

ANNEX 1 to

**Prosecution response to Veseli Defence appeal against the 'Decision on Motions
challenging the jurisdiction of the Specialist Chambers'**

Public

List of Authorities

1.	ECtHR, Grand Chamber, <i>Kononov v. Latvia</i> , 36376/04, 'Judgment', 17 May 2010 (available at http://hudoc.echr.coe.int/eng?i=001-98669)
2.	ECtHR, Grand Chamber, <i>Korbely v. Hungary</i> , 9174/02, 'Judgment', 19 September 2008 (available at http://hudoc.echr.coe.int/eng?i=001-88429)
3.	ECtHR, <i>Ould Dah v. France</i> , 13113/03, 'Admissibility Decision, 17 March 2009 (available at http://hudoc.echr.coe.int/eng?i=001-113014)
4.	Kosovo, Supreme Court, <i>L. Gashi et al.</i> , Decision, 21 July 2005, AP-KZ No. 139/2004 (available at Annex 3)
5.	Constitutional Court of the Republic of Kosovo, ' Judgement: Assessment of an Amendment to the Constitution of the Republic of Kosovo proposed by the Government of the Republic of Kosovo and referred by the President of the Assembly of the Republic of Kosovo on 9 March 2015 by Letter No. 05-433jDO-318 ', 15 April 2015, Case No. K026/15 (available at https://gjk-ks.org/wp-content/uploads/vendimet/KO26-15_ANG.pdf)
6.	ECtHR, Grand Chamber, <i>Scoppola v. Italy (no. 2)</i> , 10249/03, 'Judgment', 17 September 2009 (available at http://hudoc.echr.coe.int/eng?i=001-94135)
7.	ECtHR, Grand Chamber, <i>Maktouf and Damjanović v. Bosnia and Herzegovina</i> , 2312/08 and 34179/08, 'Judgment', 18 July 2013 (available at http://hudoc.echr.coe.int/eng?i=001-122716)
8.	ECCC, <i>Case against Nuon and Khieu</i> , 002/19-09-2007/ECCC/TC, 'Case 002/001 Judgment', 7 August 2014 (available at https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/2014-08-07%2017:04/E313_Trial%20Chamber%20Judgement%20Case%20002_01_ENG.pdf)
9.	ECCC, <i>Case against Nuon et al.</i> , 002/19-09-2007-ECCC/OCIJ (PTC7S), 'Decision on Ieng Sary's Appeal Against The Closing Order', 11 April 2011 (available at https://cambodia.ohchr.org/sites/default/files/ecccsourceleng%20Sary%20Case-Closing%20Order%20Appeal%20%5bEng%5d.pdf)
10.	ECCC, <i>Case against Kaing</i> , 001/18-07-2007-ECCC/SC, 'Appeal Judgment', 3 February 2012 (available at http://www.worldcourts.com/eccc/eng/decisions/2012.02.03_Co_Prosecutors_v_Kaing.htm)
11.	ECtHR, <i>Šimšić v. Bosnia and Herzegovina</i> , 51552/10, 'Decision', 10 April 2012 (available at http://hudoc.echr.coe.int/eng?i=001-110794)
12.	Ferdinandusse, <i>Direct Application of International Criminal Law in National Courts</i> (TMC Asser, 2006) (available at Annex 2)
13.	Kosovo, Supreme Court, <i>Prosecutor v. J.D. et al.</i> , PA II 11/2016, 'Judgement', 3 July 2017 (available at https://www.eulex-kosovo.eu/eul/repository/docs/CJ-20170815-Judgement_Drenica_I_Redacted.pdf)

14.	Charter of the International Military Tribunal – Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis, 8 August 1945 (available at https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf)
15.	Control Council Law Nr. 10, Punishment of Persons Guilty of War Crimes, Crimes against Peace and against Humanity, 20 December 1945 (available at https://www.legal-tools.org/doc/ffda62/pdf/)
16.	ICTY, Prosecutor v. Tadić, IT-94-1-A, Appeals Chamber, Judgment, 15 July 1999 (available at https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf)
17.	ICTY, Prosecutor v. Kvočka et al., Judgement, IT-98-30/1-A, 28 February 2005 (available at https://www.icty.org/x/cases/kvočka/acjug/en/kvo-aj050228e.pdf)
18.	Article 3 common to the Geneva Conventions of 1949 (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/9861b8c2f0e83ed3c1256403003fb8c5/baa341028ebff1e8c12563cd00519e66)
19.	ICRC, Commentary to the First Geneva Convention, 1952 (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=1919123E0D121FEFC12563CD0041FC08)
20.	ICRC, Commentary to the First Geneva Convention, 2016 (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDFA490736C1C1257F7D004BA0EC)
21.	ICRC, Commentary to the Second Geneva Convention, 2017 (31 March 1998) (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=D84E8D5C5EB782FAC1258115003CEBE5)
22.	ICRC, Commentary to the Third Geneva Convention, 1960 (23 September 1998) (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=466097D7A301F8C4C12563CD00424E2B)
23.	ICRC, Commentary to the Fourth Geneva Convention, 1958 (4 October 1998) (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=BE12C9954AC2AEC2C12563CD0042A25C)
24.	ICRC, Commentary on Additional Protocol II, 1987 (available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=5140F9DD9FF7E9C5C12563CD0043A0C7)
25.	ICTR, Prosecutor v. Akayesu, ICTR-96-4-T, Judgement, 2 September 1998 (available at https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-96-4/trial-judgements/en/980902.pdf)

26.	ICTY, Prosecutor v. Tadić, IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995 (available at https://www.icty.org/x/cases/tadic/acdec/en/51002.htm)
27.	ICTY, Prosecutor v. Aleksovski, IT-95-14/1-T, Judgement, 25 June 1999 (available at https://www.icty.org/x/cases/aleksovski/tjug/en/ale-tj990625e.pdf)
28.	ICTY, Prosecutor v. Delalić et al., IT-96-21-T, Judgement, 16 November 1998 (available at https://www.icty.org/x/cases/mucic/tjug/en/)
29.	ICTY, Prosecutor v. Blaškić, IT-95-14-T, Judgement, 3 March 2000 (available at https://www.icty.org/x/cases/blaskic/acjug/en/bla-aj040729e.pdf)
30.	Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), S/25704, 3 May 1993 (available at https://www.refworld.org/docid/3ae6af0110.html)
31.	Supreme Court of Kosovo, L. Gashi et al., Plm. Kzz. 18/2016, Judgement, 3 May 2016 (available at https://www.eulex-kosovo.eu/eul/repository/docs/Judgement_Plm.Kzz_18-2016_ENG_(Redacted_1).pdf)
32.	ICRC, Customary International Humanitarian Law, Volume I: Rules, Jean-Marie Henckaerts and Louise Doswald-Beck, 2005 (available at https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf)
33.	Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia, 26 February 1999, Chapter IV (available at http://www.cidh.org/countryrep/Colom99en/chapter-4.htm)
34.	Human Rights Committee, CCPR General comment no. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35, 16 December 2014 (available at https://www.refworld.org/docid/553e0f984.html)
35.	Supplementary Report on the Work of the Organization presented to the General Assembly on 24 October 1946, (A/65/Add.1) (available at https://undocs.org/A/65/Add.1)
36.	ECCC, Case Against Nuon and Khieu, 002/19-09-2007/ECCC/TC, Case 002/02 Judgment, 16 November 2018 (available at https://drive.google.com/file/d/1LA9ttO7C4fgC1aSb1cAoe9ofzwDuERx5/view?ts=5c9c9bb0)
37.	ICTY, Prosecutor v. Prlić et al., IT-04-74-A, Judgement, 29 November 2017 (available at https://www.icty.org/x/cases/prlic/acjug/en/171129-judgement-vol-1.pdf)
38.	ICTY, Prosecutor v. Krajišnik, IT-00-39-T, Judgement, 27 September 2006 (available at https://jm919846758.files.wordpress.com/2020/09/rlilt.pdf)

39.	HRC, Report of the Working Group on Arbitrary Detention, A/HRC/22/44, 24 December 2012 (available at https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.44_en.pdf)
40.	UN OHCHR, Fact Sheet No. 26, The Working Group on Arbitrary Detention, May 2000 (available at https://www.refworld.org/docid/479477440.html)
41.	ICC, Situation in the Republic of Burundi, Public Redacted version of "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi", ICC-01/17-X-9-US-Exp, 25 October 2017 (available at https://www.icc-cpi.int/CourtRecords/CR2017_06720.PDF)
42.	ICTY, Prosecutor v. Tolimir, IT-05-88/2-AR72.1, Decision on Tolimir's "Interlocutory appeal against the decision of the trial chamber on the part of the second preliminary motion concerning the jurisdiction of the tribunal", 25 February 2009 (available at https://www.icty.org/x/cases/tolimir/acdec/en/090225.pdf)
43.	ICTY, Prosecutor v. Gotovina et al., IT-06-90-AR72.1, Decision on Ante Gotovina's Interlocutory Appeal against Decision on Several Motions Challenging Jurisdiction, 6 June 2007 (available at https://www.icty.org/x/cases/gotovina/acdec/en/070606.pdf)
44.	ILC, Yearbook of the International Law Commission 1991, Volume II, Part Two, Report of the International Law Commission on the work of its forty-third session, 29 April - 19 July 1991 (available at https://legal.un.org/ilc/documentation/english/reports/a_46_10.pdf)
45.	Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/13/31, 21 December 2009 (available at https://undocs.org/A/HRC/13/31)