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## **The Rome Statute as Evidence of Customary International Law**

Tan, Y.

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**Author:** Tan, Y.

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# Bibliography

## SELECTED BOOKS

- Ambos, K., *Treaties on International Criminal Law, Vol 1: Foundations and General Part* (Oxford: OUP 2013)
- Arajärvi, N.J., *The Changing Nature of Customary International Law: Methods of Interpreting the Concept of Custom in International Criminal Tribunals* (New York: Routledge 2014)
- Bassiouni, M.C., *Crimes against Humanity in International Criminal Law* (Dordrecht: Martinus Nijhoff 1992)
- Bassiouni, M.C., *Crimes Against Humanity* (New York: CUP 2011)
- Bassiouni, M.C., *Crimes against Humanity: Historical Evolution and Contemporary Application* (New York: CUP 2011)
- Bassiouni, M.C., *Introduction to International Criminal Law* (2<sup>nd</sup> edn, Leiden: Brill 2012)
- Bassiouni, M.C. and Schabas, W.A. (eds), *The Legislative History of the International Criminal Court* (2<sup>nd</sup> Revised and expanded edn, Leiden: Brill | Nijhoff 2016)
- Bevans, C.I. (ed), *United States Treaties and International Agreement, 1776-1949* (Washington, DC: USGPO 1968-1976) [Bevans]
- Blumenthal, D. and McCormack, T. (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?* (The Hague: Martinus Nijhoff Publishers 2008)
- Boas, G. et al, *International Criminal Law Practitioner Library: Vol 1, Forms of Responsibility in International Criminal Law* (New York: CUP 2007)
- Boot, M., *Genocide, Crimes Against Humanity, War Crimes: Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of the International Criminal Court* (Antwerp: Intersentia 2008)
- Bradley, C. (ed), *Custom's Future: International Law in a Changing World* (New York: CUP 2016)
- Brody, R. and Ratner, M. (eds), *The Pinochet Papers: The Case of Augusto Pinochet Ugarte in Spain and Britain* (The Hague: Kluwer Law International 2000)
- Broomhall, B., *International Justice and the International Criminal Court: Between Sovereignty and the Rule of Law* (Oxford: OUP 2004)
- Byers, M., *Custom, Power and the Power of Rules: International Relations and Customary International Law* (Cambridge: CUP 1999)
- Cassese, A. and Weiler, J. (eds), *Change and Stability in International Law-Making* (Berlin: Walter de Gruyter 1988)
- Cassese, A. et al (eds), *Cassese's International Criminal Law* (3<sup>rd</sup> edn, Oxford: OUP 2013)
- Cassese, A. et al (eds), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford: OUP 2002)
- Crawford, J., *Brownlie's Principles of Public International Law* (8<sup>th</sup> edn, Oxford: OUP 2012)
- Cryer, R. et al, *An Introduction to International Criminal Law and Procedure* (3<sup>rd</sup> edn, New York: CUP 2014)
- D'Amato, A., *The Concept of Custom in International Law* (Ithaca: Cornell University Press 1971)
- Darcy, S., *Judges, Law and War: The Judicial Development of International Humanitarian Law* (Cambridge: CUP 2014)
- Dinstein, Y. and Tabory, M. (eds), *War Crimes in International Law* (The Hague: Martinus Nijhoff Publishers 1996)
- Dinstein, Y., *The Defence of 'Obedience of Superior Orders' in International Law* (Oxford: OUP 2012)
- Eser, A. et al (eds), *National Prosecution of International Crimes, Vols 1-7* (Freiburg im Breisgau: Ed. Iuscrim 2003-2006)
- Fitzpatrick, G. et al (eds), *Australia's War Crimes Trials 1945-51* (Leiden: Brill 2016)
- Fletcher, G., *Basic Concepts of Criminal Law* (Oxford: OUP 1998)

- Gallant, K.S., *The Principle of Legality in International and Comparative Criminal Law* (New York: CUP 2008)
- Grover, L., *Interpreting Crimes in the Rome Statute of the International Criminal Court* (New York: CUP 2014)
- Hart, H. L.A., *The Concept of Law* (Oxford: OUP 1994)
- Heller, K. J., *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford: OUP 2011)
- Henckaerts, JM. and Louise Doswald-beck, L. (eds), *Customary International Humanitarian Law*, Vols I and II (New York: CUP 2005)
- Hetherington, T. and Chalmers, W., *War Crimes: Report of the War Crimes Inquiry*, Command Paper 744 (London: HMSO 1989)
- Higgins, R., *The Development of International Law Through the Political Organs of the United Nations* (Oxford: OUP 1963)
- Horder, J., *Ashworth's Principles of Criminal Law* (Oxford: OUP 2016)
- ICRC (ed), *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Cambridge: CUP 2016)
- Jennings, R.Y. and Watts, A.(eds), *Oppenheim's International Law* (9<sup>th</sup> edn, London: Longmans 1996)
- Kalshoven, F. and Zegveld, L., *Constraints on the Waging of War: An Introduction to International Humanitarian Law* (Cambridge: CUP 2011)
- Kittichaisaree, K., *International Criminal Law* (Oxford: OUP 2001)
- Klamberg, M. (ed), *The Commentary on the Law of the International Criminal Court* (Brussels: Torkel Opsahl Academic EPublisher 2017)
- Kreß, C. and Barriga, S. (eds), *The Crime of Aggression: A Commentary* (New York: CUP 2017)
- La Haye, E., *War Crimes in Internal Armed Conflicts* (New York: CUP 2008)
- Lee, R.S. (ed), *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations and Results* (The Hague: Kluwer Law International 1999)
- Lepard, B., *Customary International Law: A New Theory with Practical Applications* (New York: CUP 2010)
- Lepard, B. (ed), *Reexamining Customary International Law* (New York: CUP 2016)
- Law Reports of Trial of War Criminals: Selected and Prepared by the United Nations War Crimes Commission* (London: HMSO 1947-1949)
- McDougall, C., *The Crime of Aggression Under the Rome Statute of the International Criminal Court* (New York: CUP 2013)
- Mendllin Urquiaga, X., *Digest of Latin American Jurisprudence on International Crimes*, Vols I-II (Washington, DC: Due Process of Law Foundation 2010, 2013)
- Meloni, C., *Command Responsibility in International Criminal Law* (The Hague: TMC Asser Press 2010)
- Meron, T., *Human Rights and Humanitarian Norms as Customary Law* (New York: Clarendon Press 1989)
- Olásolo, H., *Essays on International Criminal Justice* (Oxford: Hart Publishing 2012)
- Olásolo, H., *The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes* (Oxford: Hart Publishing 2009)
- Ormerod, D. and Laird, K., *Smith and Hogan's Criminal Law* (14<sup>th</sup> ed, Oxford: OUP 2015)
- Perna, L., *The Formation of the Treaty Rules Applicable in Non-International Armed Conflicts* (The Hague: Brill | Nijhoff 2006)
- Perreau-Saussine, A. and Murphy, J.B. (eds), *The Nature of Customary Law* (New York: CUP 2009)
- Peters, A., *Beyond Human Rights: The Legal Status of the Individual in International Law* (Oxford: OUP 2016)
- Piccigallo, P.R., *The Japanese On Trial: Allied War Crimes Operations in the East, 1945-1951* (Austin: University of Texas Press 2013)
- Pictet, J., *Commentary on the Geneva Conventions of 12 August 1949*, Vol I (Geneva: ICRC 1952)
- Pictet, J., *Commentary on the Geneva Conventions of 12 August 1949*, Vol II (Geneva: ICRC 1960)
- Pictet, J., *Commentary on the Geneva Conventions of 12 August 1949*, Vol III (Geneva: ICRC 1952)
- Pilloud, C. et al (eds), *Commentary on the Additional Protocol: of 8 June 1977 to the Geneva Conventions of 12 August 1949* (The Hague: Martinus Nijhoff Publishers 1987)

- Rauter, T, *Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege* (Cham: Springer International Publishing AG 2017)
- Sadat, L.N. (ed), *Forging a Convention for Crimes against Humanity* (New York: CUP 2011)
- Schabas, W.A., *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge: CUP 2006)
- Schabas, W.A., *Genocide in International Law, The Crime of Crimes* (2<sup>nd</sup> edn, New York: CUP 2009)
- Schabas, W.A., *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals* (Oxford: OUP 2012)
- Schabas, W.A. (ed), *The Universal Declaration of Human Rights: The Travaux Préparatoires* (Cambridge: CUP 2013)
- Schabas, W.A., *The European Convention on Human Rights: A Commentary* (Oxford: OUP 2015)
- Schabas, W.A., *The International Criminal Court: A Commentary on the Rome Statute* (2<sup>nd</sup> edn, Oxford: OUP 2016)
- Schabas, W.A., *An Introduction to the International Criminal Court* (5<sup>th</sup> edn, Cambridge: CUP 2017)
- Scharf, M., *Customary International Law in Times of Fundamental Change: Recognizing Grotian Moments* (New York: CUP 2013)
- Schlütter, B., *Developments in Customary International Law: Theory and the Practice of the International Court of Justice and the International ad hoc Criminal Tribunals for Rwanda and Yugoslavia* (Leiden: Brill 2010)
- Shaw, M., *International Law* (8<sup>th</sup> edn, Cambridge: CUP 2017)
- Simester, A. et al, *Simester and Sullivan's Criminal Law: Theory and Doctrine* (5<sup>th</sup> ed, Oxford: Hart Publishing 2013)
- Sivakumaran, S., *The Law of Non-International Armed Conflict* (Oxford: OUP 2012)
- Stahn, C. and El Zeidy, M. M. (eds) *The International Criminal Court and Complementarity: From Theory to Practice* (Cambridge: CUP 2011)
- Stahn, C. (ed), *The Law and Practice of the International Criminal Court* (Leiden: Brill 2015)
- Taylor, T., *Final Report to the Secretary of the Army on the Nuremberg War Crimes Trials under Control Council Law No. 10* (Washington, DC: USGPO 1949)
- Trahan, J., *Genocide, War Crimes, and Crimes Against Humanity: A Topical Digest of the Case Law of the International Criminal Tribunal for the Former Yugoslavia* (New York: Human Rights Watch 2006)
- Triffterer, O. and Ambos, K. (eds), *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article* (3<sup>rd</sup> edn, Munich: Hart/Beck 2016)
- United Nations War Crimes Commission (ed), *History of the United Nations War Crimes Commission and the Development of the Laws of War* (London: HMSO 1948)
- United Nations War Crimes Commission (ed), *Transcripts of Proceedings and Documents of the International Military Tribunals for the Far East (Tokyo Trials): Transcript Page Nos 932-1620*
- Van Alebeek, R., *The Immunity of States and Their Officials in International Criminal Law and International Human Rights Law* (Oxford: OUP 2008)
- Van den Herik, L., *The Contribution of the Rwanda Tribunal to the Development of International Law* (Leiden: Martinus Nijhoff 2005)
- Van Sliedregt, E., *Individual Criminal Responsibility in International Law* (Oxford: OUP 2012)
- Van Sliedregt, E., *The Criminal Responsibility of Individuals for Violations of International Humanitarian Law* (Cambridge: CUP 2003)
- Villiger, M., *Customary International Law and Treaties: A Study of Their Interactions and Interrelations, with Special Consideration of the 1969 Vienna Convention on the Law of Treaties* (Dordrecht: Martinus Nijhoff 1985)
- Villiger, M., *Customary International Law and Treaties: A Manual on the Theory and Practice of the International of Sources* (Fully revised 2<sup>nd</sup> edn, The Hague: Kluwer 1997)
- Werle, G. and Jeßberger, F., *Principles of International Criminal Law* (Oxford: OUP 2014)
- Wilmshurst, E. and Breau, S. (eds), *Perspectives on the ICRC Study on Customary International Humanitarian Law* (New York: CUP 2007)
- Yang, X., *State Immunity in International Law* (New York: CUP 2012)
- Yanev, L.D., *Theories of Co-perpetration in International Criminal Law* (Leiden: Brill | Nijhoff 2018)
- Zahar, A. and Sluiter, G., *International Criminal Law: A Critical Introduction* (Oxford: OUP 2008)

## SELECTED CONTRIBUTIONS TO EDITED BOOKS

- Abi-Saab, G., 'The Concept of War Crimes' in Yee, S. and Wang, T. (eds), *International Law in the Post-Cold War World: Essays in Memory of Li Haopei* (New York: Routledge 2001)
- Akande, D., 'Sources of International Criminal Law' in Cassese, A. (ed), *Oxford Companion on International Criminal Justice* (Oxford: OUP 2009)
- Ambos, K., 'Article 25' in Triffterer, O. and Ambos, K. (eds), *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article* (3<sup>rd</sup> edn, Munich: Hart/Beck 2016)
- Andenas, M. and Borge, E., 'Introduction' in Andenas, M. and Borge, E. (eds), *A Farewell to Fragmentation: Reassertion and Convergence In International Law* (Cambridge: CUP 2015)
- Bassiouni, M.C., 'Revisiting the Architecture of Crimes Against Humanity' in Sadat, L.N. (ed), *Forging a Convention for Crimes against Humanity* (New York: CUP 2011)
- Bethlehem, D., 'The Methodological Framework of the Study' in Wilmshurst, E. and Breau, S. (eds), *Perspectives on the ICRC Study on Customary International Humanitarian Law* (New York: CUP 2007)
- Boas, G. and Lee, L., 'Command Responsibility and Other Grounds of Criminal Responsibility' in Fitzpatrick, G. et al (eds), *Australia's War Crimes Trials 1945-51* (Leiden: Brill 2016)
- Bothe, M., 'War Crimes in Non-International Armed Conflicts' in Dinstein, Y. and Tabory, M. (eds), *War Crimes in International Law* (The Hague: Martinus Nijhoff Publishers)
- Broomhall, B., 'Article 22', in Triffterer, O. (ed), *Commentary on the Rome Statute of the International Criminal Court-Observers' Notes, Article by Article* (2<sup>nd</sup> edn, Munich: Beck/Hart 2008)
- Cameron, L. et al., 'Article 3' in International Committee of the Red Cross (ed), *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Cambridge: CUP 2016)
- Clark, R.S., 'Crimes against Humanity at Nuremberg' in Ginsburgs, G. and Kudriavtsev, V.N. (eds), *The Nuremberg Trial and International Law* (The Hague: Martinus Nijhoff Publishers 1990)
- Clark, R.S., 'History of Efforts to Codify Crimes Against Humanity' in Sadat, L.N.(ed), *Forging a Convention for Crimes against Humanity* (New York: CUP 2011)
- Cottier, M., 'Article 8' in Triffterer, O. and Ambos, K. (eds), *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article* (3<sup>rd</sup> edn, Munich: Hart/Beck 2016)
- Cryer, R., 'The ICC and its Relationship to Non-States Parties' in Stahn, C. (ed), *The Law and Practice of the International Criminal Court* (Leiden: Brill 2015) 264
- Cullen, A., 'War Crimes' in Bernaz, N. and Schabas, W.A. (eds), *Routledge Handbook of International Criminal Law* (London: Routledge 2011)
- D'Amato, A., 'Treaty-Based Rules of Custom' in D'Amato, A. (ed), *International Law Anthology* (Cincinnati: Anderson Publishing Company 1994)
- d'Aspremont, J., 'An Autonomous Regime of Identification of Customary International Humanitarian Law: Do Not Say What You Do or Do Not Do What You Say?' in van Steenberghe, R. (eds), *Droit International Humanitaire: UN Régime Spécial De Droit International?* (Brussels: Bruylant 2013)
- DeGuzman, M.M., 'Article 21' in Triffterer O. and Ambos K. (ed.), *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article* (3<sup>rd</sup> edn, Munich: Hart/Beck 2016) 707-08
- DeGuzman, M.M., 'Crimes against Humanity' in Schabas, W.A. and Bernaz, N. (ed.), *Routledge Handbook of International Criminal Law* (New York: Routledge 2011)
- Eser, A., 'Individual Criminal Responsibility' in Cassese, A. et al (eds), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford: OUP 2002)
- Frulli, M., 'Piercing the Veil of Head-of-State Immunity: The Taylor Trial and beyond' in Jalloh, C.C. (ed), *The Sierra Leone Special Court and its Legacy: The Impact for Africa and International Criminal Law* (Cambridge: CUP 2014)
- Gaeta, P., 'Official Capacity and Immunities' in Cassese, A. et al (eds), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford: OUP 2002)

- Gaeta, P. and Labuda, P.I., 'Trying Sitting Heads of State: The African Union versus the ICC in the *Al Bashir* and *Kenyatta* Cases' in Jalloh, C.C. and Bantekas, I. (eds), *The International Criminal Court and Africa* (Oxford: OUP 2017)
- Garraway, C., 'War Crimes' in Wilmshurst, E. and Breau, S. (eds), *Perspectives on the ICRC Study on Customary International Humanitarian Law* (New York: CUP 2007)
- Gatenacci, M., 'The Principle of Legality' in Lattanzi, F. and Schabas, W.A. (eds), *Essays on the Rome Statute of the International Criminal Court, Vol 2* (Fagnano Alto: Editrice il Sirente 1999)
- Greenwood, C., 'Sovereignty: A View from the International Bench' in Rawlings, R. et al (eds), *Sovereignty and the Law: Domestic, European and International Perspectives* (Oxford: OUP 2013)
- Hall, C. and Stahn, C., 'Article 7' in Triffterer, O. and Ambos, K. (eds), *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article* (3<sup>rd</sup> edn, Munich: Hart/Beck 2016)
- Henckaerts, JM. and Niebergall-Lackner, H., 'Introduction' in International Committee of the Red Cross (ed), *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Cambridge: CUP 2016)
- Heinsch, R.W., 'Commentary on Rule 84 "Individual Criminal Responsibility for War Crimes"' in Schmitt, M.N. (ed), *Tallinn Manual 2.0 on the International Law Applicable to Cyber Warfare* (2<sup>nd</sup> edn, Cambridge: CUP 2017)
- Jacobs, D., 'The Frog That Wanted to Be an Ox: The ICC's Approach to Immunities and Cooperation' in Stahn, C. (ed), *The Law and Practice of the International Criminal Court* (Oxford: OUP 2015)
- Jacobs, D., 'Commentary' in Klip, A. and Sluiter, G. (eds), *Annotated Leading Cases of the International Criminal Court: 2005-2007, Vol 23* (Antwerp: Intersentia 2010)
- Jørgensen, N., 'On Being "Concerned" in a Crime: Embryonic Joint Criminal Enterprise?' in Linton, S. (ed), *Hong Kong's War Crimes Trials* (Oxford: OUP 2013)
- Kerbrat, Y. and Marguerite, T., 'General Prosecutor v Gaddafi' in Nollkaemper, A. and Reinisch, A. (eds), *Oxford Reports on International Law in Domestic Courts*
- Kirsch, P., 'Foreword' in Dörmann, K. (ed), *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary* (New York: CUP 2003)
- Kirsch, P., 'The Development of the Rome Statute' in Lee, R.S. (ed), *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations and Results* (The Hague: Kluwer Law International 1999)
- Kirsch, P. and Robinson, D., 'Reaching Agreement at the Rome Conference' in Cassese, A. et al (eds), *The Rome Statute of the International Criminal Court Commentary* (Oxford: OUP 2002)
- Kleffner, J.K., 'The Collective Accountability of Organized Armed Groups for System Crimes' in Nollkaemper, A. and Van der Wilt, H. (eds), *System Criminality in International Law* (New York: CUP 2009)
- Kreß, C. and Prost, K., 'Article 98 – Cooperation with Respect to Waiver of Immunity and Consent to Surrender' in Triffterer, O. and Ambos, K. (eds), *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article* (3<sup>rd</sup> edn, Munich: Hart/Beck 2016)
- La Haye, E., 'Article 49-Penal Sanctions' in International Committee of the Red Cross, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Cambridge: CUP 2016)
- Lee, R.S., 'The Rome Conference and Its Contributions to International Law' in Lee, R.S. (ed), *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations and Results* (The Hague: Kluwer Law International 1999)
- Lind, C., 'Article 22' in Klamberg, M. (ed), *The Commentary on the Law of the International Criminal Court* (Brussels: Torkel Opsahl Academic EPublisher 2017)
- Lind, C., 'Article 27' in Klamberg, M. (ed), *The Commentary on the Law of the International Criminal Court* (Brussels: Torkel Opsahl Academic EPublisher 2017)
- Liu, D., 'Has Non-Immunity for Heads of State Become a Rule of Customary International Law?' in Bergsmo, M. and Ling, Y. (eds), *State Sovereignty and International Criminal Law* (Beijing: Torkel Opsahl Academic EPublisher 2012)
- McCormack, T., 'Crimes against Humanity' in McGoldrick, D. et al (eds), *The Permanent International Criminal Court: Legal and Policy Issues* (Oxford: Hart Publishing 2004)

- McCormack, T., 'From Sun Tzu to the Sixth Committee: The Evolution of an International Criminal Law Regime' in McCormack, T. and Simpson, G.J. (eds), *The Law of War Crimes: National and International Approaches* (The Hague: Martinus Nijhoff Publishers 1997)
- Meron, T., 'Crimes under the Jurisdiction of the International Criminal Court' in Von Hebel, H. et al (eds), *Reflection on the International Criminal Court: Essays in Honour of Adriaan Bos* (The Hague: TMC Asser 1999)
- Meloni, C., 'Fragmentation of the Notion of Co-perpetration in International Criminal Law' in Stahn, C. and Van den Herik, L. (eds), *The Diversification and Fragmentation of International Criminal Law* (Leiden: Martinus Nijhoff 2012)
- Mendelson, M., 'The International Court of Justice and the Sources of International Law' in Lowe, V. and Fitzmaurice, M. (eds), *Fifty Years of the International Court of Justice: Essays in Honour of Sir Robert Jennings* (New York: CUP 2009)
- Nerlich, V., 'The Status of ICTY and ICTR Precedent in Proceedings before the ICC' in Stahn, C. and Sluiter, G. (eds), *The Emerging Practice of the International Criminal Court* (Leiden: Brill 2009)
- Ohlin, J.D., 'Co-Perpetration: German Dogmatik or German Invasion?' in Stahn, C. (ed), *The Law and Practice of the International Criminal Court* (Oxford: OUP 2015)
- Rastan, R. 'Jurisdiction' in Stahn, C. (ed), *The Law and Practice of the International Criminal Court* (Leiden: Brill 2015)
- Robinson, D., 'Immunities' in Cryer, R. et al (eds), *An Introduction to International Criminal Law and Procedure* (3<sup>rd</sup> edn, New York: CUP 2014)
- Sadat, L.N. and Cohen, B., 'Impunity Through Immunity: The Kenya Situation and the International Criminal Court' in Ankumah, E.A. (ed), *The International Criminal Court and Africa: One Decade On* (Antwerp: Intersentia 2016)
- Schabas, W.A., 'Customary Law or Judge-Made Law: Judicial Creativity at the UN Criminal Tribunals' in Doria, J. et al (eds), *The Legal Regime of the International Criminal Court: Essays in Honour of Professor Igor Blishchenko (1930-2000)* (The Hague: Brill 2009) 75-101
- Schabas, W.A., 'Kosovo, Prosecutor v Milošević, Decision on preliminary motions Case no IT-99-37-PT' in *Oxford Reports on International Law*, 21 May 2010
- Schabas, W.A., 'Atrocity Crimes (Genocide, Crimes against Humanity and War Crimes)' in Schabas, W.A. (ed), *The Cambridge Companion to International Criminal Law* (Cambridge: CUP 2016)
- Schabas, W.A., 'Strict construction and the Rome statute' in Dewulf, S. (ed), *La (CVDW): Liber Amicorum Chris Van den Wyngaert* (Antwerp: Maklu 2018) 423-38
- Schachter, O., 'Entangled Treaty and Custom' in Dinstein, Y. and Tabory, M. (eds), *International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne* (Dordrecht: Nijhoff 1989)
- Scobbie, I., 'The Approach to Customary International Law in the Study' in Wilmshurst, E. and Breau, S. (eds), *Perspectives on the ICRC Study on Customary International Humanitarian Law* (New York: CUP 2007)
- Shahabuddeen, M., 'Judicial Creativity and Joint Criminal Enterprise' in Darcy, S. and Powderly, J. (eds), *Judicial Creativity at the International Criminal Tribunals* (Oxford: OUP 2010)
- Sluiter, G., '"Chapeau Elements" of Crimes Against Humanity in the Jurisprudence of the UN ad hoc Tribunals' in Sadat, L.N. (ed), *Forging a Convention for Crimes against Humanity* (New York: CUP 2011)
- Van den Herik, L., 'The Decline of Customary International Law as a Source of International Criminal Law' in Bradley, C. (ed), *Custom's Future: International Law in a Changing World* (New York: CUP 2016)
- Van den Herik, L., 'Using Custom to Reconceptualize Crimes Against Humanity' in Darcy, S. and Powderly, J. (eds), *Judicial Creativity at the International Criminal Tribunals* (Oxford: OUP 2010)
- Von Hebel, H. and Robinson, D., 'Crimes within the Jurisdiction of the Court' in Lee, R.S. (ed), *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations and Results* (The Hague: Kluwer Law International 1999)
- Wickremasinghe, C., 'Immunities Enjoyed by Officials of States and International Organizations' in Evans, M. (ed), *International Law* (Oxford: OUP 2010)

- Wilmshurts, E., 'Jurisdiction of the Court' in Lee, R.S. (ed), *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations and Results* (The Hague: Kluwer Law International 1999)
- Wolfrum, R., 'Enforcement of International Humanitarian Law' in Fleck, D. (ed), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford: OUP 1995)
- Wouters, J. and Ryngaert, C., 'Impact on the Process of the Formation of Customary International Law' in M. Kamminga and M. Scheinin (eds), *The Impact of Human Rights Law on General International Law* (Oxford: OUP 2009)
- Yanev, L.D., 'The Theory of Joint Criminal Enterprise at the ECCC: A Difficult Relationship' in Meisenber, S. and Stegmiller, I. (eds), *The Extraordinary Chambers in the Courts of Cambodia* (The Hague: TMC Asser Press 2016)

#### SELECTED ARTICLES AND OTHER DOCUMENTS

- Akande, D., 'International Law Immunities and the International Criminal Court' (2004) 98 *AJIL* 407
- Akande, D., 'The Effect of Security Council Resolutions and Domestic Proceedings on State Obligations to Cooperate with the ICC' (2012) 10 *JICJ* 299
- Akehurst, M., 'Custom as a Source of International Law' (1976) 47 *British Ybk Intl L* 1
- Alamuddin, A. and Webb, P., 'Expanding Jurisdiction over War Crimes under Article 8 of the ICC Statute' (2010) 8 *JICJ* 1219
- Aldrich, G., 'Jurisdiction of the International Criminal Tribunal for the Former Yugoslavia' (1996) 90 *AJIL* 64
- Ambos, K., 'General Principles of Criminal Law in the Rome Statute' (1999) 10 *CLF* 1
- Ambos, K., 'Is the Development of a Common Substantive Criminal Law for Europe Possible? Some Preliminary Reflections' (2005) 12 *MJECL* 173
- Ambos, K., 'Remarks on the General Part of International Law' (2006) 4 *JICJ* 660
- Ambos, K., 'Joint Criminal Enterprise and Command Responsibility Symposium: Guilty by Association: Joint Criminal Enterprise on Trial' (2007) 5 *JICJ* 159
- Ambos, K., 'The *Fujimori* Judgment, A President's Responsibility for Crimes Against Humanity as Indirect Perpetrator by Virtue of an Organised Power Apparatus' (2011) 9 *JICJ* 137.
- Arajärvi, N.J., 'Looking Back from Nowhere: Is There a Future for Universal Jurisdiction over International Crimes?' (2011) 16 *Tilburg L Rev* 5
- Baker, R. B., 'Customary International Law in the 21st Century: Old Challenges and New Debates' (2010) 21 *EJIL* 173
- Bantekas, I., 'Reflections on Some Sources and Methods of International Criminal and Humanitarian Law' (2006) 6 *ICLR* 121
- Bassiouni, M.C., 'Negotiating the Treaty of Rome on the Establishment of an International Criminal Court' (1999) 32 *Cornell Intl LJ* 443
- Bassiouni, M.C., 'Searching for Justice in the World of Realpolitik' (2000) 12 *Pace Intl L Rev* 213
- Bassiouni, M.C., 'The Perennial Conflict Between International Criminal Justice and Realpolitik' (2006) 22 *GSUL Rev* 541
- Bassiouni, M.C., 'Justice and Peace: The Importance of Choosing Accountability Over Realpolitik' (2003) 35 *Case W Res J Intl L* 191
- Baxter, R.R., 'Multilateral Treaties as Evidence of Customary International Law' (1965) 41 *British Ybk Intl L* 275
- Baxter, R.R., 'Treaties and Custom' (1970) 129 *Recueil des cours* 27
- Bianchi, A., 'Immunity versus Human Rights: The Pinochet Case' (1999) 10 *EJIL* 237
- Blokker, N., 'International Organisations and Customary International Law' (2017) 14 *IOLR* 1
- Bogdan, A., 'Individual Criminal Responsibility in the Execution of a "Joint Criminal Enterprise" in the Jurisprudence of the *ad hoc* International Tribunal for the Former Yugoslavia' (2006) 6 *ICLR* 63
- Boister, N., 'The Application of Collective and Comprehensive Criminal Responsibility for Aggression at the Tokyo International Military Tribunal: The Measure of the Crime of Aggression?' (2010) 8 *JICJ* 425

- Butler, W., 'Custom, Treaty, State Practice and the 1982 Convention' (1988) 12 *Marine Policy* 182
- Buzzard, L., 'Holding an Arsonist's Feet to the Fire-The Legality and Enforceability of the ICC's Arrest Warrant for Sudanese President Omar Al-Bashir' (2008) 24 *Am U Intl L Rev* 897
- Cassese, A., 'On the Current Trends towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law' (1998) 9 *EJIL* 2
- Cassese, A., 'The Martens Clause: Half a Loaf or simply Pie in the Sky?' (2000) 11 *EJIL* 187
- Cassese, A., 'The Proper Limits of Individual Responsibility under the Doctrine of Joint Criminal Enterprise' (2007) 5 *JICJ* 109
- Cassese, A., 'When May Senior State Officials be Tried for International Crimes? Some Comments on the *Congo v Belgium* Case' (2002) 13 *EJIL* 853
- Charney, J., 'The Persistent Objector Rule and the Development of Customary International Law' (1986) 56 *British Ybk Intl L* 1
- Clarke, R. C., 'Together Again? Customary Law and Control over the Crime' (2015) 26 *CLF* 457
- Crook, J. R., 'Contemporary Practice of the United States Relating to International Law' (2006) 100 *AJIL* 219
- D'Amato, A., 'Manifest Intent and the Generation by Treaty of Customary Rules of International Law' (1970) 64 *AJIL* 892
- Da Rocha Ferreira, A. *et al*, 'Formation and Evidence of Customary Law' (2013) 1 *UFRGSMUN* 182
- Dana, S., 'Beyond Retroactivity to Realizing Justice: A Theory on the Principle of Legality in International Criminal Law Sentencing' (2009) 99 *J Crim L & Criminology* 857
- Danilenko G. M., 'The Statute of the International Criminal Court and Third States' (2000) 21 *Michigan J Intl L* 445
- Danner, A. and Martinez, J., 'Guilty Associations: Joint Criminal Enterprise, Command Responsibility, and the Development of International Criminal Law' (2005) 93 *California L Rev* 75
- Danner, A., 'When Courts Make Law: How the International Criminal Tribunals Recast the Laws of War' (2006) 59 *Vanderbilt L R* 1
- Davidson C., 'How to Read International Criminal Law: Strict Construction and the Rome Statute of the International Criminal Court' (2017) 91 *St. John's Law Review* 37
- Degan, V.D., 'On the Sources of International Criminal Law' (2005) 4 *Chinese J Intl L* 45
- DeGuzman, M.M., 'Gravity and Legitimacy of the International Criminal Court' (2008) 32 *Fordham Intl LJ* 1400
- Dinstein, Y., 'The Interaction between Customary Law and Treaty' (2006) 322 *Recueil des cours* 243
- Dinstein, Y., 'Case Analysis: Crimes against Humanity after *Tadić*' (2000) 13 *Leiden J Intl L* 373
- Donaghue, S., 'Normative Habits, Genuine Beliefs and Evolving Law: Nicaragua and the Theory of Customary International Law' (1995) 16 *Australian Ybk Intl L* 327
- Dörmann, K., 'War Crimes under the Rome Statute of the International Criminal Court, with a Special Focus on the Negotiations on the Elements of Crimes' (2003) 7 *MPUNYB* 341
- Editors, 'Jurisdiction: Universal Jurisdiction – War Crimes and Crimes against Humanity' (1991) 13 *Australian Ybk Intl L* 239
- Ehard, H., 'The Nuremberg Trial against the Major War Criminals and International Law' (1949) 43 *AJIL* 223
- Emanuelli, C., 'Comments on the ICRC Study on Customary International Humanitarian Law' (2007) 44 *Canadian Ybk Intl L* 437
- Farhang, C., 'Point of No Return: Joint Criminal Enterprise in *Brdanin*' (2010) 23 *Leiden J Intl L* 137
- Fenrick, W. J., 'The Prosecution of War Criminals in Canada' (1989) 12 *Dalhousie LJ* 256
- Finch, G. A., 'The Peace Conference of Paris, 1919' (1919) 13 *AJIL* 159
- Fletcher, G. and Ohlin, J.D., 'Reclaiming Fundamental Principles of Criminal Law in the Darfur Case' (2005) 3 *JICJ* 539
- Fox, G, Boon, K. and Jenkins, I., 'The Contributions of United Nations Security Council Resolutions to the Law of Non-International Armed Conflict: New Evidence of Customary International Law' (2017) 67 *Am U L R* 649
- Gaeta, P., 'Does President Al Bashir Enjoy Immunity from Arrest?' (2009) 7 *JICJ* 315
- Gattini, A., 'Pinochet Cases' in Wolfrum, R. (ed) (2007) *MPEPIL*

- Gattini, A., 'War Crimes and State Immunity in the *Ferrini* Decision' (2005) *JICJ* 224
- Gil, Gil A. and Maculan, E., 'Current Trends in the Definition of "Perpetrator" by the International Criminal Court: From the Decision on the Confirmation of Charges in the Lubanga Case to the Katanga Judgment' (2015) 28 *Leiden J Intl L* 349
- Ginsburg, T., 'Bounded Discretion in International Judicial Lawmaking' (2004) 45 *Va J Intl L* 631
- Giustiniani, F. Z., 'Stretching the Boundaries of Commission Liability: The ICTR Appeal Judgment in *Seromba*' (2008) 6 *JICJ* 783
- Goy, B., 'Individual Criminal Responsibility before the International Criminal Court: A Comparison with the *ad hoc* Tribunals' (2012) 12 *ICLR* 1
- Graven, J., 'Les Crimes contre l'Humanité' (1950) 76 *Recueil des cours* 427
- Greenwood, C., 'International Humanitarian Law and the *Tadić* Case' (1996) 7 *EJIL* 265
- Gustafson, K., 'The Requirement of an "Express Agreement" for Joint Criminal Enterprise Liability: A Critique of *Brđanin*' (2007) 5 *JICJ* 134
- Halberstam, M., 'Belgium's Universal Jurisdiction Law: Vindication of International Justice or Pursuit of Politics Faculty Issue' (2003) 25 *Cardozo L Rev* 247
- Heller, K.J., 'Specially-Affected States and the Formation of Custom' (2018) 112 *AJIL* 191
- Huang, H., 'On Immunity of State Officials from Foreign Criminal Jurisdiction' (2014) 13 *Chinese J Intl L* 1
- Hunt, D., 'The International Criminal Court: High Hopes, "Creative Ambiguity" and an Unfortunate Mistrust in International Judges' (2004) 2 *JICJ* 56
- Jalloh, C.C., 'What Makes Crimes against Humanity Crimes against Humanity?' (2013) 28 *Am U Intl L Rev* 381
- Kaul, HP. and Kreß, C., 'Jurisdiction and Cooperation in the Statute of the International Criminal Court: Principles and Compromises' (1999) 2 *YIHL* 143
- Kelly, J.P., 'The Twilight of Customary International Law' (2000) 40 *Virginia J Intl L* 449
- Klip, A., 'Universal Jurisdiction: Regional Report for Europe' (2008) 79 *RIDP* 173
- Kirgis, F., 'Custom on a Sliding Scale' (1987) 81 *AJIL* 146
- Kirsch, P. and Holmes, J.T., 'The Rome Conference on an International Criminal Court: The Negotiating Process' (1999) 93 *AJIL* 2
- Kiyani, A.G., 'Al-Bashir & the ICC: The Problem of Head of State Immunity' (2013) 12 *Chinese J Intl L* 467
- Koskenniemi, M., 'The Normative Force of Habit: International Custom and Social Theory' (1990) 1 *Finnish Ybk Intl L* 77
- Kreß, C., 'The International Criminal Court and Immunities under International Law for States Not Party to the Court's Statute' in Bergsmo, M. and Ling, Y. (eds), *State Sovereignty and International Criminal Law* (Beijing: Torkel Opsahl Academic Epublischer 2012)
- Kreß, C., 'International Criminal Law' in Wolfrum, R. (ed) (2009) *MPEPIL*
- Kreß, C., 'Reflections on the *Iudicare* Limb of the Grave Breaches Regime' (2009) 7 *JICJ* 789
- Kreß, C., 'War Crimes Committed in Non-International Armed Conflict and the Emerging System of International Criminal Justice' (2001) 30 *Israel Ybk HR* 103
- Leich, M., 'Contemporary Practice of the United States Relating to International Law' (1983) 77 *AJIL* 298
- Linton, S., 'Rediscovering the War Crimes Trials in Hong Kong, 1946-48' (2012) 13 *Melbourne J Intl L* 284
- Manacorda, S. and Meloni, C., 'Indirect Perpetration versus Joint Criminal Enterprise Concurring Approaches in the Practice of International Criminal Law?' (2011) 9 *JICJ* 159
- McCormack, T. and Robertson, S., 'Jurisdictional Aspects of the Rome Statute for the New Industrial Criminal Court' (1999) 23 *Melbourne U L Rev* 635
- Mendelson, M., 'The Formation of Customary International Law' (1998) 272 *Recueil des cours* 155
- Mendelson, M., 'The Subjective Element in Customary International Law' (1995) 66 *British Ybk Intl L* 177
- Meron, T., 'The Case for War Crimes Trials in Yugoslavia' (1993) 72 *Foreign Affairs* 122
- Meron, T., 'War Crimes in Yugoslavia and the Development of International Law' (1994) 88 *AJIL* 78
- Meron, T., 'Is International Law Moving towards Criminalization?' (1998) 9 *EJIL* 18

- Meron, T., 'Reflections on the Prosecution of War Crimes by International Tribunals' (2006) 100 *AJIL* 551
- Meron, T., 'Revival of Customary Humanitarian Law' (2005) 99 *AJIL* 817
- Meron, T., 'The Continuing Role of Custom in the Formation of International Humanitarian Law' (1996) 90 *AJIL* 31
- Meron, T., 'The Humanization of Humanitarian Law' (2000) 94 *AJIL* 239
- Meron, T., 'The Martens Clause, Principles of Humanity, and Dictates of Public Conscience' (2000) 94 *AJIL* 78
- Mettraux, G., 'Crimes against Humanity in the Jurisprudence of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda' (2002) 43 *Harvard Intl LJ* 237
- Mettraux, G., 'The Definition of Crimes against Humanity and the Question of a 'Policy' Element' in Sadat, L.N. (ed), *Forging a Convention for Crimes against Humanity* (New York: CUP 2011)
- Meyer, T., 'Codifying Custom' (2012) *U Pa L Rev* 160
- Milanović, M., 'Aggression and Legality: Custom in Kampala' (2012) 10 *JICJ* 165
- Milanović, M., 'Is the Rome Statute Binding on Individuals? (And Why We Should Care)' (2011) 9 *JICJ* 25
- Müllerson, R., 'On the Nature and Scope of Customary International Law' (1997) 2 *ARIEL* 341
- Muñoz-Conde, F. and Olásolo, H., 'The Application of the Notion of Indirect Perpetration through Organized Structures of Power in Latin America and Spain' (2011) 9 *JICJ* 113
- O'Brien, J. C., 'The International Tribunal for Violations of International Humanitarian Law in the Former Yugoslavia' (1993) 87 *AJIL* 639
- O'Neill, K. C., 'A New Customary Law of Head of State Immunity?: Hirohito and Pinochet' (2002) 38 *Stanford J Intl L* 289
- Odermatt, J., 'The Development of Customary International Law by International Organizations' (2017) 66 *ICLQ* 491
- Ohlin, J.D., 'The One or the Many' (2015) 9 *Crim Law & Philos* 285
- Ohlin, J.D., 'Second-Order Linking Principles: Combining Vertical and Horizontal Modes of Liability' (2012) 25 *Leiden J Intl L* 771
- Ohlin, J.D., 'Joint Intentions to Commit International Crimes' (2011) 11 *Chicago J Intl L* 693
- Ohlin, J.D., 'Three Conceptual Problems with the Doctrine of Joint Criminal Enterprise' (2007) 5 *JICJ* 69
- Osiel, M., 'Modes of Participation in Mass Atrocities' (2005) 38 *Cornell Intl LJ* 793
- Paust, J., 'Genocide in Rwanda, State Responsibility to Prosecute or Extradite, and Nonimmunity for Heads of State and Other Public Officials' (2011) 34 *Houston J Intl L* 57
- Pisillo-Mazzeschi, R., 'Treaty and Custom: Reflections on the Codification of International Law' (1997) 23 *CLB* 549
- Pocar, F., 'Transformation of Customary Law Through ICC Practice' (2018) 112 *AJIL Unbound* 182
- Posse, H.G.T.G., 'The Relationship between International Humanitarian Law and the International Criminal Tribunals' (2006) 88 *IRRC* 65
- Powles, S., 'Joint Criminal Enterprise: Criminal Liability by Prosecutorial Ingenuity and Judicial Creativity?' (2004) 2 *JICJ* 606
- Ramanathan, U., 'India and the ICC' (2005) 3 *JICJ* 627
- Roberts, A. E., 'Traditional and Modern Approaches to Customary International Law: A Reconciliation' (2001) 95 *AJIL* 757
- Robinson, D., 'Defining "Crimes Against Humanity" at the Rome Conference' (1999) 93 *AJIL* 43
- Rowe, P., 'Liability for War Crimes during a Non-International Armed Conflict' (1995) 34 *Mil L & L War Rev* 149
- Ryngaert, C. and Blommestijn, M., 'Exploring the Obligations for States to Act upon the ICC's Arrest Warrant for Omar Al-Bashir. A Legal Conflict between the Duty to Arrest and the Customary Status of Head of State Immunity' (2010) *ZIS* 428
- Sadat, L.N. and Jolly, J.M., 'Seven Canons of ICC Interpretation: Making Sense of Article 25's Rorschach Blot' (2014) 27 *Leiden J Intl L* 755
- Sadat, L.N., 'Custom, Codification and Some Thoughts about the Relationship between the Two: Article 10 of the ICC Statute' (1999) 49 *DePaul L Rev* 909

- Sadat, L.N. and Carden, S.R., 'The New International Criminal Court: An Uneasy Revolution' (1999) 88 *Georgetown LJ* 381
- Sainz-Pardo, P.V., 'Is Child Recruitment as a War Crime Part of Customary International Law?' (2008) 12 *Intl J HR* 555
- Schabas, W.A., 'General Principles of Criminal Law in the International Criminal Court Statute (Part III) International Criminal Court' (1998) 6 *EJCLCJ* 400
- Schabas, W.A., 'International War Crimes Tribunals and the United States' (2011) 35 *Diplomatic History* 769
- Schabas, W.A., 'State Policy as an Element of International Crimes' (2008) 98 *J Crim L & Criminology* 953
- Schabas, W.A., 'Synergy or Fragmentation? International Criminal Law and the European Convention on Human Rights' (2011) 9 *JICJ* 609
- Schabas, W.A., 'The Special Tribunal for Lebanon: Is a "Tribunal of an International Character" Equivalent to an "International Criminal Court"?' (2008) 21 *Leiden J Intl L* 513
- Schabas, W.A., 'The United Nations War Crimes Commission's Proposal for an International Criminal Court' (2014) 25 *CLF* 171
- Schachter, O., 'International Law in Theory and Practice: General Course in Public International Law' (1982) 178 *Recueil des cours* 32
- Scharf, M., 'Introductory Note to the Decision of the Appeals Chamber of the Special Tribunal for Lebanon on the Definition of Terrorism and Modes of Participation' (2011) 50 *ILM* 509
- Scharf, M., 'Seizing the Grotian Moment: Accelerated Formation of Customary International Law in Times of Fundamental Change' (2010) 43 *Cornell Intl LJ* 439
- Schwelb, E., 'Crimes against Humanity' (1946) 23 *British Ybk Intl L* 178
- Scott, G. and Carr, C., 'Multilateral Treaties and the Formation of Customary International Law' (1996) 25 *Denver J Intl L & P* 71
- Scupin, H.U., 'History of International Law, 1815 to World War I' in Wolfrum, R. (ed) (2011) *MPEPIL*
- Shahabuddeen, M., 'Does the Principle of Legality Stand in the Way of Progressive Development of Law?' (2004) 2 *JICJ* 1007
- Singerman, D. M., 'It's Still Good to Be the King: An Argument for Maintaining the Status Quo in Foreign Head of State Immunity' (2007) 21 *Emory Intl L Rev* 413
- Smith, J., 'Criminal Liability of Accessories: Law and Law Reform' (1997) 113 *LQR* 453
- Ssenyonjo, M., 'II. The International Criminal Court Arrest Warrant Decision for President Al Bashir of Sudan' (2010) 59 *ICLQ* 205
- Stahn, C., El Zeidy, M.M. and Olásolo, H., 'The International Criminal Court's *ad hoc* Jurisdiction Revisited' (2005) 99 *AJIL* 421
- Stahn, C., 'Justice Delivered or Justice Denied? The Legacy of the *Katanga* Judgment' (2014) 12 *JICJ* 809
- Stoll, P.T., 'State Immunity' in Wolfrum, R. (ed) (2011) *MPEPIL*
- Tabak, S., 'Article 124, War Crimes, and the Development of the Rome Statute' (2009) 40 *Georgetown J Intl L* 1069
- Talmon, S., 'Determining Customary International Law: The ICJ's Methodology between Induction, Deduction and Assertion' (2015) 26 *EJIL* 417
- Tams, C., 'Meta-Custom and the Court: A Study in Judicial Law-making' (2015) 14 *LPICT* 51
- Tan, Y., 'The Identification of Customary Rules in International Criminal Law', (2018) 34 *Utrecht Journal of International and European Law* 92
- Taylor, T., 'The Nuremberg Trials' (1955) 55 *Columbia L Rev* 488
- Tladi, D., 'The ICC Decisions on Chad and Malawi: On Cooperation, Immunities and Article 98' (2013) 11 *JICJ* 199
- Tomka, P., 'Custom and the International Court of Justice' (2013) 12 *Law & Prac Intl Cts & Tribunals* 195
- Tomuschat, C., 'Obligations Arising for states without or against their will' (1993) 241 *Recueil des cours* 195
- Tomuschat, C., 'International Law: Ensuring the Survival of Mankind on the Eve of A New Century' (1999) 281 *Recueil des cours* 9
- Tomuschat, C., 'The Legacy of Nuremberg' (2006) 4 *JICJ* 835

- Treves, T., 'Customary International Law' in Wolfrum, R. (ed) (2006) *MPEPIL*
- Tunks, M. A., 'Diplomats or Defendants? Defining the Future of Head-of-State Immunity' (2002) 52 *Duke LJ* 651
- Van Alebeek, R., 'National Courts, International Crimes and the Functional Immunity of State Officials' (2015) 59 *Netherlands Intl L Rev* 5
- Van der Oije, S. and Freeland, S., 'Universal Jurisdiction in the Netherlands – the right approach but the wrong case? Bouterse and the 'December Murders' (2001) 7 *Australian J HR* 89
- Van der Wilt, H., 'Joint Criminal Enterprise: Possibilities and Limitations', (2007) 5 *JICJ* 91
- Van Schaack, B., '*Crimen Sine Lege*: Judicial Lawmaking at the Intersection of Law and Morals' (2008) 97 *Georgetown LJ* 119
- Van Sliedregt, E., 'Joint Criminal Enterprise as a Pathway to Convicting Individuals for Genocide' (2007) 5 *JICJ* 184
- Villiger, M., 'The 1969 Vienna Convention on the Law of Treaties: 40 Years After' (2009) 344 *Recueil des cours* 9
- Waldock, H., 'General Course on Public International Law' (1962) 106 *Recueil des cours* 41
- Wang, X., 'The Immunity of State Officials from Foreign Criminal Jurisdiction' (2010) 30 *Journal of Xi'an Jiaotong University (Social Sciences)* 67
- Watts A., 'Heads of State' in Wolfrum, R. (ed) (2010) *MPEPIL*
- Weigend, T., 'Perpetration through an Organization: The Unexpected Career of a German Legal Concept' (2011) 9 *JICJ* 91
- Weisburd, A. M., 'Customary International Law: The Problem of Treaties' (1988) 21 *Vand J Transnatl L* 1
- Werle, G. and Burghardt, B., 'Do Crimes Against Humanity Require the Participation of a State or a 'State-like' Organization?' (2012) 10 *JICJ* 1151
- Willmott, D., 'Removing the Distinction Between International and Non-International Armed Conflict in the Rome Statute of the International Criminal Court' (2004) 5 *Melbourne J Intl L* 196.
- Wise, E.M., 'General Rules of Criminal Law' (1996) 25 *Denver J Intl L & P* 313
- Wood, M., 'International Organizations and Customary International Law' (2015) 48 *Vand J Transnatl L* 609
- Wood, M., 'The present position within the ILC on the topic "Identification of customary international law": in partial response to Sienho Yee's Report on the ILC Project on "Identification of Customary International Law"' (2016) 15 *Chinese J Intl L* 3
- Yanev, L.D., 'A Janus-Faced Concept: Nuremberg's Law on Conspiracy vis-à-vis the Notion of Joint Criminal Enterprise' (2015) 26 *CLF* 419
- Yanev, L.D. and Kooijmans, T., 'Divided Minds in the Lubanga Trial Judgment: A Case against the Joint Control Theory' (2013) 13 *ICLR* 789
- Yee, S., 'Report on the ILC Project on "Identification of Customary International Law"' (2015) 14 *Chinese J Intl L* 375
- Zappalà, S., 'Do Heads of State in Office Enjoy Immunity from Jurisdiction for International Crimes?' (2001) 12 *EJIL* 595
- American Law Institute, 'Restatement of the Law of Foreign Relations Law of the United States' (Third), 1986
- Amnesty International, 'Universal Jurisdiction: Belgian prosecutors can investigate crimes under international law committed abroad', 1 February 2003, IOR 53/001/2003
- 'Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, Report Presented to the Preliminary Peace Conference' reprinted in (1920) 14 *AJIL* 95
- ICRC, 'Table of National Case Law on International Crimes and Universal Jurisdiction', in *Report of the Third Universal Meeting of National Committees on International Humanitarian Law*, 'Preventing and Repressing International Crimes: Towards an "Integrated" Approach Based on Domestic Practice', Vol II, Annexes, prepared by Anne-Marie La Rosa (2014)
- ILA, Nationality and Naturalisation Committee, 'Draft Statute for the Permanent International Criminal Court, by Huge Bellot' in *International Law Association Report of the 33<sup>rd</sup> Conference (Stockholm 1924)* (ILA, London 1924)

- ILA, Committee on Permanent International Criminal Court, 'Statute of the Court (as amended by the Conference)' in International Law Association Report of the 34<sup>th</sup> Conference (Vienna 1926) (ILA, London 1926)
- ILA, Committee on International Criminal Court, 'Third Report, by Professor Göran Sluiter, Co-rapporteur (Part I), Professor William A. Schabas, Co-rapporteur (Part II)' in International Law Association Report of the 73<sup>rd</sup> Conference (Rio de Janeiro 2008) (ILA, London 2008)
- Institut de Droit International, 'Obligations and rights *erga omnes* in international law', Resolution of the Fifth Commission (2005)
- Princeton Project on Universal Jurisdiction, 'The Princeton Principles on Universal Jurisdiction' (2001)