

## **ANNEX 1 to:**

### **Victims' Counsel response to the Defence Appeal Brief F00021**

Public

**List of Authorities pursuant to Article 49(1)(c) of the Practice Directions on Files  
and Filings before the Kosovo Specialist Chambers KSC-BD-15**

**1. Case law**

*a. ICC*

[\*The Prosecutor v Bemba\*](#) (ICC-01/05-01/08-3343), Trial Judgement, 21 March 2016.

[\*The Prosecutor v Bemba\*](#) (ICC-01/05-01/08-3636-Red) Appeal Judgment, 8 June 2018.

[\*The Prosecutor v Ntaganda\*](#) (ICC-01/04-02/06), Trial Judgement, 8 July 2019.

[\*The Prosecutor v Ongwen\*](#) (ICC-02/04-01/15), Trial Judgement, 4 February 2021.

*b. ICTY*

[\*The Prosecutor v. Radislav Krstić\*](#) (IT-98-33-A), Appeal Judgement, 19 April 2004.

[\*The Prosecutor v. Tihomir Blaškić\*](#) (IT-95-14-A), Appeal Judgement, 29 July 2004.

[\*Prosecutor v Kvočka et al\*](#) (IT-98-30/1-A), Appeal Judgement, 28 February 2005.

[\*The Prosecutor v Naser Orić\*](#) (IT-03-68-T), Trial Judgement, 30 June 2006.

[\*The Prosecutor v. Radoslav Brđjanin\*](#) (IT-99-36-A), Appeal Judgement, 3 April 2007.

[\*The Prosecutor v Milan Martić\*](#) (IT-95-11-T), Trial Judgement, 12 June 2007.

[\*The Prosecutor v Limaj et al\*](#) (IT-03-66-A/A1805-A1670), Appeal Judgement, 27 September 2007.

[\*The Prosecutor v Haradinaj et al\*](#) (IT-04-84-A), Appeal Judgement, 19 July 2010.

[\*The Prosecutor v Lukić\*](#) (IT-98-32/1-A), Appeal Judgement, 4 December 2012.

*c. ICTR*

[\*Juvénal Kajelijeli v. The Prosecutor\*](#) (ICTR-98-44A-A), Appeal Judgement, 23 May 2005.

[\*The Prosecutor v Kamuhanda\*](#) (ICTR-99-54A-A), Appeal Judgement, 19 September 2005.

[\*Sylvestre Gacumbitsi v. The Prosecutor\*](#) (ICTR-2001-64-A), Appeal Judgement, 7 July 2006.

[\*Mikaeli Muhimana v. The Prosecutor\*](#) (ICTR-95-1B-A), Appeal Judgement, 21 May 2007.

*d. ECtHR*

*Schenk v Switzerland* [10862/84](#), Judgement [Court (Plenary)] 1988.

*Bykov v Russia* [4378/02](#), Judgement [GC] 2009.

*El-Masri v The Former Yugoslav Republic of Macedonia* [39630/09](#), Judgement [GC] 2012.

*Ibrahim et al v the United Kingdom* [50541/08](#), [50571/08](#), [50573/08](#) and [40351/09](#), Judgement [GC] 2016.

e. *Other*

SCSL, *Prosecutor v Taylor* (SCSL-03-01-T), Trial Judgement, 18 May 2012.

SCSL, *The Prosecutor v Taylor* (SCSL-03-01-A(10766-11114)), Appeal Judgment, 26 September 2013.

England & Wales, *R v Smith* [1959] 2 QB 35

## 2. International instruments and legislation

a. *International Instruments*

*Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950.

Rome Statute of the International Criminal Court (*last amended 2010*), 17 July 1998 (including Elements of the Crimes).

b. *National legislation*

Bosnia & Herzegovina, *Criminal Code* (1998).

Bulgaria, *Penal Code as amended* (1968).

Criminal Code, *Official Gazette of the Republic of Macedonia* (first published 37/1996, most recent update 248/2018).

## 3. Books, Articles and Blogs

A. Al-Dawoody, *Respect for the Dead under Islamic law: considerations for humanitarian forensics*, ICRC-blog (Law and Policy). Available via <<https://blogs.icrc.org/law-and-policy/2018/11/01/respect-for-the-dead-under-islamic-law-considerations-for-humanitarian-forensics/>> [accessed: 27-05-2023].

Henckaerts and Doswald-Beck (eds.), *Customary International Humanitarian Law, Volume II: Practice* (ICRC: 2005).

A. Petrig, *'The war dead and their gravesites'*, *International Review of the Red Cross* 91/874 pp.341-369, June 2009.

O. Triffterer and A. Ambos, *Commentary of the Rome Statute* (3<sup>rd</sup> ed., 2016).