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Prosecutorial discretion in international criminal justice

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Curriculum Vitae

Cale Jordan Davis (Tweed Heads, Australia, 1990) attended Somerset College in Mudgeeraba, Australia, from 1995 to 2007. He holds a Bachelor of Laws (Honours) and a Bachelor of International Relations from Bond University (2012); a Master of Laws (Advanced Studies Programme) from Leiden University (2013); and a Graduate Diploma of Legal Practice from the Australian National University (2015).

He worked as a Judge's Associate to Her Honour Justice Judith Kelly and His Honour Acting Justice Dean Mildren at the Northern Territory Supreme Court, and as a prosecutor with the Northern Territory Director of Public Prosecutions. He has taught at Bond University, Charles Darwin University, Leiden University, and The Hague University of Applied Sciences. He was admitted to the legal profession in Darwin, Australia, in 2015.

He completed his PhD research at the Grotius Centre for International Legal Studies within the Institute of Public Law at Leiden University.

Bibliography

Articles, Books, Chapters, and Reports

Abrams, Kathryn and Hila Keren, 'Who's Afraid of Law and the Emotions?' (2010) 94(6) *Minnesota Law Review* 1997.

Abrams, Norman, 'Internal Policy: Guiding the exercise of prosecutorial discretion' (1971) 19(1) *UCLA Law Review* 1.

Adler, Michael and Stewart Asquith, 'Discretion and Power' in Michael Adler and Stewart Asquith (eds), *Discretion and Welfare* (Heinemann, 1st ed, 1981) 9.

Akhavan, Payam, 'Are International Criminal Tribunals a Disincentive to Peace? Reconciling judicial romanticism with political realism' (2009) 31(3) *Human Rights Quarterly* 624.

Akhavan, Payam, 'Justice in The Hague, Peace in the Former Yugoslavia? A commentary on the United Nations War Crimes Tribunal' (1998) 20(4) *Human Rights Quarterly* 737.

Ambos, Kai, 'International criminal procedure: "adversarial", "inquisitorial" or mixed?' (2003) 3(1) *International Criminal Law Review* 1.

Angermaier, Claudia, 'Case Selection and prioritisation criteria in the work of the International Criminal Tribunal for the Former Yugoslavia' in Morten Bergsmo (ed), *Criteria for Prioritising and Selecting Core International Crimes Cases* (Forum for International Criminal and Humanitarian Law; International Peace Research Institute, Oslo, 1st ed, 2009) 29.

- Appleby, Gabrielle and Suzanne Le Mire, 'Judicial Conduct: Crafting a system that enhances institutional integrity' (2014) 38(1) *Melbourne University Law Review* 1.
- Arendt, Hannah, *Eichmann in Jerusalem: A report on the banality of evil* (Penguin, 1st ed, 2006).
- Ashforth, Blake, 'Climate Formation: Issues and extensions' (1985) 10(4) *Academy of Management Review* 837.
- Ashforth, Blake and Fred Mael, 'Social Identity Theory and the Organisation' (1989) 14(1) *Academy of Management Review* 20.
- Ashworth, Andrew, 'The Elasticity of Mens Rea' in Colin Tapper (ed), *Crime, Proof and Punishment: Essays in memory of Sir Rupert Cross* (Butterworths, 1st ed, 1981) 45.
- Ashworth, Andrew, 'The "Public Interest" Element in Prosecutions' (1987) *Criminal Law Review* 595.
- Auslander, Philip, *Liveness: Performance in a mediatised culture* (Routledge, 1st ed, 1999).
- Bådagård, Lovisa and Mark Klamberg, 'The Gatekeeper of the ICC: Prosecutorial strategies for selecting situations and cases at the International Criminal Court' (2017) 48(5) *Georgetown Journal of International Law* 639.
- Baldwin, Robert and Keith Hawkins, 'Discretionary Justice: Davis reconsidered' (1984) *Public Law* 570.
- Bankowski, Zenon and David Nelken, 'Discretion as a Social Problem' in Michael Adler and Stewart Asquith (eds), *Discretion and Welfare* (Heinemann, 1st ed, 1981) 247.
- Barbosa de Oliveira, Inês, *Boaventura and Education* (Sense, 1st ed, 2017).
- Barthes, Roland, *Mythologies* (Vintage, 3rd ed, 2009).
- Bass, Gary, *Stay the Hand of Vengeance: The politics of war crimes tribunals* (Princeton University Press, 1st ed, 2000).
- Baumgartner, M P, 'The Myth of Discretion' in Keith Hawkins (ed), *The Uses of Discretion* (Oxford University Press, 1st ed, 1992) 129.
- Baylis, Elena, 'Tribunal-Hopping with the Post-Conflict Justice Junkies' (2008) 10 *Oregon Review of International Law* 361.

- Bell, John, 'Discretionary Decision-Making' in Keith Hawkins (ed), *The Uses of Discretion* (Oxford University Press, 1st ed, 1992) 89.
- Bergsmo, Morten, 'Case Selection and Prioritisation Criteria' in Morten Bergsmo et al (eds), *The Backlog of Core International Crimes Case Files in Bosnia and Herzegovina* (Torkel Opsahl Academic ePublisher, 2nd ed, 2010) 79.
- Bergsmo, Morten (ed), *Criteria for Prioritising and Selecting Core International Crimes Cases* (Torkel Opsahl Academic ePublisher, 2nd ed, 2010).
- Bergsmo, Morten, 'The Theme of Selection and Prioritisation Criteria and Why it is Relevant' in Morten Bergsmo (ed), *Criteria for Prioritising and Selecting Core International Crimes Cases* (Torkel Opsahl Academic ePublisher, 2nd ed, 2010) 7.
- Bianchi, Andrea and Anne Saab, 'Fear and International Law-Making: An exploratory inquiry' (2019) 32(3) *Leiden Journal of International Law* 351.
- Bibas, Stephanos, 'Transparency and Participation in Criminal Procedure' (2006) 81(3) *New York University Law Review* 911.
- Boas, Gideon et al, *International Criminal Law Practitioner Library* (Cambridge University Press, 1st ed, 2011) vol 3.
- Bourdieu, Pierre, *Méditations pascaliennes* (Seuil, 1st ed, 2003).
- Bourdieu, Pierre, *Outline of a Theory of Practice* (Richard Nice, Cambridge University Press, 1st ed, 1977) [trans of: *Esquisse d'une théorie de la pratique, précédé de trois études d'ethnologie kabyle*].
- Bourdieu, Pierre, *Practical Reason: On the theory of action* (Stanford University Press, 1st ed, 1998).
- Bourdieu, Pierre, 'The Force of Law: Toward a sociology of the judicial field' (1987) 38(5) *Hastings Law Journal* 814.
- Bourdieu, Pierre, *The Logic of Practice* (Richard Nice, Cambridge University Press, 1st ed, 1990) [trans of: *Le sens pratique*].
- Brammertz, Serge et al, 'Attacks against Cultural Heritage as a Weapon of War: Prosecutions at the ICTY' (2016) 14(5) *Journal of International Criminal Justice* 1143.
- Breitell, Charles, 'Controls in Criminal Law Enforcement' (1960) 27(3) *The University of Chicago Law Review* 427.

- Brenton, Joslyn, 'Socialisation' in Kathleen Korgen (ed), *The Cambridge Handbook of Sociology* (Cambridge University Press, 1st ed, 2017) vol 1.
- Brim, Orville and Stanton Wheeler, *Socialisation after Childhood: Two essays* (Wiley, 1st ed, 1966).
- Brodersen, Kei, 'The ICTY's Conditionality Dilemma' (2014) 22(3) *European Journal of Crime, Criminal Law, and Criminal Justice* 219.
- Brodkin, Evelyn, 'Policy Work: Street-level organisations under new management' (2011) 21(2) *Journal of Public Administration Research and Theory* 1253.
- Brown, Bartram, 'The International Criminal Tribunal for the Former Yugoslavia' in M Cherif Bassiouni (ed), *International Criminal Law* (Martinus Nijhoff, 1st ed, 2008) vol 3 69.
- Brubacher, Matthew, 'Prosecutorial Discretion within the International Criminal Court' (2004) 2 *Journal of International Criminal Justice* 71.
- Burke, Edmund, *The Works of Edmund Burke, with a Memoir* (George Dearborn, 1st ed, 1835) vol 1.
- Burks, Arthur, 'Empiricism and Vagueness' (1946) 43(18) *Journal of Philosophy* 477.
- Cardozo, Benjamin, *The Growth of the Law* (Yale University Press, 1st ed, 1924).
- Cassese, Antonio, 'On the Current Trends Towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law' (1998) 9(1) *European Journal of International Law* 2.
- Chao, Georgina, 'Organisational Socialisation: Background, basics, and a blueprint for adjustment at work' in Steve Kozlowski (ed), *The Oxford Handbook of Organisational Psychology* (Oxford University Press, 1st ed, 2012) 579.
- Chernor Jalloh, Charles, *The Legal Legacy of the Special Court for Sierra Leone* (Cambridge University Press, 1st ed, 2020).
- Chlevickaitė, Gabrielė, Barbora Holá, and Catrien Bijleveld, 'Judicial Witness Assessments at the ICTY, ICTR, and ICC' (2020) 18(1) *Journal of International Criminal Justice* 185.
- Clark, Janine, 'Plea Bargaining at the ICTY: Guilty pleas and reconciliation' (2009) 20(2) *European Journal of International Law* 415.

Collingwood, R G, *The Idea of History* (Oxford University Press, 1st ed, 1961).

Combs, Nancy, 'Copping a Plea to Genocide: The plea bargaining of international crimes' (2002) 151(1) *University of Pennsylvania Law Review* 1.

Combs, Nancy, *Guilty Pleas in International Criminal Law: Constructing a restorative justice approach* (Stanford University Press, 1st ed, 2007).

Combs, Nancy, *Guilty Pleas in International Criminal Law: Constructing a restorative approach for bridging truth and justice* (PhD thesis, Leiden University, 2005).

Combs, Nancy, 'Procuring Guilty Pleas for International Crimes: The limited influence of sentence discounts' (2006) 59 *Vanderbilt Law Review* 69.

Côté, Luc, 'Independence and Impartiality' in Luc Reydam, Jan Wouters, and Cedric Ryngaert (eds), *International Prosecutors* (Oxford University Press, 1st ed, 2012) 319.

Côté, Luc, 'Reflections on the Exercise of Prosecutorial Discretion in International Criminal Law' (2005) 3(1) *Journal of International Criminal Justice* 162.

Cronin-Furman, Kate, 'Managing Expectations: International criminal trials and the prospects for deterrence of mass atrocity' (2013) 7(3) *International Journal of Transitional Justice* 434.

Cross, Matthew, 'Strategising International Prosecutions: How might the work of the Kosovo Specialist Prosecutor's Office come to be judged?' (2020) 20(1) *International Criminal Law Review* 43.

D'Aspremont, Jean, 'The Two Cultures of International Criminal Law' in Kevin Heller et al (eds), *The Oxford Handbook of International Criminal Law* (Oxford University Press, 1st ed, 2020) 400.

Damaška, Mirjan, 'What's the Point of International Criminal Justice?' (2008) 83(1) *Chicago-Kent Law Review* 329.

Damaška, Mirjan, *The Faces of Justice and State Authority: A comparative approach to the legal process* (Yale University Press, 1st ed, 1986).

- Danner, Allison, 'Enhancing the Legitimacy and Accountability of Prosecutorial Discretion at the International Criminal Court' (2003) 97 *American Journal of International Law* 510.
- Davis, Cale, 'Doing "Justice" at the Office of the Prosecutor: Portrayals of a cultural value' in Julie Fraser and Brianne McGonigle Leyh (eds), *Intersections of Law and Culture at the International Criminal Court* (Edward Elgar, 1st ed, 2020) 209.
- Davis, Cale, 'Political Considerations in Prosecutorial Discretion at the International Criminal Court' (2015) 15(1) *International Criminal Law Review* 170.
- Davis, Kenneth, *Discretionary Justice: A preliminary inquiry* (Louisiana State University Press, 1st ed, 1969).
- De Guzman, Margaret, 'Choosing to Prosecute: Expressive Selection at the International Criminal Court' (2011) 33 *Michigan Journal of International Law* 265.
- De Hoon, Marieke, 'The Future of the International Criminal Court: On critique, legalism and strengthening the ICC's legitimacy' (2017) 17(4) *International Criminal Law Review* 591.
- De Souza Dias, Talita, '“Interests of justice”: Defining the scope of prosecutorial discretion in Article 53(1)(c) and (2)(c) of the Rome Statute of the International Criminal Court' (2017) 30(2) *Leiden Journal of International Law* 731.
- De Souza Dias, Talita, 'Recharacterisation of Crimes and the Principle of Fair Labelling in International Criminal Law' (2018) 18(5) *International Criminal Law Review* 788.
- De Sousa Santos, Boaventura, 'Nuestra America: Reinventing a subaltern paradigm of recognition and redistribution' (2001) 18(2) *Theory, Culture, and Society* 185.
- De Sousa Santos, Boaventura, *The Rise of the Global Left: The World Social Forum and beyond* (Zed Books, 1st ed, 2006).
- De Vlaming, Frederiek, 'The Yugoslavia Tribunal and the Selection of Defendants' (2012) 4(2) *Amsterdam Law Forum* 89.
- Del Ponte, Carla, 'Investigation and Prosecution of Large-scale Crimes at the International Level: The experience of the ICTY' (2006) 4(3) *Journal of International Criminal Justice* 539.

- Del Ponte, Carla, *Madame Prosecutor: A memoir* (Other Press, 1st ed, 2008).
- DePaulo, Bella et al, 'Cues to Deception' (2003) 129(1) *Psychological Bulletin* 74.
- Dijkstal, Haydee, 'Destruction of Cultural Heritage Before the ICC: The influence of human rights on reparations proceedings for victims and the accused' (2019) 17(2) *Journal of International Criminal Justice* 391.
- Dolan, Raymond, 'Emotion, Cognition, and Behaviour' (2002) 298(5596) *Science* 1191.
- Drumbl, Mark, *Atrocity, Punishment, and International Law* (Cambridge University Press, 1st ed, 2007).
- Duff, Antony, *Punishment, Communication, and Community* (Oxford University Press, 1st ed, 2003).
- Durkheim, Émile, *The Division of Labour in Society* (W D Halls, Free Press, 2nd ed, 2014) [trans of: *De la division du travail social*].
- Durkheim, Émile, *The Evolution of Educational Thought: Lectures on the formation and development of secondary education in France* (Peter Collins, Routledge, 2nd ed, 2006) vol 2 [trans of: *L'Evolution pédagogique en France*].
- Durkheim, Émile, *The Rules of Sociological Method* (W D Halls, Free Press, 1st ed, 1982) [trans of: *Les règles de la méthode sociologique*].
- Dworkin, Ronald, 'The Model of Rules' (1967) 35 *University of Chicago Law Review* 14.
- Eisenstein, James and Herbert Jacob, *Felony Justice: An organisational analysis of criminal courts* (Little, Brown and Company, 1st ed, 1977).
- Eltringham, Nigel, *Genocide Never Sleeps: Living law at the International Criminal Tribunal for Rwanda* (Cambridge University Press, 1st ed, 2019).
- Eltringham, Nigel, 'Spectators to the Spectacle of Law: The formation of a "validating public" at the International Criminal Tribunal for Rwanda' (2012) 77(3) *Ethnos* 425.
- Ena Inesi, M, 'Power and Loss Aversion' (2010) 112(1) *Organisational Behaviour and Human Decision Processes* 58.

- Fairclough, Norman, 'Critical Discourse Analysis' in James Gee and Michael Handford (eds), *The Routledge Handbook of Discourse Analysis* (Routledge, 1st ed, 2012) 9.
- Fairclough, Norman, *Critical Discourse Analysis: The critical study of language* (Longman, 1st ed, 1995).
- Feldman, Martha, 'Social Limits to Discretion: An organisational perspective' in Keith Hawkins (ed), *The Uses of Discretion* (Oxford University Press, 1st ed, 1992) 163.
- Felman, Shoshana, *The Juridical Unconscious: Trials and traumas in the twentieth century* (Harvard University Press, 1st ed, 2002).
- Finn, Paul, 'Public Trusts, Public Fiduciaries' (2010) 38(3) *Federal Law Review* 335.
- Finnemore, Martha and Kathryn Sikkink, 'International Norm Dynamics and Political Change' (1998) 52(4) *International Organisation* 887.
- Fletcher, George, 'The Influence of the Common Law and Civil Law Traditions on International Criminal Law' in Antonio Cassese (ed), *The Oxford Companion to International Criminal Justice* (Oxford University Press, 1st ed, 2009) 104.
- Foucault, Michel, *Discipline and Punish: The birth of the prison* (Penguin, 1st ed, 1991).
- Freyburg, Tina and Solveig Richter, 'National Identity Matters: The limited impact of EU political conditionality in the Western Balkans' (2010) 17(2) *Journal of European Public Policy* 263.
- Galligan, D J, *Discretionary Powers: A legal study of official discretion* (Clarendon Press, 1st ed, 1986).
- Gaynor, Fergal, 'Uneasy Partners: Evidence, truth, and history in international trials' (2012) 10(5) *Journal of International Criminal Justice* 1257.
- Gold, Victor, 'Covert Advocacy: Reflections on the use of psychological persuasion techniques in the courtroom' (1987) 65(3) *North Carolina Law Review* 481.
- Goldston, James, 'More Candour About Criteria: The exercise of discretion by the Prosecutor of the International Criminal Court' (2010) 8(2) *Journal of International Criminal Justice* 383.

- Goldstone, Richard, 'A View from the Prosecution' (2004) 2(2) *Journal of International Criminal Justice* 380.
- Goldstone, Richard, 'Prosecuting Rape as a War Crime' (2002) 34 *Case Western Reserve Journal of International Law* 277.
- Goldstone, Richard, 'The International Tribunal for the Former Yugoslavia: A Case Study in Security Council Action' (1995) 6(5) *Duke Journal of Comparative and International Law* 5.
- Goldstone, Richard, 'The International Criminal Tribunals for the Former Yugoslavia and Rwanda' in David Crane, Leila Sadat, and Michael Scharf (eds), *The Founders* (Cambridge University Press, 1st ed, 2018) 55.
- Goldstone, Richard and Gary Bass, 'Lessons from the International Criminal Tribunals' in Sarah Sewall and Carl Kaysen (eds), *The United States and the International Criminal Court* (Rowman and Littlefield, 1st ed, 2000) 51.
- Goodin, Robert, 'Welfare, Rights, and Discretion' (1986) 6(2) *Oxford Journal of Legal Studies* 232.
- Griffin, Lisa, 'Narrative, Truth, and Trial' (2013) 101 *Georgetown Law Journal* 281.
- Grossman, Joel, 'Social Backgrounds and Judicial Decision-Making' (1966) 79(8) *Harvard Law Review* 1551.
- Guilfoyle, Douglas, 'Responsibility for Collective Atrocities: Fair labelling and approaches to commission in international criminal law' (2011) 64(1) *Current Legal Problems* 255.
- Harmon, Mark and Fergal Gaynor, 'Prosecuting Massive Crimes with Primitive Tools: Three Difficulties Encountered by Prosecutors in International Criminal Proceedings' (2004) 2(2) *Journal of International Criminal Justice* 403.
- Hart, H L A, 'Discretion' (2013) 127 *Harvard Law Review* 652.
- Hall, Douglas, 'Careers and Socialisation' (1987) 13(2) *Journal of Management* 301.
- Hawkins, Darren and Chad Losee, 'States and International Courts: The Politics of Prosecution in Sierra Leone' (2014) 13(1) *Journal of Human Rights* 48.

Hawkins, Keith, 'On Legal Decision-Making' (1986) 43(4) *Washington and Lee Law Review* 1161.

Hawkins, Keith, 'The Use of Legal Discretion: Perspectives from law and social science' in Keith Hawkins (ed), *The Uses of Discretion* (Oxford University Press, 1st ed, 1992) 1.

Heller, Kevin, 'Role of the International Prosecutor' in Cesare Romano, Karen Alter, and Chrisanthi Avgerou (eds), *The Oxford Handbook of International Adjudication* (Oxford University Press, 1st ed, 2013) 669.

Henry, Nicola, 'The Impossibility of Bearing Witness: Wartime rape and the promise of justice' (2010) 16(10) *Violence Against Women* 1098.

Hibbitts, Bernard, 'Making Sense of Metaphors: Visuality, aurality, and the reconfiguration of American legal discourse' (1994) 16 *Cardozo Law Review* 229.

Hoffman, Tamàs, 'The Gentle Humaniser of Humanitarian Law: Antonio Cassese and the creation of the customary law of non-international armed conflict' in Carsten Stahn and Larissa van den Herik (eds), *Future Perspectives on International Criminal Justice* (TMC Asser Press, 1st ed, 2010) 58.

Horn, Rebecca, Simon Charters, and Saleem Vahidy, 'Testifying in an International War Crimes Tribunal: The Experience of Witnesses in the Special Court for Sierra Leone' (2009) 3(1) *International Journal of Transitional Justice* 135.

Human Rights Law Centre, 'Bearing Witness at the International Criminal Court: An interview survey of 109 witnesses' (University of California Berkeley School of Law, June 2014) <[https://www.law.berkeley.edu/files/HRC/Bearing-Witness_FINAL\(3\).pdf](https://www.law.berkeley.edu/files/HRC/Bearing-Witness_FINAL(3).pdf)>.

Human Rights Watch, *Weighing the Evidence: Lessons from the Slobodan Milosevic Trial* (Human Rights Watch, 1st ed, 2006) <<https://www.hrw.org/reports/2006/milosevic1206/milosevic1206webwcover.pdf>>.

Hunt, Tristram, 'Whose Truth? Objective truth and a challenge for history' (2004) 15(1) *Criminal Law Forum* 193.

International Commission of Jurists, 'The International Criminal Court' (Position Paper No 3, International Commission of Jurists, August 1995) <<https://www.legal-tools.org/doc/92e277/>>.

- Jallow, Hassan, 'Prosecutorial Discretion and International Criminal Justice' (2005) 3 *Journal of International Criminal Justice* 145.
- Jallow, Hassan, 'The ICTR and the Challenge of Completion' (Paper delivered at the TMC Asser Institute, The Hague, 4 October 2006).
- Jarvis, Michelle and Najwa Nabti, 'Policies and Institutional Strategies for Successful Sexual Violence Prosecutions' in Serge Brammertz and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (Oxford University Press, 1st ed, 2016) 73.
- Jarvis, Michelle and Kate Vigneswaran, 'Challenges to Successful Outcomes in Sexual Violence Cases' in Serge Brammertz and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (Oxford University Press, 1st ed, 2016) 33.
- Jowell, J L, 'The Legal Control of Administrative Discretion' (1973) *Public Law* 178.
- Kahan, Dan, 'Reallocating Interpretive Criminal-Lawmaking Power within the Executive Branch' (1998) 61(1) *Law and Contemporary Problems* 47.
- Kahneman, Daniel, 'Maps of Bounded Rationality: Psychology for behavioural economics' (2003) 93(5) *The American Economic Review* 1449.
- Kahneman, Daniel, Jack Knetsch, and Richard Thaler, 'Anomalies: The endowment effect, loss aversion, and status quo bias' (1991) 5(1) *Journal of Economic Perspectives* 193.
- Kantorowicz, Ernst, *The King's Two Bodies: A study in mediaeval political theology* (Princeton University Press, 3rd ed, 2016).
- Kaufmann, Gier et al, 'The Importance of Being Earnest: Displayed emotions and witness credibility' (2003) 17 *Applied Cognitive Psychology* 21.
- Keener, Craig, *1-2 Corinthians* (Cambridge University Press, 1st ed, 2005).
- Kelsall, Tim, *Culture under Cross-Examination: International justice and the special court for Sierra Leone* (Cambridge University Press, 1st ed, 2009).
- Kelman, Mark, 'Interpretive Construction in the Substantive Criminal Law' (1981) 33(4) *Stanford Law Review* 591.

Kendall, Sara and Sarah Nouwen, 'Speaking of Legacy: Toward an ethos of modesty at the International Criminal Tribunal for Rwanda' (2016) 110(2) *American Journal of International Law* 212.

Kersten, Mark, *Justice in Conflict* (Oxford University Press, 1st ed, 2016).

Kidd White, Emily, 'Till Human Voices Wake Us: The role of emotions in the adjudication of dignity claims' (2014) 3(3) *Journal of Law, Religion, and State* 201.

King, Kimi and James Meernik, *The Witness Experience: Testimony at the ICTY and its impact* (Cambridge University Press, 1st ed, 2017).

Klabbers, Jan, 'The Virtues of Expertise' in Monika Ambrus et al, *The Role of 'Experts' in International and European Decision-Making Processes: Advisors, decision makers, or irrelevant actors?* (Cambridge University Press, 1st ed, 2014) 82.

Klamberg, Mark, 'What are the Objectives of International Criminal Procedure? Reflections on the fragmentation of a legal regime' (2010) 79(2) *Nordic Journal of International Law* 279.

Koller, David, 'The Faith of the International Criminal Lawyer' (2008) 40(4) *International Law and Politics* 1019.

Kolm, Serge-Christophe, 'The Logic of Good Social Relations' in Benedetto Gui and Robert Sugden (eds), *Economics and Social Interaction: Accounting for interpersonal relations* (Cambridge University Press, 1st ed, 2005) 174.

Kotecha, Birju, 'The Art of Rhetoric: Perceptions of the International Criminal Court and legalism' (2018) 31 *Leiden Journal of International Law* 939.

Kotecha, Birju, 'The International Criminal Court's Selectivity and Procedural Justice' (2020) 18(1) *Journal of International Criminal Justice* 107.

Kravetz, Daniela, 'The Protection of Civilians in War: The ICTY's Galić case' (2004) 17(3) *Leiden Journal of International Law* 521.

Kreß, Claus, 'Nulla poena nullum crimen sine lege' in *Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2010).

- Lakoff, George and Mark Johnson, *Metaphors We Live By* (University of Chicago Press, 2nd ed, 2003).
- Lamb, Susan, 'Nullum Crimen, Nulla Poena Sine Lege in International Criminal Law' in Antonio Cassese, Paola Gaeta, and John Jones (eds), *The Rome Statute of the International Criminal Court: A commentary* (Oxford University Press, 1st ed, 2002) 733.
- Lande, Brian and Laura Mangels, 'The Value of the Arrest: The symbolic economy of policing' (2017) 58(1) *European Journal of Sociology* 73.
- Laub, Dori, 'Bearing Witness or the Vicissitudes of Listening' in Dori Laub and Shoshana Felman (eds), *Testimony: Crises of witnessing in literature, psychoanalysis, and history* (Routledge, 1st ed, 1992) 57.
- Laub, Dori, 'Truth and Testimony: The process and the struggle' (1991) 48(1) *American Imago* 75.
- Leader, Kate, 'The Trial's the Thing: Performance and legitimacy in international criminal trials' (2018) 24(2) *Theoretical Criminology* 241.
- Lempert, Richard, 'Discretion in a Behavioural Perspective: The case of a public housing eviction board' in Keith Hawkins (ed), *The Uses of Discretion* (Clarendon Press, 1st ed, 1992) 185.
- Levenson, Laurie, 'Courtroom Demeanour: The theatre of the courtroom' (2008) 92(3) *Minnesota Law Review* 573.
- Liebwald, Doris, 'Law's Capacity for Vagueness' (2013) 26(2) *International Journal for the Semiotics of Law* 391.
- Locke, John, *Second Treatise of Government* (1690).
- Locke, Terry, *Critical Discourse Analysis* (Continuum, 1st ed, 2004).
- Luban, David, 'State Criminality and the Ambition of International Criminal Law' in Tracy Isaacs and Richard Vernon (eds), *Accountability for Collective Wrongdoing* (Cambridge University Press, 1st ed, 2011) 61.
- Lugano, Geoffrey, 'Counter-Shaming the International Criminal Court's Intervention as Neocolonial: Lessons from Kenya' (2017) 11(1) *International Journal of Transitional Justice* 9.
- MacFarlane, Bruce, 'Sunlight and Disinfectants: Prosecutorial Accountability and Independence through Public Transparency' (2001) 45 *Criminal Law Quarterly* 272.

- Manley, Stewart, 'Referencing Patterns at the International Criminal Court' (2016) 27(1) *European Journal of International Law* 191.
- Mariniello, Triestino, 'Judicial Control over Prosecutorial Discretion at the International Criminal Court' (2019) 19(6) *International Criminal Law Review* 979.
- Mascini, Peter, 'Discretion from a Legal Perspective' in Tony Evans and Pieter Hupe (eds), *Discretion and the Quest for Controlled Freedom* (Palgrave Macmillan, 1st ed, 2020) 121.
- Matza, David, *Delinquency and Drift* (Transaction, 2nd ed, 1990).
- McDermott, Yvonne, 'The Admissibility and Weight of Written Witness Testimony in International Criminal Law: A socio-legal analysis' (2013) 26(4) *Leiden Journal of International Law* 971.
- McEvoy, Kieran, 'Beyond Legalism: Towards a thicker understanding of transitional justice' (2007) 34(4) *Journal of Law and Society* 411.
- McGowan, K and Lorraine Hart, 'Still Different After All These Years: Gender differences in professional identity formation' (1990) 21(2) *Professional Psychology: Research and Practice* 118.
- Mechem, Floyd, *A Treatise on the Law of Public Offices and Officers* (Callaghan, 1st ed, 1890).
- Meernik, James, 'What Kind of Bargain is a Plea?' (2014) 14(1) *International Criminal Law Review* 200.
- Mégret, Frédéric, 'The Anxieties of International Criminal Justice' (2016) 29(1) *Leiden Journal of International Law* 197.
- Meierhenrich, Jens, 'Book Review: William Schabas, The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda, and Sierra Leone' (2008) 102(3) *American Journal of International Law* 696.
- Meierhenrich, Jens, 'The Practice of International Law: A theoretical analysis' (2014) 76(1) *Law and Contemporary Problems* 1.
- Meijers, Tim and Marlies Glasius, 'Expression of Justice or Political Trial? Discursive battles in the Karadžić case' (2013) 35(3) *Human Rights Quarterly* 720.
- Meijers, Tim and Marlies Glasius, 'Trials as Messages of Justice: What should be expected of international criminal courts?' (2016) 30(3) *Ethics and International Affairs* 429.

Mendonça Bernardes, Edilene and Carla Aparecida Arena Ventura, 'Sociology of Absences as a Theoretical Reference for Research in Psychiatric Nursing and in Mental Health' (2017) 26(4) *Texto Contexto Enfermagem* 1.

Merton, Robert, George Reader, and Patricia Kendall, *The Student-Physician: Introductory studies in the sociology of medical education* (Harvard University Press, 1st ed, 1957).

Mihailović, Srećko, 'Obaveštenost građana Srbije o ratovima '90-ih godina, ratnim zločinima i suđenjima optuženima za ratne zločine' (Demostat, August 2017) <http://www.hlc-rdc.org/wp-content/uploads/2017/12/Istrazivanje_javnog_mnjenja_Sudjenja_za_ratne_zlocine_Demostat.pdf>.

Milanović, Marko, 'The Impact of the ICTY on the Former Yugoslavia: An anticipatory postmortem' (2016) 110(2) *American Journal of International Law* 233.

Miller, Marc and Ronald Wright, 'The Black Box' (2008) 94(1) *Iowa Law Review* 125.

Miller, Shari, 'A Conceptual Framework for the Professional Socialisation of Social Workers' (2010) 20(7) *Journal of Human Behaviour in the Social Environment* 924.

Minkova, Liana, 'Expressing What? The stigmatisation of the defendant and the ICC's institutional interests in the Ongwen case' (2021) 34(1) *Leiden Journal of International Law* 223.

Minow, Martha and Elizabeth Spelman, 'Passion for Justice' (1988) 10(1) *Cardozo Law Review* 37.

Moffett, Luke, 'Elaborating Justice for Victims at the International Criminal Court: Beyond rhetoric and The Hague' (2015) 13 *Journal of International Criminal Justice* 281.

Mohammad Ahmad Zawati, Hilmi, *Symbolic Judgments or Judging Symbols: Fair labelling and the dilemma of prosecuting gender-based crimes under the statutes of the international criminal tribunals* (PhD thesis, McGill University, 2010).

Moreno Ocampo, Luis, 'The International Criminal Court' in David Crane, Leila Sadat, and Michael Scharf (eds), *The Founders* (Cambridge University Press, 1st ed, 2018) 94.

- National Advisory Commission on Criminal Justice Standards and Goals, *Courts* (National Advisory Commission on Criminal Justice Standards and Goals, 1st ed, 1973).
- Nettelfield, Lara, *Courting Democracy in Bosnia and Herzegovina* (Cambridge University Press, 1st ed, 2010).
- Neubauer, David, 'The Dynamics of Courthouse Justice: A critical review of the literature' (1979) 5(1) *Justice System Journal* 70.
- Nice, Geoffrey, *Justice for All and How to Achieve It* (Scala, 1st ed, 2017).
- Nice, Geoffrey, 'Statement' (Speech delivered at Panel on the Legacy of Milosevic Trial, Helsinki Committee for Human Rights in Serbia, 31 March 2007) <http://www.helsinki.org.rs/doc/GN_bgdspeech.doc>.
- Nicolini, Davide, *Practice Theory, Work, and Organisation: An introduction* (Oxford University Press, 1st ed, 2012).
- Nouwen, Sarah and Michael Becker, 'Tadić v Prosecutor: International Criminal Tribunal for the Former Yugoslavia, 1995' (March 2017) *University of Cambridge Legal Studies Research Paper Series* 17/2017 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2946821>.
- Oberfield, Zachary, 'Discretion from a Sociological Perspective' in Tony Evans and Pieter Hupe (eds), *Discretion and the Quest for Controlled Freedom* (Palgrave Macmillan, 1st ed, 2020) 177.
- Obote-Odora, Alex, 'Case Selection and Prioritisation Criteria at the International Criminal Tribunal for Rwanda' in Morten Bergsmo (ed), *Criteria for Prioritising and Selecting Core International Crimes Cases* (Torkel Opsahl Academic ePublisher, 2nd ed, 2010) 45.
- OSCE and the Belgrade Centre for Human Rights, *Attitudes towards war crimes issues, ICTY and the national judiciary* (OSCE, 1st ed, 2011) <<https://www.osce.org/serbia/90422>>.
- Paredi, Laura, 'The War Crime of Terror: An analysis of international jurisprudence' (ICD Brief 11, International Crimes Database, June 2015).
- Perry, Stan, 'Overcoming Judicial Bias' (2009) 35(4) *Litigation* 28.
- Perry, Steven, 'Prosecutors in State Courts, 2005' (National Survey of Prosecutors, NCJ 213799, Bureau of Justice Statistics, 1 July 2006) <<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=1124>>.

- Peters, Julie, 'Legal Performance Good and Bad' (2008) 4(2) *Law, Culture, and the Humanities* 179.
- Pouliot, Vincent, 'The Logic of Practicality: A theory of practice of security communities' (2008) 62(2) *International Organisation* 257.
- Pound, Roscoe, 'Discretion, Dispensation, and Migration: The problem of the individual special case' (1960) 35(4) *New York University Law Review* 925.
- Powderly, Joseph, 'Judicial Interpretation at the Ad Hoc Tribunals: Method From Chaos?' in Shane Darcy and Joseph Powderly (eds), *Judicial Creativity at the International Criminal Tribunals* (Oxford University Press, 1st ed, 2010) 17.
- Pues, Anni, *Prosecutorial Discretion at the International Criminal Court* (Hart, 1st ed, 2020).
- Pusztai, Gabriella and Cintia Csók, 'Ambivalence of Professional Socialisation in Social and Educational Professions' (2020) 9(8) *Social Sciences* 147.
- Raab, Dominic, 'Evaluating the ICTY and its Completion Strategy: Efforts to achieve accountability for war crimes and their tribunals' (2005) 3(1) *Journal of International Criminal Justice* 82.
- Rabb, Intisar, 'Against Kadijustiz: On the negative citation of foreign law' (2015) 48(2) *Suffolk University Law Review* 343.
- Rapp, Stephen, 'The Challenge of Choice in the Investigation and Prosecution of International Crimes in Post-Conflict Sierra Leone' in Charles Chernor Jalloh, *The Sierra Leone Special Court and its Legacy: The impact for Africa and international criminal law* (Cambridge University Press, 2014) 23.
- Rauter, Thomas, *Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege* (Springer, 1st ed, 2017).
- Reckwitz, Andreas, 'Towards a Theory of Social Practices: A development in culturalist theorising' (2002) 5(2) *European Journal of Social Theory* 243.
- Reydams, Luc and Jed Odermatt, 'Mandates' in Luc Reydams, Jan Wouters and Cedric Ryngaert, *International Prosecutors* (Oxford University Press, 1st ed, 2012) 81.

Rheinstein, Max, 'Introduction' in Max Rheinstein (ed), *Max Weber on Law in Economy and Society* (Cambridge University Press, 1st ed, 1954) xxv.

Richardson, Ginevra, Anthony Ogus, and Paul Burrows, *Policing Pollution: A study of regulation and enforcement* (Clarendon Press, 1st ed, 1982).

Riggio, Ronald, Joan Tucker, and Barbara Throckmorton, 'Social Skills and Deception Ability' (1988) 13(4) *Personality and Social Psychology Bulletin* 568.

Roberts, Paul, and Nesam McMillan, 'For Criminology in International Criminal Justice' (2003) 1(2) *Journal of International Criminal Justice* 315.

Rogers, Damien, *Law, Politics, and the Limits of Prosecuting Mass Atrocity* (Palgrave Macmillan, 1st ed, 2018).

Rose, Cecily, Michael Kubiciel, and Oliver Landwehr, 'Introduction' in Cecily Rose, Michael Kubiciel, and Oliver Landwehr (eds), *The United Nations Convention against Corruption: A commentary* (Oxford University Press, 1st ed, 2019) 1.

Samuelson, William and Richard Zeckhauser, 'Status Quo Bias in Decision Making' (1988) 1(1) *Journal of Risk and Uncertainty* 7.

Sander, Barrie, *Doing Justice to History: Confronting the past in international criminal courts* (Oxford University Press, 1st ed, 2021).

Sander, Barrie, 'History on Trial: Historical narrative pluralism within and beyond international criminal courts' (2018) 67(3) *International and Comparative Law Quarterly* 547.

Sander, Barrie, 'Justifying International Criminal Punishment: A critical perspective' in Morten Bergsmo and Emiliano Buis (eds), *Philosophical Foundations of International Criminal Law: Foundational concepts* (Torkel Opsahl Academic ePublisher, 1st ed, 2019) 167.

Sander, Barrie, 'The Expressive Turn of International Criminal Justice: A field in search of meaning' (2019) 32(4) *Leiden Journal of International Law* 851.

Sander, Barrie, 'The Method is the Message: Law, narrative authority, and historical contestation in international criminal courts' (2018) 19(1) *Melbourne Journal of International Law* 299.

- Saul, Ben, 'Legislating from a Radical Hague: The United Nations Special Tribunal for Lebanon invents an international crime of transnational terrorism' (2011) 24(3) *Leiden Journal of International Law* 677.
- Schabas, William, *The International Criminal Court: A commentary on the Rome Statute* (Oxford University Press, 2nd ed, 2016).
- Schabas, William, *The UN International Criminal Tribunals* (Cambridge University Press, 1st ed, 2006).
- Schabas, William, *Unimaginable Atrocities: Justice, politics, and rights at the war crimes tribunals* (Oxford University Press, 1st ed, 2012).
- Scharf, Michael, *Balkan Justice: The story behind the first international war crimes trial since Nuremberg* (Carolina Academic Press, 1st ed, 1997) 67.
- Scheiner, Georganne, 'Would you like to be Queen for a day? Finding a working class voice in American television of the 1950s' (2003) 23(4) *Historical Journal of Film, Radio and Television* 375.
- Schense, Jennifer, 'Conclusion: Findings and recommendations' in Jennifer Schense and Linda Carter (eds), *Two Steps Forward, One Step Back: The deterrence effect of international criminal tribunals* (International Nuremberg Principles Academy, 1st ed, 2016) 333.
- Schiff, Benjamin, 'Diplomacy and the International Criminal Court' in Andrew Cooper, Jorge Heine, and Ramesh Thakur (eds), *The Oxford Handbook of Modern Diplomacy* (Oxford University Press, 1st ed, 2013) 745.
- Schmidt, Richard, 'Die deutsche Zivilprozeßreform und ihr Verhältnis zu den ausländischen Gesetzgebungen' (1908) 1 *Zeitschrift für Politik* 245.
- Schneider, Carl, 'Discretion and Rules' in Keith Hawkins (ed), *The Uses of Discretion* (Oxford University Press, 1st ed, 1992) 47.
- Seils, Paul, 'The Selection and Prioritisation of Cases by the Office of the Prosecutor of the International Criminal Court' in Morten Bergsmo (ed), *Criteria for Prioritising and Selecting Core International Crimes Cases* (Torkel Opsahl Academic ePublisher, 2nd ed, 2010) 69.
- Sellers, Patricia, 'Ntaganda: Re-alignment of a paradigm' in Fausto Pocar (ed), *The Additional Protocols 40 Years Later: New conflicts, new actors, new perspectives* (Franco Angeli, 1st ed, 2018).

- Sisk, Gregory, 'Judges Are Human, Too' (2000) 83 *Judicature* 178.
- Sklansky, David, 'The Problems with Prosecutors' (2018) 87(1) *Annual Review of Criminology* 451.
- Sloane, Robert, 'The Expressive Capacity of International Punishment: The limits of the national law analogy and the potential of international criminal law' (2007) 43(1) *Stanford Journal of International Law* 39.
- Smeulers, Alette, Barbora Holá, and Tom van den Berg, 'Sixty-Five Years of International Criminal Justice: The facts and figures' (2013) 13(1) *International Criminal Law Review* 7.
- Smith, Abbe, 'Can You Be a Good Person and a Good Prosecutor?' (2001) 14(2) *Georgetown Journal of Legal Ethics* 355.
- Sontag, Susan, *Against Interpretation* (Farrar, Straus, and Giroux, 1st ed, 1967).
- Spoerri, Marlene, 'Justice Imposed: How policies of conditionality effect transitional justice in the Former Yugoslavia' (2011) 63(10) *Europe-Asia Studies* 1827.
- Stahn, Carsten, *A Critical Introduction to International Criminal Law* (Cambridge University Press, 1st ed, 2018).
- Stahn, Carsten, 'Damned if You Do, Damned if You Don't: Challenges and critiques of ICC preliminary examinations' (2017) 15(3) *Journal of International Criminal Justice* 413.
- Stahn, Carsten, *Justice as Message: Expressivist foundations of international criminal justice* (Oxford University Press, 1st ed, 2020).
- Steinke, Ronen, *The Politics of International Criminal Justice: German perspectives from Nuremberg to The Hague* (Hart, 1st ed, 2012).
- Sterio, Milena, 'Responsibility for the Destruction of Religious and Historic Buildings: The Al Mahdi case' (2017) 49(1) *Case Western Reserve Journal of International Law* 63.
- Stover, Eric, *The Witnesses: War crimes and the promise of justice in The Hague* (University of Pennsylvania Press, 1st ed, 2005).
- Strejilevich, Nora, 'Testimony: Beyond the language of truth' (2006) 28(3) *Human Rights Quarterly* 701.

Tallgren, Immi, 'The Sensibility and Sense of International Criminal Law' (2002) 13(3) *European Journal of International Law* 561.

The Statutes of the Realm (Dawsons, 1st ed, 1810) vol 1.

Teresa Cusato, Eliana, 'Beyond Symbolism: Problems and prospects with prosecuting environmental destruction before the ICC' (2017) 15(3) *Journal of International Criminal Justice* 491.

Tertullian, 'Apologeticum', chapter 41, section 2, contained in and translated by T R Glover, *Tertullian, Minucius Felix* (Harvard University Press, 1st ed, 1931).

Thomas, Charles and W Anthony Fitch, 'Prosecutorial Decision Making' (1976) 13(3) *American Criminal Law Review* 507.

Tieger, Alan and Milbert Shin, 'Plea Agreements in the ICTY: Purpose, effects, and propriety' (2005) 3(3) *Journal of International Criminal Justice* 666.

Tolbert, David and Fergal Gaynor, 'International Tribunals and the Right to a Speedy Trial: Problems and possible remedies' (2009) 27(1) *Law in Context* 33.

Tromp, Nevenka, *Prosecuting Slobodan Milošević: The unfinished trial* (Routledge, 1st ed, 2016).

Turner, Jenia, 'Accountability of International Prosecutors' in Carsten Stahn (ed), *The Law and Practice of the International Criminal Court* (Oxford University Press, 1st ed, 2015) 382.

Turner, Jenia, 'Policing International Prosecutors' (2012) 45 *International Law and Politics* 175.

Van der Wilt, Harmen, 'Why International Criminal Lawyers Should Read Mirjan Damaška' in Carsten Stahn and Larissa van den Herik (eds), *Future Perspectives on International Criminal Justice* (TMC Asser Press, 1st ed, 2010) 44.

Van Dijk, Teun, 'Principles of Critical Discourse Analysis' (1993) 4(2) *Discourse and Society* 249.

Van Schaack, Beth, 'Crimen Sine Lege: Judicial lawmaking at the intersection of law and morals' (2008) 97(1) *Georgetown Law Journal* 119.

Vrij, Aldert and Agneta Fischer, 'The Expression of Emotions in Simulated Rape Interviews' (1995) 4 *International Review of Victimology* 64.

Vukušić, Iva, 'Nineteen Minutes of Horror: Insights from the Scorpions execution video' (2018) 12(2) *Genocide Studies and Prevention* 35.

Watson, David, 'Discretion, Moral Judgement, and Integration' in Michael Adler and Stewart Asquith (eds), *Discretion and Welfare* (Heinemann, 1st ed, 1981) 229.

Watts, Amber, 'Queen for a Day: Remaking consumer culture, one woman at a time' in Dana Heller (ed), *The Great American Makeover: Television, history, nation* (Palgrave Macmillan, 2006) 141.

Webb, Philippa, 'The ICC Prosecutor's Discretion Not to Proceed in the "Interests of Justice"' (2005) 50 *Criminal Law Quarterly* 305.

Weber, Max, 'Bureaucracy' in H H Gerth and C Wright Mills, *From Max Weber: Essays in sociology* (Oxford University Press, 1st ed, 1946) 196.

Wessel, Ellen et al, 'Credibility of the Emotional Witness: A Study of Ratings by Court Judges' (2006) 30 *Law and Human Behaviour* 221.

Whiting, Alex, 'In International Criminal Prosecutions, Justice Delayed Can Be Justice Delivered' (2009) 50(2) *Harvard International Law Journal* 323.

Wierda, Marieke and Anthony Triolo, 'Resources' in Luc Reydam, Jan Wouters and Cedric Ryngaert, *International Prosecutors* (Oxford University Press, 1st ed, 2012) 113.

Wilson, Richard, *Writing History in International Criminal Trials* (Cambridge University Press, 1st ed, 2011).

Wodak, Ruth, 'What CDA Is About: A summary of its history, important concepts, and its developments' in Ruth Wodak and Michael Meyer (eds), *Methods of Critical Discourse Analysis* (Sage, 1st ed, 2001) 1.

Yang, Kenny, 'Public Accountability of Public Prosecutions' (2013) 20(1) *Murdoch University Law Review* 28.

Zakerhossein, Mohammad Hadi and Anne-Marie de Brouwer, 'Diverse Approaches to Total and Partial *In Absentia* Trials by

International Criminal Tribunals' (2015) 26(2) *Criminal Law Forum* 181.

Zammit Borda, Aldo, 'History in International Criminal Trials: The "crime-driven lens" and its blind spots' (2020) 18(3) *Journal of International Criminal Justice* 543.

Zeegers, Krit, *International Criminal Tribunals and Human Rights Law: Adherence and contextualisation* (PhD thesis, University of Amsterdam, 2015).

Cases and Filings

Brady v United States, 397 US 742 (1970).

Decision recognising the name change of the 'Association of Defence Counsel Practicing Before the ICTY' to 'Association of Defence Counsel Practicing Before the International Courts and Tribunals' (MICT, MICT-12-01, 16 June 2017).

Driscoll v Burlington-Bristol Bridge Co 8 NJ 433 (1952).

Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu (Judgment) (SCSL, Appeals Chamber, SCSL-04-16-A, 22 February 2008).

Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu (Judgment) (SCSL, Trial Chamber, SCSL-04-16-T, 20 June 2007).

Prosecutor v Alex Tamba Brima and Santigie Borbor Kanu (Request for leave to amend the indictment) (SCSL, Trial Chamber, SCSL-04-16-PT, 6 May 2004).

Prosecutor v Anto Furundžija (Judgment) (ICTY, Trial Chamber, ICTY-95-17/1-T, 10 December 1998).

Prosecutor v Biljana Plavšić (Plea Agreement) (ICTY, Trial Chamber, IT-00-39&40-PT, 30 September 2002).

Prosecutor v Bosco Ntaganda (Judgment on the appeal of Mr Ntaganda against the "Second decision on the Defence's challenge to the jurisdiction of the Court in respect of counts 6 and 9") (ICC, Appeals Chamber, ICC-01/04-02/06 OA5, 15 June 2017).

Prosecutor v Dario Kordić and Mario Čerkez (Judgment) (ICTY, Appeals Chamber, IT-95-14/2-A, 17 December 2004).

Prosecutor v Đorđe Đukić (Decision declining jurisdiction to withdraw an indictment) (ICTY, Trial Chamber, IT-96-20-T, 19 April 1996).

Prosecutor v Đorđe Đukić (Decision rejecting the application to withdraw the indictment and order for provisional release) (ICTY, Trial Chamber, IT-96-20-T, 24 April 1996).

Prosecutor v Đorđe Đukić (Motion to withdraw the indictment) (ICTY, Trial Chamber, IT-96-20-T, 19 April 1996).

Prosecutor v Dragan Gagović et al (Indictment) (ICTY, Trial Chamber, IT-96-23-I, 18 June 1996).

Prosecutor v Damir Došen (Joint submission of the Prosecution and the Accused Damir Došen concerning a plea agreement and admitted facts) (ICTY, Trial Chamber, IT-95-8-T, 6 September 2001).

Prosecutor v Dragan Kolundžija (Joint submission of the Prosecution and the Accused Dragan Kolundžija of a plea agreement) (ICTY, Trial Chamber, IT-95-8-T, 30 August 2001).

Prosecutor v Dragan Nikolić (Indictment) (ICTY, Office of the Prosecutor, IT-94-2-I, 4 November 1994).

Prosecutor v Dragomir Milošević (Transcript of 10 January 2007) (ICTY, Trial Chamber, IT-98-29/1-PT, 10 January 2007).

Prosecutor v Dražen Erdemović (Annexure A to the joint motion for consideration of plea agreement between Dražen Erdemović and the Office of the Prosecutor) (ICTY, Trial Chamber, IT-96-22-PTbis, 8 January 1998).

Prosecutor v Dražen Erdemović (Letter from Vanessa Vasic-Janekovic to the Registrar, dated 07-01-98, in English) (ICTY, Chamber, IT-96-22-BIS, 14 January 1998).

Prosecutor v Dražen Erdemović (Sentencing Judgment) (ICTY, Trial Chamber, IT-96-22-Tbis, 5 March 1998).

Prosecutor v Dražen Erdemović (Transcript of 19 November 1996) (ICTY, Trial Chamber, IT-96-22-T, 19 November 1996).

Prosecutor v Duško Tadić (Appeals Judgment) (ICTY, Appeals Chamber, IT-94-I-A, 15 July 1999).

Prosecutor v Duško Tadić (Application for Deferral) (ICTY, Office of the Prosecutor, IT-94-I-D, 12 October 1994).

Prosecutor v Duško Tadić (Judgment) (ICTY, Appeals Chamber, IT-94-I-A, 15 July 1999).

Prosecutor v Duško Tadić (Judgment in Sentencing Appeals) (ICTY, Appeals Chamber, IT-94-I-A, 26 January 2000).

Prosecutor v Duško Tadić (Judgment on allegations of contempt against prior counsel, Milan Vujin) (ICTY, Appeals Chamber, IT-94-I-A-R77, 31 January 2001).

Prosecutor v Duško Tadić (Notice of Appeal) (ICTY, Appeals Chamber, IT-94-I-A, 6 June 1997).

Prosecutor v Duško Sikirica (Joint submission of the Prosecution and the Accused Duško Sikirica concerning a plea agreement and admitted facts) (ICTY, Trial Chamber, IT-95-8-T, 6 September 2001).

Prosecutor v Duško Sikirica, Damir Došen, and Dragan Kolundžija (Sentencing Judgment) (ICTY, Trial Chamber, IT-95-8-S, 13 November 2001).

Prosecutor v Enver Hadžihasanović and Amir Kubura (Appeals Judgment) (ICTY, Appeals Chamber, IT-01-47-A, 22 April 2008).

Prosecutor v Enver Hadžihasanović and Amir Kubura (Transcript of 28 November 2003) (ICTY, Trial Chamber, IT-01-47-PT, 10 January 2007).

Prosecutor v Enver Hadžihasanović, Mehmed Alagić, and Amir Kubura (Decision on interlocutory appeal challenging jurisdiction in relation to command responsibility) (ICTY, Appeals Chamber, IT-01-47-AR72, 16 July 2003).

Prosecutor v Goran Jelisić (Judgment) (ICTY, Trial Chamber, IT-95-10-T, 14 December 1999).

Prosecutor v Goran Jelisić (Transcript of 11 November 1999) (ICTY, Trial Chamber, IT-95-10, 11 November 1999).

Prosecutor v Hashim Thaçi et al (Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi) (Kosovo Specialist Chambers, Pre-Trial Judge, KSC-BC-2020-06, 26 October 2020).

Prosecutor v Issa Hassan Sesay (Decision on complaint pursuant to article 32 of the Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone) (SCSL, President, SCSL-04-15-CCC32, 20 February 2006).

Prosecutor v Jean-Bosco Barayagwiza (Decision [against the 'Decision on the Extremely Urgent Motion by the Defence for Orders to Review and/or Nullify the Arrest and Provisional Detention of the Suspect']) (ICTR, Appeals Chamber, ICTR-97-19-AR72, 3 November 1999).

Jean-Bosco Barayagwiza v The Prosecutor (Decision [on the] Prosecutor's Request for Review or Reconsideration) (ICTR, Appeals Chamber, ICTR-97-19-AR72, 31 March 2000).

Prosecutor v Jean-Paul Akayesu (Appeals Judgment) (ICTR, Appeals Chamber, ICTR-96-4-A, 23 November 2001).

Prosecutor v Joseph Serugendo (Judgment and Sentence) (ICTR, Trial Chamber, ICTR-05-84-I, 12 June 2006).

Prosecutor v Jovica Stanišić and Franko Simatović (Transcript of 5 May 2011) (ICTY, Trial Chamber, IT-03-69-T, 5 May 2011).

Prosecutor v Juvénal Rugambarara (Sentencing Judgment) (ICTR, Trial Chamber, ICTR-00-59-T, 16 November 2007).

Prosecutor v Michel Bagaragaza (Sentencing Judgment) (ICTR, Trial Chamber, ICTR-05-86-T, 17 November 2009).

Prosecutor v Milan Babić (Joint motion for consideration of plea agreement between Milan Babić and the Office of the Prosecutor pursuant to rule 62ter) (ICTY, Trial Chamber, IT-03-72-I, 12 January 2004).

Prosecutor v Milan Babić (Sentencing judgment) (ICTY, Trial Chamber, IT-03-72-S, 29 June 2004).

Prosecutor v Milan Lukić and Sredoje Lukić (Judgment) (ICTY, Trial Chamber, IT-98-32/1-T, 20 July 2009).

Prosecutor v Milan Milutinović et al (Transcript of 7 July 2006) (ICTY, Trial Chamber, IT-05-87-PT, 7 July 2006).

Prosecutor v Milan Milutinović, Nikola Šainović, and Dragoljub Ojdanić (Decision on Dragoljub Ojdanić's motion challenging jurisdiction - joint criminal enterprise) (ICTY, Appeals Chamber, IT-99-37-AR72, 21 May 2003).

- Prosecutor v Milomir Stakić (Judgment)* (ICTY, Trial Chamber, IT-97-24-T, 31 July 2003).
- Prosecutor v Miodrag Jokić (Prosecution's brief on the sentencing of Miodrag Jokić)* (ICTY, Trial Chamber, IT-01-42/1-S, 14 November 2003).
- Prosecutor v Miroslav Bralo (Sentencing Brief on Behalf of Miroslav Bralo)* (ICTY, Trial Chamber, IT-95-17-S, 25 November 2005).
- Prosecutor v Miroslav Deronjić (Sentencing Judgment)* (ICTY, Trial Chamber, IT-02-61-S, 30 March 2004).
- Prosecutor v Mitar Vasiljević (Prosecutor's pre-trial brief pursuant to Rule 65ter(E)(i))* (ICTY, Trial Chamber, IT-98-32-PT, 11 December 2000).
- Prosecutor v Mitar Vasiljević (Judgment)* (ICTY, Appeals Chamber, IT-98-32-T, 29 November 2002).
- Prosecutor v Mladen Naletilić and Vinko Martinović (Scheduling order)* (ICTY, Trial Chamber, IT-98-34, 1 September 2000).
- Prosecutor v Moinina Fofana and Allieu Kondewa (Appeals Judgment)* (SCSL, Appeals Chamber, SCSL-04-14-A, 28 May 2008).
- Prosecutor v Moinina Fofana and Allieu Kondewa (Judgment on the Sentencing of Moinina Fofana and Allieu Kondewa)* (SCSL, Trial Chamber, SCSL-04-14-T, 9 October 2007).
- Prosecutor v Momir Nikolić (Joint motion for consideration of amended plea agreement between Momir Nikolić and the Office of the Prosecutor)* (ICTY, Trial Chamber, IT-02-60-PT, 7 May 2003).
- Prosecutor v Momir Nikolić (Judgment on sentencing appeal)* (ICTY, Appeals Chamber, IT-02-60/01-A, 8 March 2006).
- Prosecutor v Moinina Fofana and Allieu Kondewa (Prosecution sentencing submission pursuant to Rule 100(A) of the Rules of Procedure and Evidence)* (SCSL, Trial Chamber, SCSL-04-14-T, 924 August 2007).
- Prosecutor v Momir Nikolić (Sentencing judgment)* (ICTY, Trial Chamber, IT-02-60/01-S, 2 December 2003).
- Prosecutor v Naser Orić (Appeals Judgment)* (ICTY, Appeals Chamber, IT-03-68-A, 3 July 2008).
- Prosecutor v Paul Bisengimana (Indictment)* (ICTR, Trial Chamber, ICTR-00-60, 1 July 2000).

- Prosecutor v Paul Bisengimana (Judgment and Sentence)* (ICTR, Trial Chamber, ICTR-00-60-T, 13 April 2006).
- Prosecutor v Paul Bisengimana (Mémoire de Procureur relatif à la sentence)* (ICTR, Trial Chamber, ICTR-00-60-T, 16 January 2006).
- Prosecutor v Paul Bisengimana (The Prosecutor's sentencing brief)* (ICTR, Trial Chamber, ICTR-00-59-T, 12 September 2007).
- Prosecutor v Paul Bisengimana (Transcript of 19 January 2006)* (ICTR, Trial Chamber, ICTR-00-60-T, 19 January 2006).
- Prosecutor v Pauline Nyiramasuhuko et al (Judgment)* (ICTR, Appeals Chamber, ICTR-98-42-A, 14 December 2015).
- Prosecutor v Predrag Banović (Sentencing Judgment)* (ICTY, Trial Chamber, IT-02-65/1-S, 28 October 2003).
- Prosecutor v Predrag Banović (Transcript of 3 September 2003)* (ICTY, Trial Chamber, IT-02-65/1, 3 September 2003).
- Prosecutor v Protais Zigiranyirazo (Agreement between the Prosecutor of the ICTR and Michel Bagaragaza)* (ICTR, Trial Chamber, ICTR-01-73, 28 November 2006).
- Prosecutor v Radoslav Brđanin (Judgment)* (ICTY, Trial Chamber, IT-99-36-T, 1 September 2004).
- Prosecutor v Radoslav Krstić (Decision on Application for Subpoenas)* (ICTY, Appeals Chamber, IT-98-33-A, 1 July 2003).
- Prosecutor v Radovan Karadžić (Motion to amend the first amended indictment)* (ICTY, Trial Chamber, IT-95-5/18-PT, 22 September 2008).
- Prosecutor v Radovan Karadžić (Transcript of 29 August 2008)* (ICTY, Trial Chamber, IT-95-5/18-I, 29 August 2008).
- Prosecutor v Ratko Mladić (Consolidated prosecution motion to sever indictment, to conduct separate trials, and to amend resulting Srebrenica indictment)* (ICTY, Trial Chamber, IT-09-92-PT, 16 August 2011).
- Prosecutor v Ratko Mladić (Decision on consolidated prosecution motion to sever the indictment, to conduct separate trials, and to amend the indictment)* (ICTY, Trial Chamber, IT-09-92-PT, 11 October 2011).
- Prosecutor v Ratko Mladić (Decision pursuant to rule 73bis(d))* (ICTY, Trial Chamber, IT-09-92-PT, 2 December 2011).

- Prosecutor v Ratko Mladić (Defence response in opposition to the consolidated prosecution motion to sever indictment, to conduct separate trials, and to amend resulting Srebrenica indictment)* (ICTY, Trial Chamber, IT-09-92-PT, 31 August 2011).
- Prosecutor v Ratko Mladić (Prosecution submission on reduction of the indictment pursuant to rule 73bis(d))* (ICTY, Trial Chamber, IT-09-92-PT, 18 November 2011).
- Prosecutor v Slobodan Milošević et al (Indictment)* (ICTY, Office of the Prosecutor, IT-99-37, 22 May 1999).
- Prosecutor v Slobodan Milošević (Transcript of 9 January 2002)* (ICTY, Trial Chamber, IT-02-54-T, 9 January 2002).
- Prosecutor v Slobodan Milošević (Transcript of 25 July 2002)* (ICTY, Trial Chamber, IT-02-54-T, 25 July 2002).
- Prosecutor v Slobodan Milošević (Transcript of 19 February 2003)* (ICTY, Trial Chamber, IT-02-54-T, 19 February 2003).
- Prosecutor v Slobodan Milošević (Transcript of 20 February 2003)* (ICTY, Trial Chamber, IT-02-54, 20 February 2003).
- Prosecutor v Slobodan Milošević (Transcript of 6 September 2005)* (ICTY, Trial Chamber, IT-02-54-T, 6 September 2005).
- Prosecutor v Stanislav Galić (Appeals Judgment)* (ICTY, Appeals Chamber, IT-98-29-A, 30 November 2006).
- Prosecutor v Stanislav Galić (Judgment and opinion)* (ICTY, Trial Chamber, IT-98-29-T, 5 December 2003).
- Prosecutor v Stanislav Galić (Prosecution's final trial brief)* (ICTY, Trial Chamber, IT-98-29-T, 28 April 2003).
- Prosecutor v Stanislav Galić (Scheduling order)* (ICTY, Trial Chamber, IT-98-29-T, 4 July 2000).
- Prosecutor v Sylvestre Gacumbitsi (Appeals Judgment)* (ICTR, Appeals Chamber, ICTR-2001-64, 7 July 2006).
- Prosecutor v Thomas Lubanga Dyilo (Judgment pursuant to Article 74 of the Statute)* (ICC, Trial Chamber, ICC-01/04-01/06, 14 March 2012).
- Prosecutor v Thomas Lubanga Dyilo (Transcript of 28 January 2009)* (ICC, Trial Chamber, ICC-01/04-01/06-T-110-Red3-ENG, 28 January 2009).

- Prosecutor v Tihomir Blaškić (Judgment)* (ICTY, Trial Chamber, IT-95-14-T, 3 March 2000).
- Prosecutor v Vidoje Blagojević and Dragan Jokić (Prosecution's Appeal Brief)* (ICTY, Trial Chamber, IT-02-60-A, 9 May 2005).
- Prosecutor v Vlastimir Đorđević (Notice of filing public redacted version of Prosecution appeal brief)* (ICTY, Trial Chamber, IT-05-87/1-A, 17 August 2011).
- Prosecutor v Zdravko Tolimir (Declaration by OTP Investigator Tore Soldal regarding the video containing the killing of 6 Muslim men from Srebrenica by the Skorpions paramilitary unit at Godinjske Bare (Trnovo) – V000-5095-V000-5095)* (ICTY, Trial Chamber, IT-05-88/2, 23 September 2010).
- Prosecutor v Zejnil Delalić et al (Appeals Judgment)* (ICTY, Appeals Chamber, IT-96-21-A, 20 February 2001).
- Prosecutor v Zejnil Delalić et al (Brief of Appellant, Esad Landžo, on Appeal Against Conviction and Sentence)* (ICTY, Appeals Chamber, IT-96-21-A, 2 July 1999).
- Prosecutor v Zlatko Aleksovski (Appeals judgment)* (ICTY, Appeals Chamber, IT-95-14/1-A, 24 March 2000).
- Prosecutor v Zlatko Aleksovski (Judgment on appeal by Anto Nobilo against finding of contempt)* (ICTY, Appeals Chamber, IT-95-14/1-AR77, 30 May 2001).
- Prosecutor v Zlatko Aleksovski (Prosecution's Appeal Brief)* (ICTY, Appeals Chamber, IT-95-14/1-A, 24 September 1999).
- Prosecutor v Zoran Kupreskić et al (Decision on communications between parties and their witnesses)* (ICTY, Trial Chamber, IT-95-16-T, 21 September 1998).
- Prosecutor v Zoran Kupreskić et al (Judgment)* (ICTY, Trial Chamber, IT-95-16-T, 14 January 2000).
- R v Charles Bembridge* (1783) 3 Doug 327.
- Situation on Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia (Decision on the 'application for judicial review by the government of the Comoros')* (ICC, Pre-Trial Chamber, ICC-01/13, 16 September 2020).

Trial of the Major War Criminals (Motion adopted by all defence counsel) (19 November 1945) I Blue Series 168.

Treaties, Statutes, Policies, Regulations, and Rules

Access Policy for the Records held by the Mechanism for International Criminal Tribunals, MICT Doc MICT/17 (12 August 2016).

Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, opened for signature 16 January 2002, 2178 UNTS 137 (entered into force 12 April 2002).

Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone, opened for signature 29 July 2010, 2871 UNTS 333 (entered into force 2 October 2012).

Criminal Code Act 1983 (NT).

Evidence (National Uniform Legislation) Act 2011 (NT).

Grundgesetz für die Bundesrepublik Deutschland [Basic Law for the Federal Republic of Germany].

International Criminal Court, *Regulations of the Court*.

International Criminal Court, *Rules of Procedure and Evidence* (2002).

International Criminal Tribunal for the Former Yugoslavia, *Rules of Procedure and Evidence* (8 July 2015).

International Criminal Tribunal for Rwanda, *Rules of Procedure and Evidence* (13 May 2015).

Office of the Prosecutor, 'Code of Conduct for the Office of the Prosecutor' (International Criminal Court Office of the Prosecutor, 5 September 2013).

Office of the Prosecutor, 'Draft Policy on Cultural Heritage' (International Criminal Court Office of the Prosecutor, 22 March 2021).

Office of the Prosecutor, 'Guidelines for Agreements Regarding Admission of Guilt' (International Criminal Court Office of the Prosecutor, October 2020).

Office of the Prosecutor, 'Policy on Children' (International Criminal Court Office of the Prosecutor, November 2016).

Office of the Prosecutor, 'Policy Paper on Case Selection and Prioritisation' (International Criminal Court Office of the Prosecutor, September 2016).

Office of the Prosecutor, 'Policy Paper on Preliminary Examinations' (International Criminal Court Office of the Prosecutor, November 2013).

Office of the Prosecutor, 'Policy Paper on Sexual and Gender-Based Crimes' (International Criminal Court Office of the Prosecutor, June 2014).

Office of the Prosecutor, 'Regulations of the Office of the Prosecutor' (International Criminal Court Office of the Prosecutor, 23 April 2009).

Rome Statute of the International Criminal Court, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002).

Special Court for Sierra Leone, *Rules of Procedure and Evidence* (31 May 2012).

Statute of the International Criminal Tribunal for Rwanda (31 January 2010).

Statute of the International Criminal Tribunal for the Former Yugoslavia (September 2009).

Statute of the Special Court for Sierra Leone.

Statute the Second (1350).

The Provisions of Merton (1235).

The Statutes of Gloucester (1278).

United Nations Convention against Corruption, opened for signature 31 October 2003, 2349 UNTS 41 (entered into force 14 December 2005).

Datasets

Davis, Cale, *International Criminal Law Charging Document Database* (DOI 10.17026/dans-zcc-zdhp, 2021) version 6
<<https://easy.dans.knaw.nl/ui/datasets/id/easy-dataset:213630>>.

Davis, Cale, *International Criminal Law Prosecution Appeals Briefs Database* (DOI 10.17026/dans-xwq-ka6y, 2020) version 1 <<https://easy.dans.knaw.nl/ui/datasets/id/easy-dataset:213874>>.

Davis, Cale, *International Criminal Law Prosecution Sentencing Recommendation Statistics* (DOI 10.17026/dans-xd5-hyuz, 2019) version 1 <<https://easy.dans.knaw.nl/ui/datasets/id/easy-dataset:213875>>.

Davis, Cale, *International Criminal Law Prosecution Witness Statistics* (DOI 10.17026/dans-2z4-2d3b, 2019) version 2 <<https://easy.dans.knaw.nl/ui/datasets/id/easy-dataset:213819>>.

Others

Advisory Committee on Administrative and Budgetary Questions, *List of Witnesses* (15 February 1995) (on file with author).

Against All Odds (Sense TV, 2003) <<https://www.sensecenter.org/node/1984>>.

Annan, Kofi, *Letter dated 12 January 2001 from the Secretary-General addressed to the President of the Security Council*, UN Doc S/2001/40 (12 January 2001).

Annex to Decision Assigning the Situation in the Libyan Arab Jamahiriya to Pre-Trial Chamber I (ICC, Office of the Prosecutor, ICC-01/11-1-Anx, 2 March 2011).

Ahmad Tejan Kabbah, Alhaji, *Annex to the letter dated 9 August 2000 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council (Letter dated 12 June 2000)*, UN Doc S/2000/786 (12 June 2000).

Bednarek, Anna et al, *Independent Expert Review of the International Criminal Court and the Rome Statute System*, ICC Assembly of States Parties, ICC Doc ICC-ASP/19/16 (30 September 2020).

Charter, David, 'Chaos reigns at International Criminal Court trial of Thomas Lubanga', *The Times* (Online), 29 January 2009 <<https://www.thetimes.co.uk/article/chaos-reigns-at-international-criminal-court-trial-of-thomas-lubanga-6c61b3766666>>.

Fair Trials, 'At a glance – A visual breakdown of plea bargaining' on *Fair Trials* (11 February 2016) <<https://www.fairtrials.org/node/850>>.

Gec, Jovana, 'Authorities Arrest Man In Connection With Srebrenica Killings', *Associated Press* (Online), 8 March 1996 <<https://www.apnews.com/c17dceaba654ee4ed0cff7bd6c57d719>>.

Heller, Kevin, 'ICC Appeals Chamber Says A War Crime Does Not Have to Violate IHL' on *Opinio Juris* (15 June 2017) <<http://opiniojuris.org/2017/06/15/icc-appeals-chamber-holds-a-war-crime-does-not-have-to-violate-ihl/>>.

ICC Office of the Prosecutor, 'The Office of the Prosecutor of the International Criminal Court opens its first investigation' (Press Statement, ICC-OTP-20040623-59, 23 June 2004).

ICTY, *Crimes of Sexual Violence* <<https://www.icty.org/en/features/crimes-sexual-violence>>.

ICTY Chambers, 'Amended Indictment Against Radovan Karadžić Unsealed' (Press Statement, JL/PI.S/703-e, 14 October 2002) <<http://www.icty.org/en/press/amended-indictment-against-radovan-karadzic-unsealed>>.

ICTY Chambers, 'Amended Indictment Against Ratko Mladić' (Press Statement, JP/PLS/711e, 12 November 2002) <<http://www.icty.org/en/press/amended-indictment-against-ratko-mladic>>.

ICTY OTP, 'Erdemović and Kremenović transferred to The Hague' (Press Release, PC/PIO/053-E, 30 March 1996) <<https://www.icty.org/en/sid/7387>>.

ICTY OTP, 'Press Statement by Justice R J Goldstone, Prosecutor of the ICTY' (Press Statement, CC/PIO-041-E, 7 March 1996) <<http://www.icty.org/en/press/press-statement-justice-rj-goldstone-prosecutor-icty>>.

ICTY OTP, 'Statement by the Prosecutor following the withdrawal of the charges against 14 accused' (Press Statement, CC/PIU/314-E, 8 May 1998) <<http://www.icty.org/en/press/statement-prosecutor-following-withdrawal-charges-against-14-accused>>.

ICTY OTP, 'Statement of the Office of the Prosecutor on the Arrest of Radovan Karadžić' (Press Statement, OTP/1274e, 21 July 2008).

Identical letters dated 4 March 2002 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (Letter dated 6 February 2002 from the President of the

International Tribunal for Rwanda addressed to the Secretary-General, UN Doc S/2002/241 (8 March 2002).

Identical letters dated 26 May 2005 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (Special Court for Sierra Leone Completion Strategy, 18 May 2005), UN Doc A/49/816 (27 May 2005).

International Nuremberg Principles Academy <<https://www.nurembergacademy.org>>.

Interview with P1.

Interview with P2.

Interview with P3.

Interview with P4.

Interview with P5.

Interview with P6.

Interview with P7.

Interview with P8.

Interview with P9.

Interview with P10.

Interview with P11.

Interview with P12.

Interview with P13.

Interview with P14.

Interview with P15.

Interview with P17.

Interview with P18.

Interview with P19.

Interview with P20.

Interview with P21.

Interview with P22.

Interview with P23.

Interview with P24.

Interview with P25.

Interview with P26.

Interview with P28.

Interview with P29.

Interview with S30.

Johnson, Constance, 'Liberia; Sierra Leone: Financial shortfall may lead to Taylor's release', *Global Legal Monitor* (online), 5 March 2009 <<https://www.loc.gov/law/foreign-news/article/liberia-sierra-leone-financial-shortfall-may-lead-to-taylors-release/>>.

Judah, Tim and Daniel Sunter, 'How the video that put Serbia in the dock was brought to light', *The Guardian* (online), 5 June 2005 <<https://www.theguardian.com/world/2005/jun/05/balkans.warcrimes>>.

Kersten, Mark, 'Why the Timbuktu Case is a Breakthrough for International Criminal Court', *The Globe and Mail* (Online), 25 August 2016 <<https://www.theglobeandmail.com/opinion/timbuktu-case-a-breakthrough-for-international-criminal-court/article31540221/>>.

Kosovo Specialist Prosecutor's Office, 'Press Statement' (Press Statement, 24 June 2020) <<https://www.scp-ks.org/en/press-statement>>.

Kostić, Milica, 'Public Opinion Survey in Serbia Sheds Light on ICTY Legacy' on *EJIL: Talk!* (22 January 2018) <<https://www.ejiltalk.org/public-opinion-survey-in-serbia-sheds-light-on-icty-legacy/>>.

Kotecha, Birju, 'The ICC: What counts as a success?' on *Justice in Conflict* (13 September 2013) <<https://justiceinconflict.org/2013/09/13/the-icc-what-counts-as-a-success/>>.

Letter dated 14 June 2000 from the Secretary-General addressed to the President of the Security Council (Report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda), UNSCOR, UN Doc S/2000/597 (17 June 2000).

Letter dated 17 June 2002 from the Secretary-General addressed to the President of the Security Council (Report on the Judicial Status of the

International Criminal Tribunal for the Former Yugoslavia and the Prospects for Referring Certain Cases to National Courts, UN Doc S/2002/678 (19 June 2002).

McDermott, Yvonne, 'ICC extends War Crimes of Rape and Sexual Slavery to Victims from Same Armed Forces as Perpetrator' on *IntLawGrrls* (5 January 2017) <<https://ilg2.org/2017/01/05/icc-extends-war-crimes-of-rape-and-sexual-slavery-to-victims-from-same-armed-forces-as-perpetrator/>>.

Moreno Ocampo, Luis, 'Keynote by ICC Chief Prosecutor' (Speech delivered at Colloquium of Prosecutors of International Criminal Tribunals on 'The Challenges of International Criminal Justice', Arusha, 25 November 2004).

Nabti, Najwa, email to Cale Davis, 7 September 2018.

Nalupta, Januel, email to Cale Davis, 18 October 2018.

Office of the Prosecutor, 'Strategic Plan, 2016-2018' (International Criminal Court Office of the Prosecutor, November 2015).

Office of the Prosecutor, 'Strategic Plan, 2019-2021' (International Criminal Court Office of the Prosecutor, 17 July 2019).

Open Society Justice Initiative, 'Establishing Performance Indicators for the International Criminal Court' (Briefing Paper, November 2015).

Oxford English Dictionary (Oxford University Press, 3rd ed, 2013).

P2, email to Cale Davis, 8 August 2019.

P4, email to Cale Davis, 3 October 2018.

Perseus Digital Library <<https://www.perseus.tufts.edu/hopper/>>.

Provisional verbatim record of the 4429th meeting, UN SCOR, UN Doc S/PV.4429 (27 November 2001).

Provisional verbatim record of the 4838th meeting, UN SCOR, UN Doc S/PV.4838 (9 October 2003).

Report of the Secretary-General on the establishment of a Special Court for Sierra Leone, UN Doc S/2000/915 (4 October 2000).

Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), UN Doc S/25704 (3 May 1993).

Report of the Secretary-General Pursuant to Paragraph 6 of Security Council Resolution 1329 (2000), UN Doc S/2001/154 (21 February 2001).

- SC Res 808 (1993), UN SCOR, UN Doc S/Res/808 (1993) (22 February 1993).
- SC Res 827 (1993), UN SCOR, UN Doc S/Res/827 (1993) (25 May 1993).
- SC Res 955 (1994), UN SCOR, UN Doc S/Res/955 (1994) (8 November 1994).
- SC Res 1315 (2000), UN SCOR, UN Doc S/Res/1315 (2000) (14 August 2000).
- SC Res 1329 (2000), UN SCOR, UN Doc S/Res/1329 (2000) (5 December 2000).
- SC Res 1503 (2003), UN SCOR, UN Doc S/Res/1503 (2003) (4 September 2003).
- SC Res 1534 (2004), UN SCOR, UN Doc S/Res/1534 (2004) (26 March 2004).
- SC Res 1774 (2007), UN SCOR, UN Doc S/Res/1774 (2007) (14 September 2007).
- SC Res 1786 (2007), UN SCOR, UN Doc S/Res/1786 (2007) (28 November 2007).
- SC Res 1970 (2011), UN SCOR, UN Doc S/Res/1970 (2011) (26 February 2011).
- Schabas, William, 'Feeding Time at the Office of the Prosecutor' on *International Criminal Justice Today* (23 November 2016) <<https://www.international-criminal-justice-today.org/arguendo/icc-prosecutors-perpetuation-of-the-fiction-of-objectivity/>>.
- Simons, Marlise, 'Antonio Cassese, War Crimes Law Expert, Dies at 74', *New York Times* (online), 23 October 2011 <<https://www.nytimes.com/2011/10/24/world/europe/antonio-cassese-noted-italian-jurist-dies-at-74.html>>.
- Simons, Marlise, 'Proud but Concerned, Tribunal Prosecutor Leaves', *New York Times* (online), 15 September 1999 <<https://www.nytimes.com/1999/09/15/world/proud-but-concerned-tribunal-prosecutor-leaves.html>>.
- Special Court for Sierra Leone, 'Second Annual Report of the President of the Special Court for Sierra Leone for the period 1 January 2004 - 17 January 2005' (Special Court for Sierra Leone, 2005).

Stahn, Carsten, 'Is ICC Justice Measurable? Re-thinking means and methods of assessing the Court's practice' on *ICC Forum* (February 2018) <<https://iccforum.com/performance>>.

Strengthening the International Criminal Court and the Assembly of States Parties, ICC Assembly of States Parties, ICC Doc ICC-ASP/13/Res.5 (17 December 2014).

Stuart, Heikelina and Marlise Simons, Interview with Antonio Cassese, on *The Judge: Interview with Antonio Cassese* (2009) The Prosecutor and the Judge <<https://www.press.uchicago.edu/Misc/Chicago/9789085550235.html>>.

Swart, Mia, '“No gleaming success”: Special Tribunal for Lebanon to close because of funding shortage', *Al Jazeera* (Online), 13 June 2021 <<https://liberties.aljazeera.com/en/special-tribunal-for-lebanon-to-close-its-doors/>>.

The Reckoning (Directed by Pamela Yates, Skylight Pictures, 2009).

United Nations Security Council, 'Special Court for Sierra Leone faces funding crisis, as Charles Taylor trial gets under way, Security Council told today in briefing by Court's senior officials' (Press Release, SC/9037, 8 June 2007) <<https://www.un.org/press/en/2007/sc9037.doc.htm>>.

Verbi Software, *MAXQDA2020* (2019).

Vulgate Bible.

Vulgate Bible (Douay-Rheims Translation) <<http://www.gutenberg.org/files/8300/8300-h/8300-h.htm#Book53>>.

Vulliamy, Ed, 'Freed Kosovo war chief pledges: "I will lead my people once more"', *The Observer* (Online), 2 December 2012 <<https://www.theguardian.com/world/2012/dec/02/ramush-haradinaj-kosovo-acquitted>>.

Wakabi, Wairagala, 'Appeals Chamber Affirms ICC Can Try Ntaganda Over Rape of Child Soldiers' on *International Justice Monitor* (25 June 2017) <<https://www.ijmonitor.org/2017/06/appeals-chamber-affirms-icc-can-try-ntaganda-over-rape-of-child-soldiers/>>.

Whiting, Alex, 'Encouraging the Acceptance of Guilty Pleas at the ICC' on *Post-Conflict Justice* (11 February 2015) <<http://postconflictjustice.com/encouraging-the-acceptance-of-guilty-pleas-at-the-icc/>>.

Whiting, Alex, 'The Significance of the ICC's First Guilty Plea' on *Just Security* (23 August 2016) <<https://www.justsecurity.org/32516/significance-iccs-guilty-plea/>>.

Zijlstra, Halbe, 'Speech by Minister Zijlstra (Foreign Affairs) at the closing of the International Criminal Tribunal for the Former Yugoslavia (ICTY)' (Speech delivered at the ICTY Closing Ceremony, The Hague, 21 December 2017).