsten Stahn and Goran Sluiter eds. *The Emerging Practice of the International Criminal Court*. Martinus Nijhoff, 2009.

Gillett, Matthew, “Eco- Struggles Using International Criminal Law to Protect the Environment During and After Non- International Armed Conflict”, in Stahn et. al., *Environmental Protection and Transitions from Conflict to Peace: Clarifying Norms, Principles and Practices*. Oxford University Press, 2017.

Gillett, Matthew, “Environmental damage and international criminal law” in Sébastien Jodoin, Marie-Claire Cordonier Segger & Maja Göpel, eds. *Securing the Rights of Future Generations: Sustainable Development and the International Criminal Law Regime in Practice*. Cambridge University Press 2013.

Grotius, Hugo. *On the Law of War and Peace* Francis W Kelsey trans, William S. Hein & Co. (1646), 1995.

Hayes, Niamh, “Investigating and Prosecuting Sexual Violence at the ICC”, in Carsten Stahn. *The Law and Practice of the International Criminal Court*. Oxford University Press, 2015.

Heinsch, Robert, “How to achieve fair and expeditious trial proceedings before the ICC: Is it time for a more judge-dominated approach?”, in Carsten Stahn and Goran Sluiter eds. *The Emerging Practice of the International Criminal Court*. Martinus Nijhoff, 2009.

Homes, Oliver Wendall. *The Common Law* (1881). New York: Cosimo Books, 2009.

- Jorda, Claude and Jerome de Hemptinne, “The Status and Role of the Victim” in Antonio Cassese, Paola Gaeta and John R W D Jones eds. *The Rome Statute of the International Criminal Court: A Commentary*. OUP, 2002.
- Judge Kaul, Hans-Peter, “The International Criminal Court – Its relationship to domestic jurisdictions”, in Carsten Stahn and Goran Sluiter eds. *The Emerging Practice of the International Criminal Court*. Martinus Nijhoff, 2009.
- Khan, Karim et. al. *Principles of Evidence in International Criminal Justice*. Oxford University Press, 2010.
- Kwon, O.G., “The Procedural Challenges Faced by International Criminal Tribunals and the Value of Codification”, postscript in Vasiliev Sergey et. al. *International Criminal Procedure: Principles and Rules*. Oxford University Press, 2013: 1415-1418.
- Leopold, Aldo. (1886-1948) *A Sand County Almanac, and Sketches Here and There*. New York: Oxford University Press, 1949.
- Lundberg, Michael, “The Plunder of Natural Resources During War”, in James G. Stewart ed., *Corporate War Crimes*. Open Society Foundations, 2011.
- Malmström, “Restitution of Property and Compensation to Victims”, in R. May eds. *Essays on ICTY Procedure and Evidence*. Kluwer Law International, 2001.
- McCarthy, Conor. *Reparations and Victim Support in the International Criminal Court*. Cambridge University Press, 2012.

Nellemann, Christian Nellemann, Rune Henriksen, Patricia Raxter, Neville Ash and, Elizabeth Mrema (eds.). *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources: A UNEP Rapid Response Assessment*. UNICRI, 2014.

Nerlich, Volker, “The status of ICTY and ICTR precedent in proceedings before the ICC”, in Carsten Stahn and Goran Sluiter eds. *The Emerging Practice of the International Criminal Court*. Martinus Nijhoff, 2009.

Piragoff, D.K., “Evidence”, in R.S. Lee ed. *The International Criminal Court – Elements of Crimes and Rules of Procedure*. Transnational Publishers, 2001.

Reis, Tarcisio Hardman. *Compensation for Environmental Damages Under International Law: The Role of the International Judge*. Kluwer Law International, 2011.

Riesel, Daniel. *Environmental Enforcement Civil & Criminal*. Law Journal Press, 2014.

Roberts, Adam and Richard Guelff eds. *Documents on the Law of War*. 2nd edn., Oxford: Clarendon Press, 1989.

Rose, Gregory. *Following the Proceeds of Environmental Crime: Fish, Forests and Filthy Lucre*. Routledge, 2014.

Ruiz Verduzco, Deborah, “The Relationship between the ICC and the Security Council”, in Carsten Stahn. *The Law and Practice of the International Criminal Court*. Oxford University Press, 2015.

- Sands, Philippe. *Litigating Environmental Disputes: Courts, Tribunals and the Progressive Development of International Environmental Law*. Global Forum on International Investment, 2008.
- Sands, Philippe. *Principles of International Environmental Law*. 2nd ed., Cambridge University Press, 2003.
- Schabas, William. *An Introduction to the International Criminal Court*. 4th ed., Cambridge University Press, 2011.
- Schmitt, Michael et. al. *Tallinn Manual on the International Law Applicable to Cyber Warfare*. Cambridge University Press, 2013.
- Schrijver, N.J. “Unravelling State Sovereignty? The Controversy on the Right of Indigenous Peoples to Permanent Sovereignty over their Natural Wealth and Resources”, in Boerefijn, I. & Goldschmidt, J. eds. *Changing Perceptions of Sovereignty and Human Rights: Essays in Honour of Cees Flinterman*. Intersentia, 2008.
- Simpson, G., “Crime, Structure, Harm”, in S. Jodoin and M.C. Cordonier Segger eds. *Sustainable Development, International Criminal Justice, and Treaty Implementation*. Cambridge University Press, 2013.
- Sorensen, Max ed. *Manual of Public International Law*. London: McMillan, 1968.
- Stephens, Tim. *International Courts and Environmental Protection*. Cambridge University Press, 2009.
- Taylor, Telford. *The Anatomy of the Nuremberg Trials*. Little Brown and Co, 1992.

Van den Herik and Dam-de Jong, “Re-Vitalizing the Antique War Crime of Pillage, in Stewart, ed., *Corporate War Crimes*. Open Society Foundations, 2011.

Vasiliev Sergey et. al. *International Criminal Procedure: Principles and Rules*. Oxford University Press, 2013.

Von Hebel, Hermann and, Daryl Robinson, “Crimes within the jurisdiction of the court”, in Roy S. Lee, ed. *The International Criminal Court: the Making of the Rome Statute: Issues, Negotiations, and Results*. The Hague: Kluwer Law International, 1999.

Werle, G. *Principles of International Criminal Law*. 2nd ed. Springer, 2009.

White, Rob. *Crimes Against Nature: Environmental Criminology and Ecological Justice*. Devon: Willan Publishing, 2008.

Zierler, David. *Invention of Ecocide: Agent Orange, Vietnam, and the Scientists Who Changed the Way We Think About the Environment*. University of Georgia Press, 2011.

Zimmerman, Andreas, “article 8 - para. 2 (e)”, in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court: Observers’ Notes, Article by Article*. Nomos, 1999.

Journal Articles

Ambos, Kai. “The Overall Function of International Criminal Law: Striking the Right Balance Between the *Rechtsgut* and the Harm Principles”, 9 *Criminal Law and Philosophy* 2 (2015).

Benvenuti, Paolo. "The ICTY Prosecutor and the Review of the NATO Bombing Campaign against the Federal Republic of Yugoslavia", 12 *European Journal of International Law* 3 (2001): 503-530.

Bothe, Michael, Carl Bruch, Jordan Diamond, and, David Jensen, "International law protecting the environment during armed conflict: gaps and opportunities", 92 *International Review of the Red Cross* 879 (2010): 569-592.

Brickey, Kathleen. "Charging Practices in Hazardous Waste Crime Prosecutions", 62 *Ohio State Law Journal* 3 (2001): 1077-1144.

Brown, Bernard. "The Proportionality Principle in the Humanitarian Law of Warfare: Recent Efforts at Codification," 10 *Cornell International Law Journal* 1 (1976).

Brownlie, Ian. "A Survey of International Customary Rules of Environmental Protection", 13 *Natural Resources Journal* (1973): 179-189.

Cely, Nathalie. "Balancing Profit and Environmental Sustainability in Ecuador: Lessons Learned from the Chevron Case" 24 *Duke Environmental Law & Policy Forum* (2014): 353-373.

Cho, Byung-Sun, "Emergence of an International Environmental Criminal Law?", 19 *UCLA Journal of Environmental Law and Policy* 1 (2001): 11-47.

Cohan, John. "Modes of Warfare and Evolving Standards of Environmental Protection Under the International Law of War" 15 *Florida Journal of International Law* (2002-2003): 481-539.

Cooper, John, Margaret Cooper and Paul Budgen. "Wildlife crime scene investigation: techniques, tools and technology", 9 *Endangered Species Research* (2009): 229-238.

Cusato, Eliana Teresa. "Beyond Symbolism: Problems and Prospects with Prosecuting Environmental Destruction before the ICC", 15 *Journal of International Criminal Justice* 3, (2017): 491–507.

Dam-de Jong, Daniella, "Armed Opposition Groups and the Right to Exercise Control over Public Natural Resources: A Legal Analysis of the Cases of Libya and Syria", 62 *Netherlands International Law Review* 1 (2015).

D'Aspremont Jean and, Makane Moïse Mbengue, "Strategies of Engagement with Scientific Fact-Finding in International Adjudication" 5 *Journal of International Dispute Settlement* 2 (2014):240-272.

Dinstein, Yoram. "Protection of the Environment in International Armed Conflict" 5 *Max Planck Yearbook of United Nations Law* (2001): 523-549.

Doswald Beck, Louise, "Le droit international humanitaire et l'avis consultatif de la Cour internationale de Justice sur la licéité de la menace ou de l'emploi d'armes nucléaires" 823 *RICR* 37 (1997).

Drumbl, Mark A. "Waging War Against the World: The Need to Move from War Crimes to Environmental Crimes", 22 *Fordham International Law Journal* 122 (1998-1999): 122-153.

Falk, Richard, "Environmental Warfare and Ecocide: Facts, Appraisal and Proposals", 4 *Bulletin of Peace Proposals* 1 (1973): 80-96.

Ferreira, Sam, Cathy Greaver, Grant A. Knight, Mike H. Knight, Izak Smit and, Danie Pienaar. "Disruption of Rhino Demography by Poachers May Lead to Population Declines in Kruger National Park, South Africa", 10 *Public Library of Science* 6 (2015).

Garrett, Joseph G. III Brigadier-General, US Army, "The Army and the Environment: Environmental Considerations during Army Operations" in Richard Grunawalt, John King and Ronald McClain (eds.), *Protection of the Environment During Armed Conflict*, 69 *International Law Studies*, (1996): 42-56.

Gillett, Matthew, "The Special Tribunal for Lebanon Swiftly Adopts its Rules of Procedure and Evidence" 7 *Journal of International Criminal Justice* 5 (2009): 901-904.

Gillett, Matthew, "Victim Participation at the International Criminal Court" 3 *Australian International Law Journal* (2010): 39-45.

Heller, Kevin Jon and Jessica C. Lawrence, "The Limits of article 8(2)(b)(iv) of the Rome Statute, the First Eco-centric Environmental War Crime" 20 *Georgetown International Environmental Law Review* (2007).

Henckaerts, Jean-Marie. "Customary International Humanitarian Law: A Response to US Comments", 89 *International Review of the Red Cross* 473 (2007).

Hulme, Max. "Preambles in Treaty Interpretation", 164 *University of Pennsylvania Law Review*, (2016): 1281-1343.

Jensen, Eric. "The International Law of Environmental Warfare: Active and Passive Damage During Armed Conflict", 38 *Vanderbilt Journal of Transnational Law* 145 (2005): 145-185.

Kazhdan, Daniel. "Precautionary Pulp: Pulp Mills and the Evolving Dispute between International Tribunals over the Reach of the Precautionary Principle", 38 *Ecology Law Quarterly*, 2 (2011).

Knight, Alexandra. "Global Environmental Threats: Can the Security Council Save Our Earth?", 80 *New York University Law Review* 5 (2005):1549-1585.

Kreß, Claus. "The Procedural Texts of the International Criminal Court", 5 *Journal of International Criminal Justice* 2 (2007): 537-543.

Lambert, Caitlin. "Environmental Destruction in Ecuador: Crimes Against Humanity Under the Rome Statute?" 30 *Leiden Journal of International Law* 3 (2017): 707–729.

Leebaw, Bronwyn, "Scorched Earth: Environmental War Crimes and International Justice", 12 *Perspectives on Politics* 4 (2014): 770-788.

Major Marsh, Jeremy. "Lex Lata or Lex Ferenda? Rule 45 of the ICRC Study on Customary International Humanitarian Law", 198 *Military Law Review* 116 (2008).

McLaughlin, Robert. "Improving Compliance: Making Non-State International Actors Responsible for Environmental Crimes", 11 *Colorado Journal of Environmental Law and Policy* 377 (2000): 377-410.

Mégret, Frédéric. "The Problem of an International Criminal Law of the Environment", 36 *Columbia Journal of Environmental Law* 195 (2011): 195-257.

Orellana M.A.. 'Criminal Punishment for Environmental Damage: Individual and State Responsibility at a Crossroad' 17 *Georgetown International Environmental Law Review* 673 (2005): 673-696.

Papadopoulou, Danai. "The Role of French Environmental Associations in Civil Liability for Environmental Harm: Courtesy of Erika", 21 *Journal of Environmental Law* 1 (2009): 87-112.

Peat, Daniel, “The Use of Court-Appointed Experts by the International Court of Justice” 84 *British Yearbook of International Law* 271 (2013).

Percival, Robert. “Global Law and the Environment” 86 *Washington Law Review* 3 (2011): 606-634.

Pereira, Ricardo and, Orla Gough, “Permanent Sovereignty Over Natural Resources In The 21st Century: Natural Resource Governance and the Right to Self-Determination of Indigenous Peoples Under International Law”, 14 *Melbourne Journal of International Law* 2 (2007).

Peterson, Ines. “The Natural Environment in Times of Armed Conflict: A Concern for International War Crimes Law?” 22 *Leiden Journal of International Law* (2009): 325-343.

Popović, Neil. “Humanitarian Law, Protection of the Environment, and Human Rights” 8 *Georgetown Environmental Law Review* 67 (1995-1996): 67-89.

Prospieri, Luigi and Jacopo Terrosi. “Embracing the ‘Human Factor’: Is There New Impetus at the ICC for Conceiving and Prioritizing Intentional Environmental Harms as Crimes Against Humanity?”, 15 *Journal of International Criminal Justice* 3 (2017): 509–525.

Risacher, Benjamin J., “No Excuse: The Failure of the ICC’s Article 31 “Duress” Definition”, 89 *Notre Dame Law Review* 1403 (2014).

Robinson, Patrick. “Ensuring Fair and Expeditious Trials at the International Criminal Tribunal for the former Yugoslavia”, 11 *European Journal of International Law* 3 (2000): 569-589.

Schmitt, Michael N., “The Environmental Law of War: An Invitation to Critical Reexamination” 7 *U.S.A.F.A. Journal of Legal Studies* 237 (1996).

Schmitt, Michael, "Humanitarian Law and the Environment", 28 *Denver Journal of International Law and Policy* 265 (1999-2000): 265.

Schmitt, Michael. "Green War: An Assessment of the Environmental Law of International Armed Conflict" 22 *Yale Journal of International Law* 1 (1997): 1-109.

Schofield, Timothy. "The Environment as an Ideological Weapon: A Proposal to Criminalise Environmental Terrorism", 26 *Boston College Environmental Affairs Law Review* (1998-1999): 635-636.

Schwabach, Aaron. "Ecocide and Genocide in Iraq: International Law, the Marsh Arabs, and Environmental Damage in Non-International Conflict", 15 *Colorado Journal of Environmental Law and Policy* 1 (2004): 1-28.

Schwabach, Aaron. "Environmental Damage Resulting from the NATO Military Action Against Yugoslavia", 25 *Columbia Journal of Environmental Law* 117 (2000): 117-140.

Scott, Shirley, "Climate Change and Peak Oil as Threats to International Peace and Security: Is it Time for the Security Council to Legislate?", 9 *Melbourne Journal of International Law* (2008).

Trahan, Jennifer Trahan, "An Overview of the Newly Adopted International Criminal Court Definition of the Crime of Aggression", 2 *Journal of International and Comparative Law* 1 (2016).

Uhlman, David, "Prosecutorial Discretion and Environmental Crime", 38 *Harvard Environmental Law Review* (2014).

Van den Wyngaert, Christine, “Victims before International Criminal Courts: Some Views and Concerns of an ICC Trial Judge”, 44 *Case Western Reserve Journal of International Law* (2011): 475-497.

Weinstein, Tara. “Prosecuting Attacks that Destroy the Environment: Environmental Crimes or Humanitarian Atrocities?”, 17 *Georgetown International Environmental Law Review* 697 (2005): 697-722.

Yuzon, Ensign Florencio J., “Deliberate Environmental Modification Through the Use of Chemical and Biological Weapons: “Greening” the International Laws of Armed Conflict to Establish an Environmentally Protective Regime”, 11 *American University Journal of International Law and Policy* 793.

United Nations Resolutions (Security Council and General Assembly)

United Nations General Assembly Resolution 3281 (XXIX) UN Doc A/RES/3281(XXIX) (12 December 1974), annex (“Charter of Economic Rights and Duties of States”).

United Nations General Assembly Resolution 1803 (XVII) on the Permanent sovereignty over natural resources, UN Doc. A/RES/1803 (1962) 14 December 1962.

United Nations General Assembly Resolution 4034 on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc A/Res/40/34(1985), 29 November 1985.

United Nations General Assembly Resolution on Tackling illicit trafficking in wildlife, A/RES/69/314 (2015), 30 July 2015.

United Nations General Assembly Resolution on the Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm, UN Doc. A/RES/62/68 (2008), 8 January 2008.

United Nations General Assembly Resolution on the Declaration on the Rights of Indigenous Peoples, UN Doc A/RES/61/295 (2007), 2 October 2007.

United Nations General Assembly Resolution on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, A/RES/45/121 (1990), 14 December 1990.

United Nations General Assembly Resolution on the Oil slick on Lebanese shores, G/RES/N63/211 (2009), 10 February 2009.

United Nations General Assembly Resolution on the Oil slick on Lebanese shores, A/RES/69/212 (2014), 19 December 2014.

United Nations General Assembly Resolution on the Protection of the Environment in Times of Armed Conflict, A/RES/47/37 (1992), 25 November 1992.

United Nations General Assembly Resolution on the Protection of the Environment in Times of Armed Conflict, A/RES/47/37 (1992), 25 November 1992.

United Nations General Assembly Resolution on Sustainable Development, A/RES/70/1 (2015), 21 October 2015.

United Nations General Assembly Resolution on the World Charter for Nature, A/RES/37/7 (1982), 28 October 1982.

United Nations General Assembly Resolution on Transforming our world: the 2030 Agenda for Sustainable Development A/RES/70/1 (2015), 25 March 2015.

United Nations Security Council Resolution 1315 on establishment of a Special Court for Sierra Leone, S/RES/1315 (2000), 14 August 2000.

United Nations Security Council Resolution 1373 on the Establishment of Counter-Terrorism Committee, S/RES/1373 (2000), 28 September 2001.

United Nations Security Council Resolution 1465 condemning bomb attack in Colombia, S/RES/1465 (2003), 13 February 2003.

United Nations Security Council Resolution 1526 on Threats to international peace and security caused by terrorist acts, S/RES/1526 (2004), 30 January 2004.

United Nations Security Council Resolution 1757, S/RES/1757 (2007), 30 May 2007.

United Nations Security Council Resolution 2127, S/RES/2127 (2013), 5 December 2013.

United Nations Security Council Resolution 2136, S/RES/2136 (2014), 30 January 2014.

United Nations Security Council Resolution 827 Establishing an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia S/RES/827 (1992), 25 May 1993.

United Nations Security Council Resolution 1856, S/RES/1856 (2008), 22 December 2008.

United Nations Security Council Resolution 687, S/RES/687 (1991 8 April 1991).

Reports and Documents

United Nations Reports and Documents

Commission on Human Rights, Resolution 2005/15 on Issue of the Administration of Justice Through Military Tribunals, UN Doc. E/CN.4/Sub.2/RES/2005/15 (2015), 10 August 2005.

Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, “Instruction manual for the legal profession on the prosecution of illegal traffic”, UNEP/CHW.10/12/Add.1, 9 November 2011.

Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), UN Doc. A/CONF.48/14/Rev. 1 (1973), 16 June 1972.

Final Report of the Special Rapporteur of the Commission on Human Rights, Erica Daes, on Indigenous peoples’ permanent sovereignty over natural resources, *UN Doc. E/CN.4/Sub.2/2004/30* (13 July 2004) UN Doc. E/CN.4/Sub.2/2004/30/Add.1, 12 July 2004.

Human Rights Council Resolution 12/18 on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, UN Doc. A/HRC/RES/12/18, 2009.

Human Rights Council Resolution 18/11 on the Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, UN Doc. A/HRC/RES/18/11, 2011.

Human Rights Council Resolution 9/1 on the Mandate of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, UN Doc. A/HRC/RES/9/1, 2008.

International Law Commission, “Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, with commentaries” Yearbook of the International Law Commission (2006) (UN-Doc A/61/10) vol. II, Part Two.

International Law Commission, “Report of the 53rd Session” UN Doc, A/56/10 (2001).

International Law Commission, “Report on the Work of its Forty-Third Session” (1991), A/CN.4/SER.A/1991/Add.1 (Part 2).

Jordan, “Explanatory memorandum, annexed to Note verbale dated 5 July 1991 to the UN Secretary-General” UN Doc. A/46/141 (1991), 8 July 1991.

Jordan., “Note verbale to the UN Secretary-General” UN Doc. A/46/141 (1991), (5 July 1991).

Knox, John, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc., A/HRC/22/43 (2012), 24 December 2012.

Knox, John, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc A/HRC/25/53 (2013) 30 December 2013.

Ouhachi-Vesely, Fatma-Zohra, The Special Rapporteur on Toxic Waste, Report on adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, UN Doc. E/CN.4/2001/55 (2000), 21 December 2000.

Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26, Vol. I (1992), 13 June 1992.

Secretary-General of the United Nations, Report of the Secretary-General on the Protection of the Environment in Times of Armed Conflict, A/48/269 (1993), 29 July 1993.

Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, “Report” E/CNA/Sub.2/1986/7/AddA.

United Nations Compensation Commission Governing Council, “Report and Recommendations Made by the Panel of Commissioners Concerning the First Instalment of Individual Claims for Damage up to US\$100,000 (Category C claims)”. (21 December 1994) S.AC/1994/3.

United Nations Compensation Commission Governing Council, “Report and Recommendations made by the Panel of Commissioners Concerning the First Instalment of “F4” Claims”, (21 June 2001) S/AC.26/2001/16.

United Nations Compensation Commission Governing Council, “Report and Recommendations made by the Panel of Commissioners Concerning the Second Instalment of “F4” Claims” (3 October 2002) S/Ac.26/2002/26.

United Nations Compensation Commission Governing Council, “Report and Recommendations made by the Panel of Commissioners Concerning the Third Instalment of “F4” Claims” (18 December 2003) S/Ac.26/2003/31.

United Nations Compensation Commission Governing Council, “Report and Recommendations made by the Panel of Commissioners Concerning the Fourth Instalment of “F4” Claims, part two” (9 December 2004) S/Ac.26/2004/17.

United Nations Compensation Commission Governing Council, “Report and Recommendations made by the Panel of Commissioners Concerning the Fifth Instalment of “F4” Claims”, (30 June 2005) S/Ac.26/2005/10.

United Nations Compensation Commission Governing Council, *Report and Recommendations made by the Panel of Commissioners Concerning the First Instalment of “F4” Claims*, UN Doc. S/AC.26/2001/16, 22 June 2001.

United Nations High Commissioner for Human Rights “Analytical Study on the Relationship between Human Rights and the Environment”, A/ HRC/ 19/ 34 (2011), 16 December 2011.

United Nations Human Rights Council, Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, UN Doc. A/HRC/12/26 (2009), 15 July 2009.

United Nations Human Rights Council, Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, UN Doc. A/HRC/12/26/Add.2 (2009), 3 September 2009.

United Nations Security Council, Provisional Rules for Claims Procedure (26 June 1992) S/AC.26/1992/10.

United Nations Transitional Authority for East Timor Regulation No. 2000/15 on the establishment of panels with exclusive jurisdiction over serious criminal offences, including war crimes UN Doc. UNTAET/REG/2000/15 (2000), 6 June 2000.

United Nations Transitional Authority for East Timor, “Regulation No. 2000/15” (6 June 2000).

United Nations, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana (27 August – 7 September 1990) A//CONF.144/28/Rev.1.

International Criminal Court reports

Assembly of States Parties, “Draft resolution proposed by the Vice-Presidents of the Assembly
Activation of the jurisdiction of the Court over the crime of aggression” (14 December 2017) ICC-
ASP/16/L.10.

Assembly of States Parties, “Report of the Committee on Budget and Finance on the work of its
twenty-sixth session” (12 July 2016) ICC-ASP/15/5.

Delegations of New Zealand and Switzerland, “Working Paper for the Preparatory Committee on the
Establishment of an International Criminal Court” (14 February 1997),
A/AC.249/1997/WG.1/DP.2.

Dillon, M.P., Head of the Information and Evidence Unit of the OTP Letter to R. Doak Bishop,
Partner of King & Spalding LLP, Reference No. OTP2014/036752, 16 March 2015 (available at
freebeacon.com/wp-content/uploads/2015/04/ICC-letter.pdf).

Global Diligence LLP, “Communication under Article 15 of the Rome Statute of the International
Criminal Court. The Commission of Crimes Against Humanity in Cambodia”, executive summary.

ICC, “Elements of Crimes” (2011).

ICC, “Office of the Prosecutor’s Policy Paper on Case Selection and Prioritisation”, 15 September
2016.

ICC, “Regulations of the Trust Fund for Victims” (3 December 2005).

ICC, “Situation in Uganda, Warrant of Arrest for Joseph Kony issued on 8 July 2005 as Amended on
27 September 2005”, ICC-02/04-01/05.

ICC, “Statement of ICC Prosecutor, Fatou Bensouda, before the United Nations Security Council on the Situation in Darfur, pursuant to UNSCR 1593 (2005)” (13 December 2016).

ICC, Office of the Prosecutor, “Strategic Plan 2016-2018” (6 July 2015).

ICC, “Office of the Prosecutor’s Policy Paper on Preliminary Examinations”, November 2013.

ICC, *Prosecutor v. Callixte Mbarushimana*, Confirmation of Charges Hearing Transcript (21 September 2011) , ICC-01/04-01/10-T-9-ENG CT WT, PTC I, ICC.

ICC, *Situation in Darfur, The Sudan*, Summary of Prosecution’s Application under Article 58 (14 July 2008) ICC-02/05.

ICC, *Situation in Darfur, The Sudan*, Summary of Prosecution’s Application under Article 58 (14 July 2008) ICC-02/05.

ICC, *Situation in Darfur, The Sudan*, Summary of Prosecution’s Application under Article 58 (14 July 2008) ICC-02/05.

ICC, The Office of the Prosecutor , “Situation on Registered Vessels of Comoros, Greece and Cambodia: Article 53(1) Report” (6 November 2014) (available at [https://www.icc-cpi.int/iccdocs/otp/OTP-COM-Article_53\(1\)-Report-06Nov2014Eng.pdf](https://www.icc-cpi.int/iccdocs/otp/OTP-COM-Article_53(1)-Report-06Nov2014Eng.pdf)).

ICC, The Office of the Prosecutor, “Public redacted version of “Second Prosecution application to the Pre-Trial Chamber to preserve evidence and take measures under article 56 of the Rome Statute”, (2 October 2015) ICC-02/04-01/15-310-Conf.

ICC, The Office of the Prosecutor, “Response to Communications Received Concerning Iraq” (9 February 2006) (available at http://www.iccnw.org/documents/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf).

ICC, Office of the Prosecutor, “Policy Paper on Preliminary Examinations” (November 2013) (available at <http://www.legal-tools.org/en/doc/acb906/>).

ICC, Office of the Prosecutor, “Regulations of the Office of the Prosecutor” (23 April 2009) ICC-BD/05-01-09.

ICC, Prosecutor Fatou Bensouda, “Arguments for Prosecution at Confirmation Hearing in case of Prosecutor v. Al Mahdi” (1 March 2016) ICC- T.13-14.

ICC, Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2015 to 30 June 2016, (16 August 2016) (available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP15/ICC-ASP-15-14-ENG.pdf).

Request to the Office of the Prosecutor of the ICC from the Legal Representatives of the Victims, “Communication: Situation in Ecuador”, 23 October 2014 (available at chevrontoxico.com/assets/docs/2014-icc-complaint.pdf).

Request to the Office of the Prosecutor of the ICC from the Legal Representatives of the Victims, “Communication: Situation in Ecuador”, 23 October 2014 (available at chevrontoxico.com/assets/docs/2014-icc-complaint.pdf).

United Nations and the International Criminal Court, “Memorandum of Understanding Between the United Nations and the International Criminal Court concerning Cooperation between the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)” (8 November 2005).

Other reports and documents

African Conservation Foundation, “Lord’s Resistance Army Attack Threatens Headquarters At Garamba National Park, North-Eastern DRC” (7 June 2012) (available at

<https://www.africanconservation.org/wildlife-news/lords-resistance-army-attack-threatens-headquarters-at-garamba-national-park-north-eastern-drc-2>).

African Union Assembly, “Decision on the Draft Legal Instruments”, AU Doc. No. Assembly/AU/Dec.529 (XXIII).

African Union Specialized Technical Committee on Justice and Legal Affairs “Draft Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights”, Doc.STC/Legal/Min/7(I) Rev. 1 (15 May 2014).

Amnesty International and Greenpeace International, “The Toxic Truth: about a Company called Trafigura, a ship called the proba koala, and the dumping of toxic waste in Cote d’Ivoire”, 25 September 2012.

Australia, “The Manual of the Law of Armed Conflict” *Australian Defence Doctrine Publication* (Australian Defence Headquarters) (11 May 2006).

Berlin Rules on Water Resources, (August 2004).

Broomhall et. al. “Fact-finding and investigative functions of the office of the Prosecutor, including international co-operation” ICC-OTP (2003).

Ceballos Gerardo, Paul R. Ehrlich, and Rodolfo Dirzo, “Biological annihilation via the ongoing sixth mass extinction signaled by vertebrate population losses and declines” *Proceedings of the National Academy of Sciences of the United States of America*, May 2017.

Colonel MacMahon, “Arbitral Award” (10 April 1905).

Coo, Lowther, and, Roberts, “The International Wildlife Trade and Organised Crime: A Review of the Evidence and the Role of the UK” (University of Wolverhampton, 2002).

Council of Europe, “Manual on Human Rights and the Environment”, (second edition) (2012).

Cusato, Elina. “ISIL’s Scorched Earth Policy in Iraq: Options for its Victims to be Recognised under International Law”, 11 October 2017 (available at <http://www.trwn.org/isils-scorched-earth-policy-in-iraq-international-law/>).

Drumbl, Mark A. “Accountability for Property Crimes and Environmental War Crimes: Prosecution, Litigation, and Development” *International Center for Transitional Justice* (2009).

Economic and Social Impact Assessment of the Syrian Conflict, *World Bank Report*, (September 2013).

Economic, Social and Cultural Rights: A Training Resource, “The Right to a Healthy Environment” (available at <http://hrlibrary.umn.edu/edumat/IHRIP/circle/modules/module15.htm>).

Edenhofer, O. et al. (eds), Working Group III Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, *Climate Change 2014: Mitigation of Climate Change*.

Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, Cuba, 1990).

Eurojust, “Strategic Project on Environmental Crime” (November 2014) (available at [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Strategic%20project%20on%20environmental%20crime%20\(November%202014\)/environmental-crime-report_2014-11-21-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Strategic%20project%20on%20environmental%20crime%20(November%202014)/environmental-crime-report_2014-11-21-EN.pdf)).

European Union Action to Fight Environmental Crime, “The Illegal Wildlife Trade: A Case Study Report on the Illegal Wildlife Trade in the United Kingdom, Norway, Colombia and Brazil”, 2015.

Europol, “Threat Assessment: 2013 Environmental Crime in the EU”, November 2013 (available at file:///C:/Users/Matt/Downloads/4aenvironmental_crime_threatassessment_2013_-_public_version.pdf) (last checked 22 December 2017).

Extraordinary Chambers in the Courts of Cambodia, “Rules of Procedure and Evidence” (23 February 2011).

Fédération Internationale des Droits de l’Homme, “Victims’ Rights Before the International Criminal Court: A Guide for Victims, their Legal Representatives and NGOs” (April 2007) (available at http://www.fidh.org/IMG/pdf/7-CH-IV_Participation.pdf).

Gillett, Matthew, “Commentary Rome Statute: Part 2, Article 7(1)(b)”, Case Matrix Network, ICC Commentary (CLICC).

Goy, Barbara, “Commentary Rome Statute: Part 2, Article 7(1)(d)”, Case Matrix Network, ICC Commentary (CLICC).

Hague Institute for the Internationalisation of Law, “General Rules and Principles of International Criminal Procedure and Recommendations of the International Expert Framework”, October 2011.

Henckaerts, Jean-Marie and, Louise Doswald-Beck (eds.), Customary International Humanitarian Law. Geneva: ICRC, 2005.

ICRC, “Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict” 311 *International Review of the Red Cross* (30 April 1996).

ICRC, “*Travaux Préparatoires* to Article 35(3) of Additional Protocol I CDDH/215/Rev.1”, in Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict, (Geneva 1974-77).

ICRC, “Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts”, Geneva (1974-77), Vol. XIV, CDDH/III/SR.17.

ICRC, “What is International Humanitarian Law?”, July 2004.

ICTY, Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia (2000) (available at <<http://www.icty.org/sid/10052>) (last accessed 16 October 2015).

Inter-American Commission on Human Rights, Report on the situation of human rights in Ecuador, OEA/Ser.L/V/II.96 doc. 10 (24 April 1997).

Intergovernmental Panel on Climate Change, “IPCC Fifth Assessment” (2013) (available at <https://www.ipcc.ch/report/ar5/>).

Intergovernmental Panel on Climate Change, “IPCC Second Assessment” (1995) (available at <https://www.ipcc.ch/pdf/climate-changes-1995/ipcc-2nd-assessment/2nd-assessment-en.pdf>).

International Bar Association, “Evidence Matters in ICC Trials” (August 2016) (available at <file:///C:/Users/Luisa/Downloads/Evidence-Matters-in-ICC-Trials-August-2016-FULL.pdf>).

International Bar Association, “Enhancing efficiency and effectiveness of ICC proceedings: a work in progress”, January 2011.

International Bar Association, “Evidence Matters in ICC Trials”, August 2016.

International Criminal Tribunal for Rwanda, “Rules of Procedure and Evidence (as amended on 13 May 2015)” (13 May 2015).

International Criminal Tribunal for the former Yugoslavia Office of the Prosecutor, “Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia” (“Final Report on NATO (2000)”) (available at <http://www.icty.org/sid/7846>) (last accessed 4 October 2016).

International Criminal Tribunal for the former Yugoslavia, “Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia” (8 July 2015).

International Criminal Tribunal for the former Yugoslavia, Office of the Prosecutor Press Release, Prosecutor’s Report on the NATO Bombing Campaign, 13 June 2000, PR/ P.I.S./ 510-e (“Press Release on Final Report on NATO (2000)”).

International Law Association, “Fourth Report: Commentary to Article 54”, Berlin Conference on Water Resources Law (2004).

International Law Commission, “Articles on the Prevention of Transboundary Harm from Hazardous Activities” (2001).

International Law Commission, “Draft Code of Crimes Against the Peace and Security of Mankind” 43Yearbook of the International Law Commission 3 (1991).

International Law Commission, Draft Articles on the Effects of Armed Conflicts on Treaties (2011).

International Law Commission, *Environment Protection Act* 1970.

Interpol and The World Bank, “Chainsaw Project: and Interpol perspective on law enforcement in illegal logging”, Lyon and Washington DC, 2009.

Interpol, “Pollution Crime Forensic Investigation Manual” (2014) (available at <https://www.interpol.int/Crime-areas/Environmental-crime/Resources/Publications>).

Jacobsson Marie G, (Special Rapporteur on Protection of the Environment during Armed Conflict), *Protection of the environment in relation to armed conflicts*, ILC Doc A/66/10 (2011).

Jacobsson, Marie G, (Special Rapporteur on Protection of the Environment during Armed Conflict), *Second report on the Protection of the Environment in relation to Armed Conflicts*, ILC Doc. A/CN.4/685 (2015), 28 May 2015.

Jacobsson, Marie G, Special Rapporteur on Protection of the Environment during Armed Conflict), *Third Report on the Protection of the Environment in relation to Armed Conflicts*, ILC Doc. A/CN.4/700 (2016), 3 June 2016.

Legal Representatives of the Victims, “Request to the Office of the Prosecutor of the ICC: ‘Communication: Situation in Ecuador’” (23 October 2014) (available at chevrontoxico.com/assets/docs/2014-icc-complaint.pdf).

Lostal, Marina, “Prosecutor v. Al Mahdi: a Positive New Direction for the ICC?”, *Opinio Juris*, (available at <http://opiniojuris.org/2016/10/26/prosecutor-v-al-mahdi-a-positive-new-direction-for-the-icc/>).

Lostal, Marina. “The first of its kind: the ICC opens a case against Ahmad Al Faqi Al Mahdi for the destruction of cultural heritage in Mali”, *Global Policy* 2 October 2015 (available at

<https://www.globalpolicy.org/home/163-general/52814-icc-opens-a-case-for-the-destruction-of-cultural-heritage-in-mali.html>).

Magarrell, Lisa, “Reparations in Theory and Practice” *International Centre for Transitional Justice, Reparative Justice Series* (2007).

Mbengue, Makane, “Between law and science: A commentary on the Whaling in the Antarctic case”, (available at http://www.qil-qdi.org/between-law-and-science-a-commentary-on-the-whaling-in-the-antarctic-case-2/#_ftnref49).

Nellemann, Christian, Ian Redmond and, Johannes Refisch (eds), *The Last Stand of the Gorilla – Environmental Crime and Conflict in the Congo Basin. A Rapid Response Assessment*. UNEP, 2009.

New Zealand, “Interim Law of Armed Conflict Manual”, New Zealand Defence Force Headquarters, Directorate of Legal Services, Wellington (November 1992) DM112.

Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forest, A/CONF.151/26 (Vol. III)(1992), 14 August 1992.

OECD, High Seas Task Force, “Closing the net: Stopping illegal fishing on the high seas” (2006) (available at <https://www.oecd.org/sd-roundtable/aboutus/stoppingillegalfishingonthehighseas.htm>).

Office of General Counsel for the Department of Defense, “Letter opinion of J. Fred Buzhardt in response to a request from Senator J.W. Fulbright, Chairman of the Senate Foreign Relations Committee”, (5 April 1971).

Official Records, “Report of Committee III” Vol. XV, CDDH/215/Rev.1 (Geneva, 3 February-18 April 1975).

OPCW Press Release, “OPCW Fact-Finding Mission Confirms Use of Chemical Weapons in Khan Shaykhun on 4 April 2017”, (30 June 2017) (available at <https://www.opcw.org/news/article/opcw-fact-finding-mission-confirms-use-of-chemical-weapons-in-khan-shaykhun-on-4-april-2017/>).

Radden Keefe, P, “Reversal of Fortune: A crusading lawyer helped Ecuadorians secure a huge environmental judgment against Chevron. But did he go too far?” *The New Yorker*, 9 January 2012 (available at www.newyorker.com/magazine/2012/01/09/reversal-of-fortune-patrick-radden-keefe).

Remo Manual on International Law Applicable to Armed Conflicts at Sea (12 June 1994).

Report of the International Law Commission to the General Assembly, reprinted in 1966, 2 Y 8 *International Law Commission* 169, N6309/Rev.I.

Scovazzi, Tullio, “Between law and science: Some considerations inspired by the Whaling in the Antarctic judgment” (available at (<http://www.qil-qdi.org/between-law-and-science-some-considerations-inspired-by-the-whaling-in-the-antarctic-judgment-2/>)).

Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, *Conclusions*, Lauchhammer, Germany (25 – 29 April 1992).

Sir Wood, Michael. “The UN Security Council and International Law” Hersch Lauterpacht Memorial Lectures, Cambridge (8 November 2006).

Skinninger Eileen, “Victims of Environmental Crime – Mapping the Issues” *The International Centre for Criminal Law Reform and Criminal Justice Policy*, 2011.

Stuff New Zealand, “Whanganui River gets the rights of a legal person” (16 March 2017) (available at <http://www.stuff.co.nz/national/politics/90488008/Whanganui-River-gets-the-rights-of-a-legal-person>).

Thierry Lévêque, “French court upholds Total conviction in Erika oil spill”, *Reuters*, 25 September 2012 (available at <https://www.reuters.com/article/us-france-erika-idUSBRE88O0LX20120925>).

UN Doc. A/CONF.48/14/Rev.(1973), 16 June 1972.

United Kingdom, “The Joint Service Manual of the Law of Armed Conflict” (2004) (available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/27874/JSP3832004Edition.pdf).

United Nations Claims Commission, *Follow up Programme for Environmental Awards* (available at <http://www.uncc.ch/follow-programme-environmental-awards-0>).

United Nations Claims Commission, “Post-Conflict Environmental Restoration: The UNCC Follow-Up Programme For Environmental Awards”, (2012).

United Nations Development Programme, “Report on the Measurement and Quantification of the Environmental Damage of the Oil Spill on Lebanon”, (July 2014).

United Nations Disaster Assessment & Coordination, *Cote d’Ivoire, Urban Hazardous Waste Dumping*, 11-19 September 2006.

United Nations Economic and Social Council, Resolution 1993/28 on the role of criminal law in the protection of the environment (27 July 1993).

United Nations Economic and Social Council, Resolution 1994/15 “The role of criminal law in the protection of the environment” (25 July 1994).

United Nations Economic and Social Council, Resolution 1994/15, “The role of criminal law in the protection of the environment”, 25 July 1994.

United Nations Environment Program, “Instruction Manual on the Prosecution of Illegal Traffic of Hazardous Wastes or Other Wastes” (2012).

United Nations Environment Program, “Environmental Assessment of Ogoniland” (2011) (available at http://postconflict.unep.ch/publications/OEA/UNEP_OEA_ES.pdf).

United Nations Environment Program, Environmental Issues in Areas Retaken from ISIL Mosul, Iraq Rapid Scoping Mission July - August 2017.

United Nations Environment Program, Protecting the Environment During Armed Conflict, An Inventory and Analysis of International Law, 2009.

United Nations Environment Program, The Emissions Gap Report 2016: a UNEP Synthesis Report, November 2016.

United Nations Environment Programme, 44th Meeting of the Standing Committee: Independent Analysis on Common Services and Synergies in CMS Family, UNEP/CMS/StC44/15.1, Bonn, Germany (14 – 15 October 2015).

United Nations Office for the Coordination of Humanitarian Affairs, “Situation report of 19 October 2016: Mosul Humanitarian Response Situation Report number 1” (17 – 19 October 2016) [EN/AR/KU].

United Nations Office of Drugs and Crime, Wildlife and Forest Crime Analytic Toolkit, 2012.

United Nations Office of Drugs and Crime, World Wildlife Crime Report Trafficking in protected species, 2016.

United States of America, Letter dated 30 January 1991 to the President of the UN Security Council, UN Doc. S/22173, 30 January 1991.

United States, Department of Defense, “Final Report to Congress on the Conduct of the Persian Gulf War, Appendix O, The Role of the Law in War”, (10 April 1992), ILM, Vol. 31.

Van Dam, Cees, Preliminary judgments Dutch Court of Appeal in the Shell Nigeria case (available at <http://www.ceesvandam.info/default.asp?fileid=643>).

War Crimes Research Office, “The Case-Based Reparations Scheme at the International Criminal Court” (International Criminal Court Legal Analysis and Education Project, June 2010).

War Crimes Research Office, American University Washington College of Law, “Victim Participation Before The International Criminal Court” (2007).

War Crimes Research Office, Obtaining Victim Status for Purposes of Participating in Proceedings at the International Criminal Court, International Criminal Court Legal Analysis and Education Project, December 2013.

Wildlife Justice Commission (Dr. Edgardo Buscaglia et. al.), Accountability Panel Decision on the Map of Facts regarding Illegal Trade in Wildlife Products in Nhi Khe, Vietnam, 15 November 2016.

World Commission on Environment and Development (Brundtland Commission), Our Common Future, Australian edn., Melbourne: Oxford University Press, Melbourne, 1990.

World Conference on Human Rights, “Vienna Declaration and Programme of Action” (Vienna, 25 June 1993).

World Trade organization, “Canada, Continued Suspension of Obligations in the EC – Hormones Dispute” (available at https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds321_e.htm).

WWF, “Sentencing Wildlife Trade Offences in England and Wales Consistency, Appropriateness and the Role of Sentencing Guidelines”, (September 2016).

Newspaper articles and periodicals

Earle, Sylvia, “Persian Gulf Pollution: Assessing the Damage One Year Later” *National Geographic*, February 1992.

Guardian, “New Zealand river granted same legal rights as human being” (16 March 2017) (available at <https://www.theguardian.com/world/2017/mar/16/new-zealand-river-granted-same-legal-rights-as-human-being>).

Guardian, “Three wildlife rangers killed in attack by violent militia in DRC”, (16 August 2017) (available at <https://www.theguardian.com/environment/2017/aug/16/three-wildlife-rangers-killed-in-attack-by-violent-militia-in-drc>).

National Geographic, “Poachers Slaughter Dozens of Elephants in Key African Park” (13 May 2014) (available at <http://news.nationalgeographic.com/news/2014/05/140513-democratic-republic-congo-garamba-elephants-poaching-world/>).

Schwartz, Jerry, “Philadelphia’s Well-Traveled Trash: The Trash that Wouldn’t be Thrown Away” *Associated Press* (3 September 2000).

Schwartzstein, Peter. "The Islamic State's Scorched-Earth Strategy" *Foreign Policy*, 6 April 2016 (available at <http://foreignpolicy.com/2016/04/06/the-islamic-states-scorched-earth-strategy/>).

Volcovici, Valerie, "U.S. submits formal notice of withdrawal from Paris climate pact" Reuters, 4 August 2017.

Theses

Vagias, Michail, *The Territorial Jurisdiction of the International Criminal Court: Certain Contested Issues* (University of Leiden, 2011).

National Legal Instruments

Bolivian Constitution, 2009.

Cambodia, Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006).

Colombia National Constitution (1991).

Colombia, Law No. 1252 of 2008.

Ecuadorian Constitution, 2008.

Environment Protection Act of Victoria, Australia, (1970) (available at

http://www.austlii.edu.au/au/legis/vic/consol_act/epa1970284/s4.html) (last checked 29 May 2015).

New Zealand Conservation Act 1987.

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

Te Urewera Act 2014.

Websites

Weird, Dough, “Natural resources, plunder and reparations in the DRC, how the ICJ is setting precedents” *TRW* (19 May 2016) (available at <http://www.toxicremnantsofwar.info/natural-resources-plunder-and-reparations-in-the-drc-how-the-icj-is-setting-precedents/>).

African Union, *List of Countries which have Signed, Ratified/Acceded to the Protocol on the Statute of the African Court of Justice and Human Rights* (available at https://au.int/sites/default/files/treaties/7792-sl-protocol_on_the_statute_of_the_african_court_of_justice_and_human_rights.pdf) (last checked 2 August 2017).

Chart of Human Rights corresponding to Sustainable Development Goals: (available at http://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf).

CITES, “Countries currently subject to a recommendation to suspend trade” (available at <https://cites.org/eng/resources/ref/suspend.php>).

CITES, “What is Cites?” (available at <https://www.cites.org/eng/disc/what.php>).

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, “Status” (available at https://treaties.un.org/Pages/ShowMTDSGDetails.aspx?src=UNTSOnline&tabid=3&mtdsg_no=XXVI-2&chapter=26&lang=en).

Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict (available at <http://www.icrc.org/web/eng/siteeng0.nsf/html/57JN38>). (last accessed 16 October 2009).

International Judicial Institute for Environmental Adjudication (2011) (available at www.pace.edu/school-of-law/sites/pace.edu.school-of-law/files/press_releases/IJIEArelease.pdf).

OHCHR, “Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes” (available at <http://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/SRToxicWastesIndex.aspx>).

Statement by the President of the United Nations Security Council (United Kingdom), 3046th meeting, 31 January 1992 (available at http://www.un.org/en/sc/repertoire/89-92/Chapter%208/GENERAL%20ISSUES/Item%2028_SC%20respons%20in%20maint%20IPS.pdf) (last checked 22 December 2017).

Statement of United Nations Secretary-General Ban-Ki Moon, “Remarks to Security Council Debate on Water, Peace and Security”, 22 November 2016 (available at <https://www.un.org/sg/en/content/sg/speeches/2016-11-22/remarks-security-council-debate-water-peace-and-security>) (last checked 22 December 2017).

TRW, “[Natural resources, plunder and reparations in the DRC, how the ICJ is setting precedents](#)” United Nations Mechanism for the International Criminal Tribunals,” Key Figures” (available at <http://unictr.unmict.org/en/cases/key-figures-cases>).

United Nations Press Release of 17 April 2007, SC/9000, “Security Council Holds First-Ever Debate on Impact of Climate Change on Peace, Security, Hearing over 50 Speakers” (available at <https://www.un.org/press/en/2007/sc9000.doc.htm>) (last checked 22 December 2017).

United States Environmental Protection Agency, “Summary of Criminal Proceedings for 2013” (available at https://cfpub.epa.gov/compliance/criminal_prosecution/index.cfm?action=3&prosecution_summary_id=2468) (last checked 27 December 2017).

Uppsala Conflict Data Program Database (available at <http://www.pcr.uu.se/gpdatabase/search.php>).

B. Table of Cases

International Criminal Courts and Tribunals

ICC

ICC, *Prosecutor v. Thomas Lubanga Dyilo*, Decision of the Appeals Chamber on the Joint Application of Victims a/0001/06 to a/0003/06 and a/0105/06 concerning the ‘Directions and Decision of the Appeals Chamber’ of 2 February 2007, (13 June 2007) ICC-01/04-01/06-925.

ICC, *Prosecutor v Thomas Lubanga Dyilo*, Decision on Victims’ Participation, (18 January 2008), ICC-01/04-01/06.

ICC, *Situation in the Democratic Republic of Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo*, Decision on the admissibility of four documents (13 June 2008) ICC-01/04-01/06.

ICC, *Situation in Darfur, The Sudan*, Summary of Prosecution’s Application under Article 58, (14 July 2008) ICC-02/05.

ICC, *Prosecutor v Thomas Lubanga Dyilo*, Judgment on Appeals of the Prosecutor and the Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008, (17 July 2008) ICC-01/04-01/06-1432.

ICC, *Situation in the Democratic Republic of the Congo*, Judgment on Victim Participation in the Investigation Stage of the Proceedings in the Appeal of the OPCD against the Decision of Pre-Trial Chamber I of 7 December 2007 and in the Appeals of the OPCD and the Prosecutor against the Decision of Pre-Trial Chamber I of 24 December 2007, (19 December 2008) ICC-01/04-556.

ICC, *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Warrant of Arrest for Omar Hassan Ahmad Al Bashir (4 March 2009), ICC-02/05-01-09.

ICC, *Prosecutor v. Thomas Lubanga Dyilo*, Instructions to the Court's Expert on Names and other Social Connections to the DRC (5 June 2009), ICC-01/04-01/06.

ICC, *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Order on the Organization of Common Legal Representation of Victims, (22 July 2009) ICC-01/04-01/07-1328.

ICC, *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir, (12 July 2010) ICC-02/05-01-09.

ICC, *Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on the Legal Representation of Victim Applicants at Trial, (19 November 2010) ICC-01/05-01/08-1020.

ICC, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled "Decision on the admission into evidence of materials contained in the prosecution's list of evidence", (3 May 2011) ICC-01/05-01/08 OA 5 OA 6.

ICC, *Prosecutor vs. Uhuru Muigai Kenyatta et al.*, Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II, (30 May 2011) ICC-01/09-02/11-274.

ICC, *Prosecutor v. Germaine Katanga and Mathieu Ngudjolo*, Decision on the Judicial Site Visit to the Democratic Republic of Congo, (1 December 2011), ICC-01/04-01/07-3213-tENG.

ICC, *Prosecutor v. Muthaura, Kenyatta and Ali*, Decision on the Confirmation of Charges Pursuant to Art 61(7)(a) and (b) of the Rome Statute, Situation in the Republic of Kenya, (23 January 2012), ICC-01/09-02/11-382-Red.

ICC, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on the Confirmation of Charges Pursuant to Art 61(7)(a) and (b) of the Rome Statute, Situation in the Republic of Kenya, (23 January 2012) ICC-01/09-01/11-373.

ICC, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment Pursuant to Article 74 of the Statute, (14 March 2012) ICC-01/04-01/06-2842.

ICC, *Prosecutor v. Callixte Mbarushimana*, Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I of 16 December 2011 entitled “Decision on the confirmation of charges”, (30 May 2012) ICC-01/04-01/10-514.

ICC, *Prosecutor v. Thomas Lubanga Dyilo*, Decision establishing the principles and procedures to be applied to reparations, (7 August 2012) ICC-01/04-01/06-2904.

ICC, *Prosecutor v. Saif Al-Islam Gaddafi*, Judgment on the appeal of Libya against the decision of Pre-Trial Chamber I, (31 May 2013) ICC-01/11-01/11-547-Red.

ICC, *Prosecutor v. Laurent Gbagbo*, Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute, (3 June 2013) ICC-02/11-01/15.

ICC, *Prosecutor v. Germain Katanga*, Judgment Pursuant to Article 74 of the Statute, (7 March 2014) ICC-01/04-01/07-3436-tENG.

ICC, *Prosecutor v. Bosco Ntaganda*, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda, (14 June 2014) ICC-01/04-02/06-309.

ICC, *Prosecutor v. William Samoei Ruto and Mr Joshua Arap Sang*, Judgment on the appeals of William Samoei Ruto and Mr Joshua Arap Sang against the decision of Trial Chamber V (A) of 17 April 2014 entitled “Decision on Prosecutor's Application for Witness Summonses and resulting Request for State Party Cooperation”, (9 October 2014) ICC-01/09-01/11-1598.

ICC, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, (1 December 2014) ICC-01/04-01/06 A5.

ICC, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations”, 7 August 2012 (3 March 2015) ICC-01/04-01/06-3129.

ICC, Office of the Prosecutor, “Public redacted version of Prosecutor’s Pre- Trial Brief” in *Prosecutor v. Ntaganda*, (9 March 2015) ICC-01/04-02/06-503-Conf-AnxAred2.

ICC, “Decision on the request of the Union of the Comoros to review the Prosecutor's decision not to initiate an investigation”, (16 July 2015) ICC-01/13-34.

ICC, *Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Directions on the conduct of the proceedings, (3 September 2015) ICC-02/11-01/15-205.

ICC, *Prosecutor v. Bosco Ntaganda*, Decision on Defence preliminary challenges to Prosecution's expert witnesses, (9 February 2016) ICC-01/04-02/06-1159.

ICC, *Prosecutor v. Dominic Ongwen*, Decision on the confirmation of charges against Dominic Ongwen, (23 March 2016) ICC-02/04-01/15.

ICC, *Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on Defence Applications for Judgments of Acquittal, (5 April 2016) ICC-01/09-01/11-2027-Red-Corr.

ICC, *Prosecutor v. Jean-Pierre Bemba Gombo et. Al.*, Decision on Requests to Exclude Western Union Documents and other Evidence Pursuant to Article 69(7), (29 April 2016) ICC-01/05-01/13.

ICC, *Situation in the Democratic Republic of the Congo*, Judgment on the Prosecutor's Application for Extraordinary Review of Pre-Trial Chamber I's 31 March 2006 Decision Denying Leave to Appeal, (13 July 2006) ICC-01/04-168.

ICC, *Prosecutor v. Dominic Ongwen*, Decision of the Single Judge, (10 August 2016) ICC-02/04-01/15-277-Conf, ICC-02/04-01/15-316-Conf.

ICC, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Public redacted version of 'Second Decision on Victim Participation at Trial (12 August 2016), ICC-01/12-01/15.

ICC, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, (19 October 2016) ICC-01/05-01/08-3343.

ICC, *Prosecutor v. Ahmad Al Faqi Al-Mahdi*, Public Redacted Version of "Decision Appointing Reparations Experts and Partly Amending Reparations Calendar", (19 January 2017) ICC-01/12-01/15.

ICC, *Prosecutor v. Germaine Katanga*, Order for Reparations pursuant to Article 75 of the Statute, (24 March 2017) ICC-01/04-01/07.

ICC, *Prosecutor v. Ahmad Al Faqi Al-Mahdi*, Reparations Order, (17 August 2017) ICC-01/12-01/15.

ICTR

ICTR, *Prosecutor v. Jean-Paul Akayesu*, Trial Judgement (2 September 1998) ICTR-96-4.

ICTR, *Prosecutor v. Jean Kambanda*, Trial Judgment and Sentence (4 September 1998) ICTR 97-23-S.

ICTR, *Prosecutor v. Omar Serushago* Trial Sentence (2 February 1999) ICTR-98-39-S.

ICTR, *Prosecutor v. George Rutaganda* Trial Judgment and Sentence (6 December 1999) ICTR-96-3-T.

ICTR, *Prosecutor v. Ferdinand Nahimana*, Decision on the Nahimana Defence's Motion to Admit into Evidence Certain Materials and the Prosecution Objections thereto (5 June 2003) ICTR-99-52-T.

ICTR, *Prosecutor v. Eliézer Niyitegeka*, Appeal Judgement (9 July 2004) ICTR-96-14-A.

ICTR, *Prosecutor v. Laurent Semanza* Judgement (20 May 2005) ICTR-97-20-A.

ICTR, *Prosecutor v. André Ntagerura, Emmanuel Bagambiki and Samuel Imanishimwe*, Appeal Judgement (7 July 2006) ICTR-99-46-A.

ICTR, *Prosecutor v. Ferdinand Nahimana et. al.*, Appeal Judgement (28 November 2007) ICTR-99-52.

ICTR, *Prosecutor v. Athanase Seromba*, Appeal Judgement, (12 March 2008) ICTR-2001-66-A.

ICTR, *Prosecutor v. Théoneste Bagosora et. al.*, Judgement, (18 December 2008) ICTR-98-41-T.

ICTR, *Prosecutor v. Édouard Karemera & Matthieu Ngirumpatse*, Decision on Prosecution Motion for Reconsideration of the Decision on Prospective Experts Guichaoua, Nowrojee and Des Forges, or for Certification (1 July 2009) ICTR-98-44-T, T.Ch.

ICTY

ICTY, *Prosecutor v. Duško Tadić*, Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction (2 October 1995) IT-94-1-A.

ICTY, *Prosecutor v. Duško Tadić*, Decision on the Defence Motion on Hearsay (5 August 1996) IT-94-1.

ICTY, *Prosecutor v. Dražen Erdemovic*, Judgement (7 October 1997) IT-96-22-A.

ICTY, *Prosecutor v. Tihomir Blaskić*, Judgement on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber I of 18 July 1997” (29 October 1997) IT-95-14-A.

ICTY, *Prosecutor v. Zejnil Delalić et al.*, Decision on the Motion of the Prosecution for the Admissibility of evidence, (19 January 1998) IT-96-21-T.

ICTY, *Prosecutor v. Zlatko Aleksovski*, Decision on Prosecutor's Appeal on Admissibility of Evidence (16 February 1999) IT-95-14/1-AR73.

ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez*, Submission of Declarations in Connection with Rule 95 (31 May 1999) IT-95-14/2-T.

ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez*, Decision stating Reasons for Trial Chamber's Ruling of 1 June 1999 Rejecting Defence Motion to Suppress Evidence (25 June 1999) IT-95-14/2-T.

ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez*, Decision on Prosecution Application to Admit the Tulica Report and Dossier into Evidence (29 July 1999) IT-95-14/2-T.

ICTY, *Prosecutor v. Zdravko Mučić et. al.*, Appeal Judgement (20 February 2001) IT-96-21-A.

ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez*, Trial Chamber Judgment (26 February 2001), IT-95-14/2-T.

ICTY, *Prosecutor v. Miroslav Kvocka et. al.*, Decision on Zoran Žigić's Motion for Rescinding Confidentiality of Schedules Attached to the Indictment Decision on Exhibits (19 July 2001) IT-98-30/1-T.

ICTY, *Prosecutor v. Stanislav Galić*, Decision on Interlocutory Appeal Concerning Rule 92bis(C) (7 June 2002) IT-98-29-AR73.2.

ICTY, *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Judgment (27 March 2003) IT-08-91-T.

ICTY, *Prosecutor v. Dragoljub Kunarac et. al.*, Trial Judgment (8 July 2003) IT-96-23 and 23/1.

ICTY, *Prosecutor v. Enver Hadžihasanović and Amir Kubura*, Decision on Report of Prosecution Expert Klaus Reinhardt (11 February 2004) IT-01-47-T.

ICTY, *Prosecutor v. Radislav Krstić* Appeal Judgment (19 April 2004) IT-98-33- A.

ICTY, *Prosecutor v. Mitar Vasiljević*, Appeal Judgement, (6 July 2004) IT-98-32-A.

ICTY, *Prosecutor v. Tihomir Blaškić*, Appeal Judgement, (29 July 2004) IT-95-14.

ICTY, *Prosecutor v. Radoslav Brđanin*, Judgement (1 September 2004) IT-99-36-T.

ICTY, *Prosecutor v. Dario Kordić & Mario Čerkez*, Appeal Judgement (17 December 2004) IT-95-14/2-A.

ICC, *Prosecutor v. Milan Martić*, Decision on Prosecution's Motions for Admission of Transcripts Pursuant to Rule 92bis and of Expert Reports Pursuant to Rule 94bis (13 January 2006) IT-95-11.

ICTY, *Prosecutor v. Mladen Naletelić and Vinko Martinović*, Appeals Chamber, Judgment (3 May 2006) IT-98-34-A.

ICTY, *Prosecutor v. Milan Milutinović et al.*, Decision on Prosecution Request for Certification of Interlocutory Appeal of Decision on Admission of Witness Philip Coo's Expert Report (30 August 2006) IT-05-87-T.

ICTY, *Prosecutor v. Radoslav Brđanin*, Appeal Judgement (3 April 2007) IT-99-36.

ICTY, *Prosecutor v. Rašim Delić*, Decision Adopting Guidelines on the Admission and Presentation of Evidence and Conduct of Counsel (24 July 2007) IT-04-83-T.

ICTY, *Prosecutor v. Dragomir Milošević*, Judgement (12 December 2007) IT-98-29/1-T.

ICTY, *Prosecutor v. Vujadin Popović et al.*, Decision on Defence Rule 94bis Notice Regarding Prosecution Expert Witness Richard Butler (19 September 2007) IT-05-88-T.

ICTY, *Prosecutor v. Vujadin Popović et. al.*, Decision on Joint Defence Interlocutory Appeal Concerning the Status of Richard Butler as an Expert Witness (30 January 2008) IT-05-88-Ar73.2.

ICTY, *Prosecutor v. Milan Martić*, Appeal Judgement (8 October 2008) IT-95-11-A.

ICTY, *Prosecutor v. Vujadin Popović et. al.*, Judgement (10 June 2010) IT-05-88-T.

ICTY, *Prosecutor v. Vlastimir Đorđević* (23 February 2011) IT-05-87/1-T.

ICTY, *Prosecutor v. Ante Gotovina et. al.*, Judgment (15 April 2011) IT-06-90-T.

ICTY, *Prosecutor v. Goran Hadžić*, Order on Guidelines for Procedure for Conduct of Trial (4 October 2012) IT-04-75-T.

ICTY, *Prosecutor v. Gotovina and Markac*, Appeal Judgement (16 November 2012) IT-06-90-A.

ICTY, *Prosecutor v. Milan Lukić & Sredoje Lukić*, Appeal Judgement (4 December 2012) IT-98-32/1-A.

ICTY, *Prosecutor v. Radovan Karadžić*, Decision on the Accused's Motion to exclude DNA Evidence (16 April 2013) IT-95-13/1.

ICTY, *Prosecutor v. Jadranko Prlić et. al.*, Trial Judgement (29 May 2013) IT-04-74-T.

ICTY, *Prosecutor v. Goran Hadžić*, Decision on Prosecution Bar Table Motion (28 November 2013) IT-04-75-T.

ICTY, *Prosecutor v. Ratko Mladić*, Decision on Prosecution Motion to Re-Open its Case-in-Chief (23 October 2014) IT-09-92-T.

ICTY, *Prosecutor v. Vujadin Popović et al*, Appeal Judgement (30 January 2015) IT-.05-88.

Other International Courts and institutions

African Court on Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Application Number 006/2012, Judgment, 26 May 2017.

African Commission on Human and Peoples' Rights, *Communication No. 155/96: Social and Economic Rights Action Center v. Nigeria* (2001).

ECtHR, *López Ostra v. Spain* App No. 16798/90 (9 December 1994).

ECtHR, *Akdivar and Others v. Turkey* (Just Satisfaction) App No. 2189/93 (1 April 1998).

ECtHR, *Öneryıldız v. Turkey* App No. 48939/99 (18 June 2002).

ECtHR, *Kyrtatos v. Greece*, App No. 41666/98 (22 May 2003).

ECtHR, *Taşkin and others v. Turkey* App No. 46117/99 (10 November 2004).

ECtHR, *Öneryıldız v. Turkey*, Grand Chamber, App no 48939/99) (30 November 2004).

ECtHR, *Fadeyeva v. Russia* App No. 55723/00 (9 June 2005).

ECtHR, *Giacomelli v. Italy*, Judgment, App No. 59909/00 (2 November 2006).

ECtHR, *Khatsiyeva and Others v. Russia* (Merits) App No. 5108/02 (17 January 2008).

ECtHR, *Affaire Tătar c. Roumanie* (Judgment) App No. 67021/01 (27 January 2009).

ECtHR, *Varnava and Others v. Turkey* (Merits) App No. 16064/90 (18 September 2009).

European Committee of Social Rights, *Marangopoulos Foundation for Human Rights v. Greece*, No. 30/2005 (2005).

Human Rights Commission, *Ominayak v. Canada* (26 March 1990) 167/1984.

International Court of Justice, *North Sea Continental Shelf Cases* (Federal Republic of Germany v. Denmark and The Netherlands) ICJ Reports 1969, 3.

International Court of Justice, *Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)* (Merits) ICJ Rep 1986, 14.

International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports 1996, 226.

International Court of Justice, *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* (Advisory Opinion) 21 June 1971, I.C.J. Rep 1971, 16.

International Court of Justice, *Case concerning armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, (19 December 2005) ICJ Rep 2005, 168.

International Court of Justice, *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, ICJ Rep 2010, 14.

Inter-American Court of Human Rights, *Moiwana Community v. Suriname*, (Series C, No. 124) (15 June 2005).

Inter-American Court of Human Rights, *Gutiérrez-Soler v. Colombia*, Judgment (12 September 2005).

Inter-American Court of Human Rights, *The Sawhoyamaya Indigenous Community v. Paraguay* Judgment (Merits, Reparations and Costs) (29 March 2006).

Inter-American Court of Human Rights, *Saramaka People v. Suriname*, Series C No. 172 (28 November 2007).

ITLOS, *Southern Bluefin Tuna Cases*, Provisional Measures 2, Int'l Trib. L. of the Sea, Order of 27 August 1999.

ITLOS, *Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area* (Advisory Opinion) 132-33, Int'l Trib. L. of the Sea (Advisory Opinion of 1 February 2011).

Nuremberg, *The Hostages Trial (Wilhelm List and Others)*, 8 Law Reports of Trials of War Criminals 66, 66-69 (1948).

Nuremberg, *The Alfred Jodl Trial (The Prosecutor v. Alfred Jodl)* Trials of War Criminals Before the Nuremberg Military Tribunals under Control Council Law No.10, Part XXII (1952), 568-71.

Nuremberg, *The Krupp Trial (The Prosecutor v. Krupp et al.)* Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 (1952) Vol XIV, Appendix B.

Nuremberg, *The Roehling Trial (France v. Roehling et al.)* Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 (1952) Vol XIV, Appendix B.

SCSL, *The Prosecutor vs. Moinina Fofana and Allieu Kondewa*, Appeals Chamber Judgment (28 May 2008) SCSL-14-44-A.

STL, *Prosecutor v. Ayyash et al.*, Redacted Version of the Prosecution's Updated Pre-Trial Brief (23 August 2013) STL-11-01.

Trail Smelter Award (United States v. Canada) 3 U.N. Rep. Int'l Arb. Awards 1905 (1941).

United States Military Tribunal at Nuremberg, *The Hostages Trial (The United States of America v. Wilhelm List, et al.)* United States Military Tribunal (8 July 1947 - 19 February 1948).

Other

Bosnia and Herzegovina, *Prosecutor's Office of Bosnia and Herzegovina v Djukic* (First Instance Verdict) CtBiH-X-KR-07/394 (12 June 2009).

France, Cour de Cassation, *Cass. Crim.* (9 January 2002) n8 01-82471.

France, *CA Bordeaux* (13 January 2006) n8 05/00567.

France, *TGI Narbonne* (4 October 2007) S.A.R.L. SOFT.

France, Tribunal Correctionnel de Paris, n8 99-34-895010, (16 January 2008).

France, Cassation Partielle Sans Renvoi, *T. Corr. Paris*, 16 January 2008, n8 99-34-895010, N/ H 10-82.938 Fp-P+B+R+I N/ 3439 CI (25 Septembre 2012).

High Risk Tribunal A, *Sepur Zarco case*, Judgment C-01076-2012-00021 Of. 2, 26 February 2016.

India, *M. Salim v. State of Uttarakhand & others*, Writ Petition (PIL) No.126 of 2014, 20 March 2017.

New Zealand, *Hawke's Bay Regional Investment Company Limited v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2017] NZSC 106.

The Netherlands, District Court, *Friday Alfred Akpan v. Royal Dutch Shell PLC*, Judgment of The Hague 30 January 2013, ECLI:NL:RBSGR:2013:BY9854.

The Netherlands, District Court The Hague, *Dooh v. Royal Dutch Shell PLC*, Judgment of 30 January 2013, ECLI:NL:RBSGR:2013:BY9854.

The Netherlands, District Court The Hague, *Oguru-Efanga v. Royal Dutch Shell PLC*, Judgment of 30 January 2013, ECLI:NL:RBSGR:2013:BY9850.

United Kingdom, *Trial of Heinrick Gerike and Seven Others*, British Military Court, Brunswick, 20th March-3rd April, 1946, UNWCC, vol. VII.

United Kingdom, *Alphacell Ltd v Woodward* [1972] AC 824 (Opinion of Viscount Dilhorne).

United Kingdom, Court of Appeal, *R v Blaue* (1975) 61 Cr App R 271.

United Kingdom, Court of Appeal, *R. v Sissen* (2000) All ER (D) 2193 (8 December 2000).

United Kingdom, Court of Appeal *Harris* [2006] 1 Cr App R 55.

United Kingdom, Court of Appeal, *Meadow v General Medical Council* [2007] 1 All ER 1.

USA, *United States v. Hayes International Corp*, 786 F.2d 1499, 1502-1504 (11th Cir. 1986).

USA, *United States v. Self*, 2 F.3d 1071, 1088 (10th Cir. 1993).

USA, *U.S. v. Nippon Paper Industries Co. Ltd.*, 109 F.3d 1, 8 (1997).

USA, *United States v. Hansen*, 262 F.3d 1217 (11th Cir. 2001).

USA, Court for the Second Circuit, *Vietnam Association for Victims of Agent Orange v. Dow Chemical Co.*, Case Opinion (22 February 2008).

C. Conventions and Protocols

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) CAB/LEG/67/3 rev. 5, 1520 UNTS 217, 21 ILM 58.

African Union Specialized Technical Committee on Justice and Legal Affairs, Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, (15 May 2014) Doc.STC/Legal/Min/7(I) Rev. 1.

Antarctic Treaty (adopted 1 December 1959, entered into force 1961) 401 UNTS 71, No. 5778.

Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa (30 January 1991) 2101 UNTS No. 36508.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (adopted on 22 March 1989, entered into force 5 May 1992) 1673 UNTS 126; 28 ILM 657.

Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI.

Control Council Law No. 10 (entered into force 20 December 1945) No. 50-55 (1946).

Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted 16 November 1972, entered into force 17 December 1975) 1037 UNTS 151.

Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. (18 October 1907) 187 CTS 227, 1 Bevans 631.

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ETS No. 9), 213 UNTS 262.

Convention for the protection of the world cultural and natural heritage (adopted 16 November 1972, entered into force 17 December 1975) 1037 UNTS 151.

Convention of the Organization of the Islamic Conference on Combating International Terrorism (1 July 1999) Annex to Resolution No. 59/26-P.

Convention on Biological Diversity (adopted 29 December 1993, entered into force 29 December 1993) 1760 UNTS 79.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (adopted 3 March 1973, entered into force 1 July 1975) 993 UNTS 243.

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects 1342 UNTS 137.

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, 1342 UNTS 137.

Convention on the Conservation of Migratory Species of Wild Animals (adopted 23 June 1979, entered into force 1 November 1983) 1651 UNTS 333.

Convention on the Law of the Non-Navigational Uses of International Watercourses (adopted 21 May 1997, entered into force 2014) No. 52106.

Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1949, entered into force 12 January 1951) 78 UNTS 277.

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, (entered into force 18 May 1977) 31 UST 333, TIAS No.9614.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (adopted 3 September 1992, entered into force 29 April 1997) No. 33757.

Convention on the Protection of the Environment through Criminal Law, ETS No. 172, 4 November 1998.

Convention on wetlands of international importance especially as waterfowl habitat (adopted 2 February 1971, entered into force 21 December 1975) 996 UNTS 245.

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31.

Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 85.

Geneva Convention (III) relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135.

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287.

International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1973) 993 UNTS 3.

League of Arab States, Arab Convention for the Suppression of Terrorism (adopted 22 April 1998) No. 37517.

Montreal Protocol on Substances that Deplete the Ozone Layer (adopted 16 September 1987, entered into force 1 January 1989) 1522 UNTS 3 (1987).

Organization of the African Union Convention on the Prevention and Combating of Terrorism (14 July 1999).

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of international Armed Conflicts (AP I) (8 June 1977) 1125 UNTS 3.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (AP II) (7 December 1978) 1125 UNTS 609.

Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human rights (26 June 2016) Exp/Min/IV/Rev.7.

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (adopted 17 June 1925, entered into force 8 February 1928) 1974 UNTS 45.

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (adopted 10 October 1980, entered into force 2 December 1983) 1342 UNTS171, 19 ILM 1534.

Protocol to the Statute of the African Court of Justice and Human Rights (1 July 2008).

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.

Statute for the International Criminal Tribunal for the Former Yugoslavia (September 2009) as established by Security Council Resolution 955 (1994) (8 November 1994).

Statute of the International Court of Justice (entered into force 18 April 1946) 59 Stat. 1055, TS No. 993 at 25, 3 Bevans 1179.

Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in

the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (1994) 1994 UNTS.

Statute of the Iraqi Special Tribunal (10 December 2003).

Statute of the Special Tribunal for Lebanon (29 March 2006).

Treaty Banning Nuclear Weapon Tests in the Atmosphere (adopted 5 August 1963, entered into force 10 October 1963) No. 6964.

Treaty for the Prohibition of Nuclear weapons in Latin America (Treaty of Tlatelolco) (adopted 2 March 1979, entered into force 25 April 1969). 1969 UNTS 634, 281.

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (adopted 11 February 1971, entered into force 18 May 1972) 1974 UNTS 955, 115.

United Nations Convention on the Law of the Sea (UNCLOS), 10 December 1982, 1833 UNTS 3.

United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (1989).

United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107.

Universal Declaration of Human Rights (adopted 10 December, 1948 UNGA Res 217 A(III)).

Updated Statute of the International Criminal Tribunal for the former Yugoslavia (September 2009) as established by UNGA Res. 808/1993, 827/1993.

Vienna Convention on the Law of Treaties, May 23, 1969, 1155 UNTS 331, 8 ILM 679 (1969).