

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)

Elements of War Crimes under the Rome Statute of the International Criminal Court

Sources and Commentary

The Elements of Crimes are intended to assist the International Criminal Court (ICC) in the interpretation and application of the articles of the ICC Statute defining the crimes under its jurisdiction. These will not only be of crucial importance for the future work of the ICC in interpreting the crimes provisions, but also for national courts, which have the primary responsibility in the prosecution of international crimes under the Rome Statute. This commentary provides a critical insight into the *travaux préparatoires* of the Preparatory Commission leading to the adoption of the elements of war crimes. It contains an analysis of existing case law related to each war crime in the Statute. The aim is to provide States, judges, prosecutors and international and national lawyers with the necessary background information to implement international humanitarian law in future cases dealing with war crimes under the ICC Statute. The book is a unique, indispensable tool for anyone working in international criminal law.

KNUT DÖRMANN is a legal advisor at the Legal Division of the International Committee of the Red Cross headquarters in Geneva. His publications include contributions to *International and National Prosecution of Crimes under International Law: Current Developments* (edited by Horst Fischer, Claus Kreß and Sascha Rolf Lüder, 2001) and *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence* (edited by Roy S. Lee, 2001).

LOUISE DOSWALD-BECK is Secretary-General of the International Commission of Jurists in Geneva. She was formerly Head of the Legal Division of the International Committee of the Red Cross.

ROBERT KOLB is Chargé d'enseignement at the Institut Universitaire de Hautes Etudes Internationales in Geneva and Lecturer at the University of Bern.

Cambridge University Press
0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary
Knut Dormann
Frontmatter
[More information](#)

Elements of War Crimes under the Rome Statute of the International Criminal Court

Sources and Commentary

KNUT DÖRMANN

with contributions by

LOUISE DOSWALD-BECK

and

ROBERT KOLB



Cambridge University Press
 0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
 Sources and Commentary
 Knut Dormann
 Frontmatter
[More information](#)

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
 The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
 The Edinburgh Building, Cambridge CB2 2RU, UK
 40 West 20th Street, New York, NY 10011-4211, USA
 477 Williamstown Road, Port Melbourne, VIC 3207, Australia
 Ruiz de Alarcón 13, 28014 Madrid, Spain
 Dock House, The Waterfront, Cape Town 8001, South Africa
<http://www.cambridge.org>

© International Committee of the Red Cross 2003

This book is in copyright. Subject to statutory exception
 and to the provisions of relevant collective licensing agreements,
 no reproduction of any part may take place without
 the written permission of Cambridge University Press.

First published 2003

Printed in the United Kingdom at the University Press, Cambridge

Typefaces Utopia 9.5/13 pt & Univers *System* $\text{\LaTeX}2_{\epsilon}$ [TB]

A catalogue record for this book is available from the British Library

Library of Congress Cataloguing in Publication data

Dörmann, Knut
 Elements of war crimes under the Rome Statute of the International
 Criminal Court: sources and commentary / Knut Dörmann; with
 contributions by Louise Doswald-Beck and Robert Kolb.

p. cm.

Includes bibliographical references and index.

ISBN 0 521 81852 4 (hb)

1. Rome Statute of the International Criminal Court (1998)

2. War crimes. 3. International criminal courts.

I. Doswald-Beck, Louise. II. Kolb, Robert. III. Title.

K5301.D64 2002

341.6'9 – dc21 2002023351

ISBN 0 521 81852 4 hardback

Contents

<i>Foreword by Dr Jakob Kellenberger, President of the International Committee of the Red Cross</i>	ix
<i>Foreword by Ambassador Philippe Kirsch, QC</i>	xiii
<i>Table of cases by alphabetical order</i>	xv
<i>Table of cases by jurisdiction</i>	xxiii
<i>Table of treaties and other international instruments</i>	xlii
<i>List of abbreviations</i>	lix
1. Introduction	1
2. Legal value of the elements of crimes	8
3. General Introduction adopted by the PrepCom	9
4. Introduction to elements of war crimes listed in Article 8 of the Rome Statute	15
5. Article 8(2)(a) ICC Statute – Grave breaches of the 1949 Geneva Conventions	17
5.1. Elements common to all crimes under Article 8(2)(a) ICC Statute	17
5.2. Elements of specific crimes under Art. 8(2)(a) ICC Statute	38
Art. 8(2)(a)(i) – Wilful killing	38
Art. 8(2)(a)(ii) – Torture or inhuman treatment, including biological experiments	44
Art. 8(2)(a)(iii) – Wilfully causing great suffering, or serious injury to body or health	76
Art. 8(2)(a)(iv) – Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly	81
Art. 8(2)(a)(v) – Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power	97
Art. 8(2)(a)(vi) – Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial	100
Art. 8(2)(a)(vii) – Unlawful deportation or transfer or unlawful confinement	106
Art. 8(2)(a)(viii) – Taking of hostages	124
6. Article 8(2)(b) ICC Statute – Other serious violations of the laws and customs applicable in international armed conflict	128
6.1. Elements common to all crimes under Article 8(2)(b) ICC Statute	128
6.2. Elements of specific crimes under Art. 8(2)(b) ICC Statute	130
Art. 8(2)(b)(i) – Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities	130

vi *Contents*

Art. 8(2)(b)(ii) – Intentionally directing attacks against civilian objects, that is, objects which are not military objectives	148
Art. 8(2)(b)(iii) – Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict	153
Art. 8(2)(b)(iv) – Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated	161
Art. 8(2)(b)(v) – Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives	177
Art. 8(2)(b)(vi) – Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion	185
Art. 8(2)(b)(vii) – Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury	193
Art. 8(2)(b)(viii) – The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory	208
Art. 8(2)(b)(ix) – Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives	215
Art. 8(2)(b)(x) – Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons	229
Art. 8(2)(b)(xi) – Killing or wounding treacherously individuals belonging to the hostile nation or army	240
Art. 8(2)(b)(xii) – Declaring that no quarter will be given	246
Art. 8(2)(b)(xiii) – Destroying or seizing the enemy’s property unless such destruction or seizure be imperatively demanded by the necessities of war	249
Art. 8(2)(b)(xiv) – Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party	263
Art. 8(2)(b)(xv) – Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent’s service before the commencement of the war	269
Art. 8(2)(b)(xvi) – Pillaging a town or place, even when taken by assault	272
Art. 8(2)(b)(xvii) – Employing poison or poisoned weapons	281
Art. 8(2)(b)(xviii) – Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices	285

	<i>Contents</i>	vii
Art. 8(2)(b)(xix) – Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions	292	
Art. 8(2)(b)(xx) – Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123	297	
Art. 8(2)(b)(xxi) – Committing outrages upon personal dignity, in particular humiliating and degrading treatment	314	
Art. 8(2)(b)(xxii) – Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2(f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions	325	
Art. 8(2)(b)(xxiii) – Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations	344	
Art. 8(2)(b)(xxiv) – Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law	349	
Art. 8(2)(b)(xxv) – Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions	363	
Art. 8(2)(b)(xxvi) – Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities	375	
7. Article 8(2)(c) ICC Statute – Violations of common Article 3 of the 1949 Geneva Conventions	382	
7.1. Paragraph 1 of the introduction to the war crimes section	382	
7.2. Elements common to all crimes under Article 8(2)(c) ICC Statute	383	
7.3. Elements of specific crimes under Art. 8(2)(c) ICC Statute	394	
Art. 8(2)(c)(i) – Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture	394	
Art. 8(2)(c)(ii) – Committing outrages upon personal dignity, in particular humiliating and degrading treatment	404	
Art. 8(2)(c)(iii) – Taking of hostages	406	
Art. 8(2)(c)(iv) – The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable	408	
8. Article 8(2)(e) ICC Statute – Other serious violations of the laws and customs applicable in armed conflicts not of an international character	439	
8.1. Paragraph 1 of the introduction to the war crimes section	440	
8.2. Elements common to all crimes under Article 8(2)(e) ICC Statute	441	
8.3. Elements of specific crimes under Art. 8(2)(e) ICC Statute	443	
Art. 8(2)(e)(i) – Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities	443	

Art. 8(2)(e)(ii) – Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law	447
Art. 8(2)(e)(iii) – Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict	452
Art. 8(2)(e)(iv) – Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives	458
Art. 8(2)(e)(v) – Pillaging a town or place, even when taken by assault	464
Art. 8(2)(e)(vi) – Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2(f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions	466
Art. 8(2)(e)(vii) – Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities	470
Art. 8(2)(e)(viii) – Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand	472
Art. 8(2)(e)(ix) – Killing or wounding treacherously a combatant adversary	476
Art. 8(2)(e)(x) – Declaring that no quarter will be given	480
Art. 8(2)(e)(xi) – Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons	482
Art. 8(2)(e)(xii) – Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict	485
Appendix: Request from the Governments of Belgium, Finland, Hungary, Mexico, the Republic of Korea and South Africa and the Permanent Observer Mission of Switzerland to the United Nations regarding the text prepared by the International Committee of the Red Cross on the mental element in the common law and civil law systems and on the concepts of mistake of fact and mistake of law in national and international law	487
<i>Bibliography</i>	499
<i>Index</i>	504

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)

Foreword by Dr Jakob Kellenberger

President of the International Committee of the Red Cross

Under the regime of the 1949 Geneva Conventions and the 1977 Additional Protocols thereto, States undertook to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, grave breaches of the Geneva Conventions and Additional Protocols as defined in these instruments of international humanitarian law. More specifically, they incurred the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and to bring such persons, regardless of their nationality, before their own courts. They may also, if they prefer, hand such persons over for trial to another High Contracting Party. In addition, States agreed to take measures necessary for the suppression of all acts contrary to the provisions of the Conventions and Protocols other than grave breaches.

The decision to lay down specific rules on the penal repression of serious violations of international humanitarian law was founded on the conviction that a law which is not backed up by sanctions quickly loses its credibility. Those who drafted the Geneva Conventions and Additional Protocols felt that penal repression could best be ensured on the national level, leaving the primary responsibility of defining and setting up an appropriate system to national authorities. Nevertheless, ever since the founding of the United Nations, and especially in view of the trials that took place after the Second World War, there has been an ongoing debate on the need to create a permanent international criminal court competent to try international crimes, including serious violations of international humanitarian law. Despite early enthusiasm, attempts to achieve this aim slowed down considerably and were even suspended, notably owing to the difficult political situation during the Cold War. After the Cold War came to an end, discussions on the issue gained new momentum.

The tragic events that took place in the former Yugoslavia and Rwanda, involving extremely serious violations of international humanitarian law,

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)x *Foreword by Dr Jakob Kellenberger*

prompted new efforts to complete the work begun half a century before. After intensive discussions lasting several years, the goal was reached with the adoption of the Rome Statute on 17 July 1998. The Diplomatic Conference that drafted the Rome Statute had the difficult task of accommodating the views of about 160 different countries and creating a court that would be credible in the eyes of the world. A considerable number of thorny and extremely sensitive issues had to be resolved. This could be achieved only through an historic compromise which could not satisfy the wishes of all concerned but had to be generally acceptable. With a vote of 120 States in favour, 21 abstentions and only 7 votes against, the international community came out strongly in support of an international criminal court. This determination was confirmed by the fact that in the period during which it was open for signature 139 States signed the Statute. The process of ratification started quickly, and it is hoped that in the near future a number of ratifications well above 60 – the required number for entry into force – will make the Court truly universal. It is also encouraging that many States have proceeded so quickly in preparing national implementation legislation that takes into account the sometimes broader obligations stemming from the Geneva Conventions and Additional Protocols.

Throughout the negotiating process, the International Committee of the Red Cross (ICRC) supported and firmly defended the idea of an effective and independent permanent international criminal court. On the basis of its expertise in the field of international humanitarian law, it focused primarily on the negotiations relating to war crimes. It participated in the process, alongside governments, United Nations agencies and non-governmental organisations, in various ways, in particular through active involvement in the negotiations and the production of background materials. It felt that such a court could considerably improve the implementation of international humanitarian law, which, in addition to bringing aid and protection to victims of armed conflict, is one of the ICRC's primary objectives.

The trust placed in, and the credibility of, the future International Criminal Court will depend largely on the way it exercises its jurisdiction. The quality of its judgments will certainly come under close scrutiny by the international community, and it is therefore essential that the law is properly applied.

Bearing this in mind, the Rome Diplomatic Conference decided that elements of crimes should be drafted in order to provide the judges with an additional instrument which might help them with their interpretation of the definitions of crimes contained in the Statute.

The ICRC remained actively involved in the negotiations that took place after the Rome Diplomatic Conference, producing further working documents to contribute to the successful outcome of debates in the Preparatory Commission mandated to prepare the drafts on elements of crimes. In accordance with its role as guardian of international humanitarian law, the ICRC focused on war crimes. Its main contribution was an extensive study on the elements of war crimes, based in particular on existing case law from international and national courts.

After the successful completion of the diplomatic negotiations within the Preparatory Commission – the draft on elements of crimes was adopted by consensus – and in view of the very positive response to its study, the ICRC decided, by means of this commentary, to make available to the public at large the material collected and a description of the substantive discussions of the Preparatory Commission. We feel that this commentary may be especially useful for judges, prosecutors and defence lawyers in their important task of applying humanitarian law in criminal proceedings, not only on the international but also on the national level. Given that the Rome Statute is based on the principle of complementarity – the International Criminal Court will exercise its jurisdiction only when a State is unwilling or unable genuinely to carry out the investigation or prosecution – the main responsibility for the prosecution of international crimes will remain with national jurisdictions.

The ICRC is pleased to have been part of the concerted effort made by the international community to draft the Rome Statute and to prepare, in the context of the Preparatory Commission, the instruments annexed to the Statute, in particular the document on elements of crimes. It remains committed to contributing through its various activities, the publication of this commentary being one among many others, to work for the faithful and effective implementation of international humanitarian law in the interests of victims of armed conflict.

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)

Foreword by Philippe Kirsch, QC

Canadian Ambassador to the Kingdom of Sweden; Chairman of the Preparatory Commission for the International Criminal Court; former Chairman of the Committee of the Whole, United Nations Diplomatic Conference on the Establishment of an International Criminal Court

On June 30, 2000, the Preparatory Commission for the International Criminal Court (ICC) adopted by consensus the draft Elements of Crimes, elaborating upon the definitions of genocide, crimes against humanity and war crimes contained in the ICC Statute. The Elements document, to be adopted by the ICC Assembly of States Parties, was the culmination of a remarkable codification process by the international community. The negotiations involved experts from a variety of diverse fields, including military lawyers, human rights lawyers and criminal lawyers, working together to reconcile their conflicting perspectives, priorities and backgrounds, to create a single statement on these serious international crimes.

The development of the Elements of Crimes has proven to be a very useful exercise. Because of the general agreement that the definitions of crimes in the ICC Statute were to reflect existing customary international law, and not to create new law, states relied heavily on accepted historical precedents in crafting the definitions in Articles 6 to 8 of the ICC Statute. This approach ensured the widespread acceptability of the definitions, but resulted in an assortment of provisions drawn from different sources and different eras. As a result, terminology was frequently inconsistent and often outdated. The Elements of Crimes negotiations provided the opportunity to unify these provisions in a single coherent structure, reflecting consistent and modern terminology. It was also an opportunity to resolve difficult problems and ambiguities surrounding the interplay of general legal principles, such as the *mens rea* requirement for particular provisions. By providing additional clarity, the Elements have helped garner greater acceptance for international criminal law and the ICC.

The ICRC was at the heart of the negotiations on the war crimes provisions, given its respected role as a guardian of international humanitarian law. The extensive ICRC study on the relevant jurisprudence, which forms

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)xiv *Foreword by Philippe Kirsch, QC*

the basis for this text, was an early and indispensable contribution. Since it was generally agreed that the Elements must be consistent with existing law and existing precedents, the ICRC study quickly became a basic reference point for all subsequent discussions.

The ICRC not only contributed the jurisprudential study, but carried on to play a pivotal role in the Elements negotiations. Knut Dörmann and other ICRC delegates were leading participants in the protracted negotiations on how best to reconcile the demands of military necessity, the strictures of criminal law, and the humanitarian aims of these laws, and to integrate them into a coherent approach. The imprimatur of the ICRC can be seen throughout the Elements of Crimes.

The present study will therefore be of great interest to the judges of the ICC, first, because it was a major influence on the Elements negotiations, second, because it collects and analyses the relevant case law, and third, because it provides valuable insights into the considerations and debates that shaped the Elements. This study should also prove extremely useful to other judges and lawyers engaging in national or international war crimes prosecutions. Although the Elements document is not legally binding, it is worth recalling that each of the provisions of the Elements of Crimes was subjected to extensive review and debate by diverse experts and officials, taking into account various concerns and aspirations, and the outcome reflects the balance achieved on these difficult issues by the international community as a whole. It is true that the document contains various compromises that will be considered by some as too narrow and others as too broad, but it is precisely *because* it is a compromise document, indeed a consensus document, that it is so valuable: it is a unified statement by the international community on these legal issues. Moreover, cross-fertilization and convergence between the ICC, the ad hoc Tribunals and national courts is inherently desirable. If international criminal law is to continue to gain in credibility and effectiveness, it must be *one* law, a coherent corpus of law.

This thorough and balanced study will make a very important contribution to the process of building this edifice of law. By illuminating both the jurisprudence and the practical underpinnings of war crimes law, it will serve as an invaluable reference for anyone involved in the enforcement and vindication of international humanitarian law.

Table of cases by alphabetical order

For full citation see Table of cases by jurisdiction

- The Abbaye Ardenne Case (post-WW II trials), see K. Meyer Case
 Abdulmassih and Bulus v. Sweden (ECiHR) 68
 Adolf v. Austria (ECiHR) 430
 Akayesu Case (ICTR-96-4-A) (ICTR), Appeals Chamber, Judgment 392, 393
 Akayesu Case (ICTR-96-4-T) (ICTR), Judgment 30, 40, 41, 43, 52, 56, 78, 79, 135, 328,
 333, 334, 336, 340, 341, 342, 378, 384, 386, 387, 390, 392, 393, 441
 Akdivar and Others v. Turkey (ECtHR) 69
 Akkoc v. Turkey (ECtHR) 51, 61
 Aksoy v. Turkey (ECtHR) 51, 53
 Albert and Le Compte Case (ECtHR) 425
 Aleksovski Case (IT-95-14/1-A) (ICTY), Appeals Chamber, Judgment 24, 31, 319
 Aleksovski Case (IT-95-14/1-T) (ICTY), Judgment 26, 316, 318, 319, 323
 Aleksovski Case (IT-95-14/I-PT) (ICTY), Prosecutor's Closing Brief 65, 70, 77, 79,
 316
 Almelo Trial (post-WW II trials) 40, 41
 Altstötter and Others Case (post-WW II trials) 35, 103, 105
 Amberger Trial (post-WW II trials), see Dreierwalde Case
 A.P. v. Italy (Communication No. 204/1986) (UNHRC) 437
 Arzuada Gilboa v. Uruguay (Communication No. 147/1983) (UNHRC) 54, 323
 Austria v. Italy (ECiHR/Committee of Ministers) 430
 W. Awochi Case (post-WW II trials) 329, 339
 Aydin v. Turkey (ECtHR) 53
- P. Back Case (post-WW II trials) 187, 192
 Bahamonde v. Equatorial Guinea (Communication No. 468/1991) (UNHRC) 413,
 414
 Barzhig v. France (Communication No. 327/1988) (UNHRC) 430
 C. Baus Case (post-WW II trials) 94
 Belilos Case (ECtHR) 417
 Belsen Trial (post-WW II trials) 40
 Benthem Case (ECtHR) 414
 Berry v. Jamaica (Communication No. 330/1988) (UNHRC) 435

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)xvi *Table of cases*

- Blaskic Case (IT-95-14-T) (ICTY), Judgment 12, 18, 24, 26, 27, 31, 33, 40, 41, 42, 61, 63, 65, 66, 69, 74, 78, 79, 80, 84, 95, 99, 105, 111, 123, 125, 127, 132, 146, 149, 151, 152, 227, 261, 276, 345, 390, 394, 397, 407
- Boddaert v. Belgium (ECtHR) 428
- Bommer Case (post-WW II trials) 94, 422
- Bouamar Case (ECtHR) 422
- K. Brandt and Others Case (post-WW II trials) 73, 75, 236, 239, 341
- Brannigan and McBride v. UK (ECtHR) 421
- Brogan Case (ECtHR) 421
- A. Bury and W. Hafner Case (post-WW II trials) 186
- Cadoret and Le Bihan v. France (Communication Nos. 221/1987 and 323/1988) (UNHRC) 430
- Campbell and Cosans Case (ECtHR) 69, 315, 320
- Campbell and Fell v. UK (ECtHR) 414, 425
- Can v. Austria (ECtHR) 425, 430
- Cariboni v. Uruguay (Communication No. 159/1983) (UNHRC) 435
- Case 5154 Nicaragua (IACiHR) 55
- Case 7481 Bolivia (IACiHR) 54
- Case 7823 Bolivia (IACiHR) 54
- Case 7824 Bolivia (IACiHR) 55
- Case 7910 Cuba (IACiHR) 55
- Case 9274 Uruguay (IACiHR) 55
- Case 10.037 Argentina (IACiHR) 429
- Cases 10.147, 10.181, 10.240, 10.262, 10.309 and 10.311 Argentina (IACiHR) 417
- Case 10.970 Peru (IACiHR) 47, 52, 54, 56, 416, 433
- Case 11.006 Peru (IACiHR) 416
- Case 11.084 Peru (IACiHR) 417
- Case 11.245 Argentina (IACiHR) 428, 429, 433
- C.E.A. v. Finland (Communication No. 316/1988) (UNHRC) 430
- Celebici Case (ICTY), see Delalic and Others Case
- Celiberti de Casariego v. Uruguay (Communication No. 56/1979) (UNHRC) 424
- T. Chuichi and Two Others Case (post-WW II trials) 315, 323
- C.L.D. v. France (Communication No. 439/1990) (UNHRC) 430
- Coenca frères c. Etat allemand Case (Mixed Arbitral Tribunals) 139
- Colozza Case (ECtHR) 434
- Conteris v. Uruguay (Communication No. 139/1983) (UNHRC) 322, 435
- Corigliano v. Italy (ECtHR) 425
- Costello-Roberts v. UK (ECtHR) 322
- Coyne v. UK (ECtHR) 414
- de Cubber Case (ECtHR) 415
- Delalic and Others Case (IT-96-21-A) (ICTY), Appeals Chamber, Judgment 24, 31, 113, 114, 116, 117, 118
- Delalic and Others Case (IT-96-21-T) (ICTY), Closing Statement of the Prosecution 42, 68, 116, 123, 274, 401

- Delalic and Others Case (IT-96-21-T) (ICTY), Judgment 18, 19, 23, 24, 25, 26, 32, 39, 45, 47, 48, 50, 53, 55, 60, 61, 62, 63, 64, 65, 66, 70, 77, 78, 79, 80, 113, 115, 116, 117, 274, 333, 334, 342, 386, 395, 398, 399, 401, 441, 469
- Delalic and Others Case (IT-96-21-T) (ICTY), Prosecution's Response to Defendants' Motion for Judgment of Acquittal 26, 35, 42
- Denizci and Others v. Cyprus (ECtHR) 61
- Deweere Case (ECtHR) 415
- Doctors' Trial (post-WW II trials), see K. Brandt and Others Case
- Doe v. Karadzic (national courts) 56
- Dokmanovic Case (IT-95-13a-PT and IT-95-13a-T) (ICTY), Prosecutor's Pre-trial Brief 395, 399, 401
- Dokmanovic Case (IT-95-13a-T) (ICTY), Prosecutor's Response in Relation to a Proposed 'Substantive' Non Bis in Idem Principle 438
- Dostler Case (post-WW II trials) 186
- Dreierwalde Case (post-WW II trials) 186, 192
- Drescher Caldas v. Uruguay (Communication No. 43/1979) (UNHRC) 424
- van Droogenbroeck Case (ECtHR) 422
- East African Asians Cases (ECiHR) 322
- Eck and Others Trial (post-WW II trials), see Peleus Trial
- Egmez v. Cyprus (ECtHR) 61
- Eichmann Case (national courts) 79
- Engel v. The Netherlands (ECtHR) 430
- Ensslin, Baader and Raspe v. FRG (ECiHR) 68
- Espinoza de Polay v. Peru (Communication No. 577/1994) (UNHRC) 414
- Essen Lynching Case (post-WW II trials) 35, 392
- Estrella v. Uruguay (Communication No. 74/1980) (UNHRC) 54, 424, 435
- 'Exceptions to the Exhaustion of Domestic Remedies Advisory Opinion' (IACtHR) 427
- Farmakopoulos v. Belgium (ECtHR) 423
- F.C.B. v. Italy (ECtHR) 434
- Final Report to the Prosecutor to Review the NATO Bombing Campaign (ICTY) 140, 176
- Findlay v. UK (ECtHR) 415
- E. Flesch Trial (post-WW II trials) 40
- Flick and Five Others Case (post-WW II trials) 35, 58, 93, 96, 112, 214
- Foca Case (ICTY), see Kunarac and Others Case
- Funke v. France (ECtHR) 435
- Furundzija Case (IT-95-17/1-A) (ICTY), Appeals Chamber, Judgment 47, 48
- Furundzija Case (IT-95-17/1-T) (ICTY), Judgment 45, 47, 48, 49, 61, 316, 333, 334, 337, 340, 342, 402, 469
- Garnett v. State (national courts) 380
- Heinrich Gerike and Seven Others Trial (post-WW II trials), see Velpke Children's Home Case
- German High Command Trial (post-WW II trials), see von Leeb and Others Case
- Goddi v. Italy (ECtHR) 425

xviii *Table of cases*

- Grant v. Jamaica (Communication No. 597/1994) (UNHRC) 420
 The Greek Case (ECiHR) 51, 53, 60, 61, 67, 320, 321
 Grille Motta v. Uruguay (Communication No. 11/1977) (UNHRC) 54
 Guesdon v. France (Communication No. 219/1986) (UNHRC) 430
- Haase v. FRG (ECiHR) 425
 'Habeas Corpus in Emergency Situations', Advisory Opinion No. 8 (IACtHR) 423
 Hadamar Trial (post-WW II trials) 37, 392
 H. Hagendorf Case (post-WW II trials) 205
 O. Hans Trial (post-WW II trials) 40
 Harward v. Norway (Communication No. 451/1991) (UNHRC) 419
 Hauschildt Case (ECtHR) 415
 A. Heering Trial (post-WW II trials) 40
 Herczegfalvy v. Austria (ECtHR) 69, 321
 Heyer and Others Trial (post-WW II trials), see Essen Lynching Case
 T. Hisakasu Case (post-WW II trials) 103
 Hoess Trial (post-WW II trials) 236, 341
 Holm v. Sweden (ECtHR) 415
 F. Holstein and Twenty-three Others Case (post-WW II trials) 88, 252, 279
 Hostages Trial (post-WW II trials), see also W. List Trial
 Huber Case (ECiHR) 425
 Hurtado v. Switzerland (ECtHR) 322
 Hussain v. UK (ECtHR) 423
- IG Farben Trial (post-WW II trials) 35, 92, 96, 111, 213, 278
 Ilhan v. Turkey (ECtHR) 51, 60
 Imbrioscia v. Switzerland (ECtHR) 426
 Ireland v. UK (ECtHR) 51, 67, 320, 321, 322, 422
 H. Isayama and Seven Others Case (post-WW II trials) 103, 105
- Jaluit Atoll Case (post-WW II trials) 186, 192
 Jeliscic Case (IT-95-10-T) (ICTY), Judgment 40, 42, 65, 276, 398
 J.J. v. The Netherlands (ECtHR) 430
 Johnson v. Jamaica (Communication No. 588/1994) (UNHRC) 435
 de Jong Case (ECtHR) 422
 'Judicial Guarantees in States of Emergency', Advisory Opinion No. 9 (IACtHR) 417, 423
 Justice Trial (post-WW II trials), see also J. Altstötter and Others Case
- K v. Austria (ECtHR) 423
 Kadic v. Karadzic (national courts) 56
 Kamasinski Case (ECtHR) 425, 431
 Karadzic and Mladic Case (IT-95-5-R61 and IT-95-18-R61) (ICTY), Review of the
 Indictment 347, 473
 Karttunen v. Finland (Communication No. 387/1989) (UNHRC) 413
 Kayishema and Ruzindana Case (ICTR-95-1-T) (ICTR), Judgment 387, 389, 392
 Kelly v. Jamaica (Communication No. 253/1987) (UNHRC) 419, 435
 Kemmache v. France (ECtHR) 429

-
- T. Kikuchi Case (post-WW II trials) 314, 323
 Kiriadoulou c. Etat allemand Case (Mixed Arbitral Tribunals) 139
 Klein and Others Trial (post-WW II trials), see Hadamar Trial
 Kokkinakis v. Greece (ECtHR) 432
 Kolompar v. Belgium (ECtHR) 423
 König v. Federal Republic of Germany (ECtHR) 427
 Kordic and Cerkez Case (IT-95-14/2-PT) (ICTY), Prosecutor's Pre-trial Brief 133, 145, 150, 151, 217, 228, 252, 261, 274, 280, 394, 398, 399, 407
 Kordic and Cerkez Case (IT-95-14/2-T) (ICTY), Judgment 39, 40, 42, 63, 65, 66, 78, 80, 82, 84, 87, 95, 116, 125, 132, 133, 143, 145, 149, 216, 222, 228, 252, 261, 276, 345, 394, 395, 399, 407
 T. Koschiro Case (post-WW II trials) 270
 Kovacevic Case (IT-97-24-I) (ICTY), Amended Indictment 55
 Kovacevic Case (IT-97-24-PT) (ICTY), Prosecutor's Pre-trial Brief 40, 41, 42, 55, 60, 77, 78, 85, 95, 107, 108, 112, 211, 214, 252, 261
 Kramer and Others Trial (post-WW II trials), see Belsen Trial
 Carl Krauch and Others Trial (post-WW II trials), see IG Farben Trial
 Kröcher and Möller v. Switzerland (ECiHR) 68
 A. Krupp Case (post-WW II trials) 35, 93, 96, 111, 112, 213, 214, 261, 475
 Krstic Case (IT-98-33-T) (ICTY), Judgment 78, 109, 212, 213
 Kunarac and Others Case (IT-96-23 and IT-96-23/1-T) (ICTY), Judgment 49, 59, 62, 318, 324, 335, 337, 338
 Kunarac Case (IT-96-23-PT) (ICTY), Prosecutor's Pre-trial Brief 316
 Kupreskic and Others Case (IT-95-16-PT) (ICTY), Prosecutor's Pre-trial Brief 41, 399
 Kupreskic and Others Case (IT-95-16-T) (ICTY), Judgment 133, 138, 143, 150, 169, 446
 Kvočka and Others Case (IT-98-30-PT) (ICTY), Prosecutor's Pre-trial Brief 316, 343
- Lafuente Penarrieta v. Bolivia (Communication No. 176/1984) (UNHRC) 424
 Lamy Case (ECtHR) 423
 H. Latza and Two Others Case (post-WW II trials) 104
 von Leeb and Others Case (post-WW II trials) 41, 111, 270, 347
 Legality of the threat or use of nuclear weapons, Advisory Opinion (ICJ) 137, 174, 282, 291, 298, 302, 308, 310
 Letellier v. France (ECtHR) 429
 K. Lingenfelder Case (post-WW II trials) 88
 W. List Trial (post-WW II trials) 88, 126, 254
 Little v. Jamaica (Communication No. 283/1988) (UNHRC) 424
 Llandovery Castle Case (Leipzig Trials) 187, 189
 Lopez Burgos v. Uruguay (Communication No. 52/1979) (UNHRC) 54, 424, 435
 Luedicke and Others Case (ECtHR) 431
- W. Mackensen Trial (post-WW II trials) 40
 K. Maelzer Case (post-WW II trials) 323
 M. Mahuchi Case (post-WW II trials) 314, 323
 Martić Case (IT-95-11-R61) (ICTY), Review of the Indictment 134, 137, 144, 146, 444, 445
 Masuda and Others Trial (post-WW II trials), see also Jaluit Atoll Case
 Matznetter Case (ECtHR) 428, 429

xx *Table of cases*

- McFeeley et al. v. UK (ECiHR) 68
 ‘Measures Necessary for Rendering the Autonomy, Independence and Integrity of the
 Members of the Judicial Branch More Effective’ (IACiHR) 416
 Medical Case (post-WW II trials), see also K. Brandt and Others Case 73, 75, 236, 239, 341
 Megyeri v. Germany (ECtHR) 422
 K. Meyer Case (post-WW II trials) 186, 192
 Milch Trial (post-WW II trials) 75, 99, 110, 213, 236, 239, 270, 271, 475
 Ministries Case (post-WW II trials), see also Weizsäcker and Others Case
 Karl-Heinz Moehle Case (post-WW II trials) 188, 189
 S. Motomura and Others Case (post-WW II trials) 114
 Moudefo Case (ECtHR) 422
 Mrksic and Others Case (IT-95-13-R61) (ICTY), Review of the Indictment 29, 33
 Musema Case (ICTR-96-13-T) (ICTR), Judgment 61
 Muteba v. Zaire (Communication No. 124/1982) (UNHRC) 54
- Navarra v. France (ECtHR) 423
 Nikolic Case (IT-94-2-R61) (ICTY), Review of the Indictment 53
 Niyonteze Case, Arrêt du Tribunal militaire de cassation en la cause N. (national courts)
 392
- O.E. v. Norway (Communication No. 158/1983) (UNHRC) 424
 S. Ohashi Case (post-WW II trials) 102
 Ohlendorf Case (post-WW II trials) 135, 181
 Olsson v. Sweden (ECtHR) 427
- Pakelli v. FRG (ECiHR) 426
 Peleus Trial (post-WW II trials) 187, 189
 Piersack Case (ECtHR) 415
 Pietraroia v. Uruguay (Communication No. 44/1977) (UNHRC) 424
 Pius Nwaoga v. The State (national courts) 477
 O. Pohl and Others Case (post-WW II trials) 236
 Poitrimol v. France (ECtHR) 434
 Porter v. Freudenberg (national courts) 265
- Quaranta v. Switzerland (ECtHR) 426
- Rajic Case (Stupni Do Case) (IT-95-12-R61) (ICTY), Review of the Indictment 28, 32, 33,
 133, 134, 149
 K. Rauer and Others Case (post-WW II trials) 186
 H.A. Rauter Trial (post-WW II trials) 96, 114, 280
 Regina v. Finta (national courts) 379
 Regina v. Prince (national courts) 379
 Ringeisen Case (ECtHR) 414
 W. Rohde Trial (post-WW II trials) 40
 von Ruechteschell Case (post-WW II trials) 187, 189
 P. Rust Case (post-WW II trials) 94, 279

- S v. Superior Court of Pima County (national courts) 380
 T. Sakai Case (post-WW II trials) 279
 Salman v. Turkey (ECtHR) 51, 60
 Sanchez-Reisse Case (ECtHR) 423
 Sandrock and Others Trial (post-WW II trials), see also Almelo Trial
 S. Sawada and Three Others Case (post-WW II trials) 102, 105
 Schiesser v. Switzerland (ECtHR) 421
 M. Schmid Trial (post-WW II trials) 314, 323
 Schosser, Goldbrunner and Wilm Case (post-WW II trials) 186, 192
 Scopelliti v. Italy (ECtHR) 427
 Selçuk and Asker v. Turkey (ECtHR) 67, 69, 320
 Selmouni v. France (ECtHR) 51, 61
 Serves v. France (ECtHR) 435
 Setelich v. Uruguay (Communication No. 63/1979) (UNHRC) 54
 Ryuichi Shimoda and Others v. The State (national courts) 179, 282, 302
 E. Shinohara Case (post-WW II trials) 102
 Sikirica and Others Case (IT-95-8-PT) (ICTY), Redacted Indictment 55
 Simic and Others Case (IT-95-9-PT) (ICTY), Prosecutor's Pre-trial Brief 145, 151, 228,
 262, 280, 315, 316, 343, 407
 Simic and Others Case (IT-95-9-PT) (ICTY), Prosecutor's Pre-trial Brief Pursuant to
 Rule 65 ter (E)(I) 32, 107, 109, 112, 211, 212, 213, 214
 Singh v. UK (ECtHR) 422
 O. Skorzeny and Others Case (post-WW II trials) 200
 Soering Case (ECtHR) 68, 320
 Soriano de Bouton v. Uruguay (Communication No. 37/1978) (UNHRC) 323
 Stephens v. Jamaica (Communication No. 373/1989) (UNHRC) 420
 Stögmüller Case (ECtHR) 428, 429
 Karl Stenger and Benno Crusius Case (Leipzig Trials) 186, 247
 Kurt Student Case (post-WW II trials) 226, 347
 Stupni Do Case (ICTY), see Rajic Case
 H. Szabados Trial (post-WW II trials) 88, 279
- Tadic Case (IT-94-1-A) (ICTY), Appeals Chamber, Judgment 18, 23, 28, 31
 Tadic Case (IT-94-1-AR72) (ICTY), Appeals Chamber, Interlocutory appeal on
 jurisdiction 18, 19, 23, 24, 25, 26, 28, 29, 33, 129, 384, 387, 441, 444, 476
 Tadic Case (IT-94-1-T) (ICTY), Amended Indictment 55
 Tadic Case (IT-94-1-T) (ICTY), Opinion and Judgment 26, 27, 28, 386, 388, 390, 399, 400,
 435
 T. Takehiko Case (post-WW II trials) 314, 323
 Tesch and Others Trial (post-WW II trials), see also Zyklon B Case
 Teti Izquierdo v. Uruguay (Communication No. 73/1980) (UNHRC) 435
 Thiele and Steinert Case (post-WW II trials) 186
 T. Tisato Case (post-WW II trials) 314, 323
 Tomasi v. France (ECtHR) 321, 428
 Toth v. Austria (ECtHR) 423
 Trial of the German Major War Criminals (ITN) (post-WW II trials) 88

xxii *Table of cases*

- Trial of the Major War Criminals (IMT Tokyo) (post-WW II trials) 35
 Tyrer Case (ECtHR) 67, 320, 321, 322
 G. Tyrolt and Others Trial (post-WW II trials) 40, 43
- Vagrancy Case (ECtHR), see de Wilde and Others Case
 Velpke Children's Home Case (post-WW II trials) 40, 43
- Robert Wagner and Six Others Trial (post-WW II trials) 35, 40, 270
 Warwick v. UK (ECiHR) 322
 Weinberger v. Uruguay (Communication No. 28/1978) (UNHRC) 54
 Weizsäcker and Others Case (post-WW II trials) 98, 217, 270
 Wemhoff Case (ECtHR) 428, 429
 Wight v. Madagascar (Communication No. 115/1982) (UNHRC) 424
 de Wilde and Others Case (ECtHR) 422
- X and Y v. Austria (ECiHR) 425
 X v. Austria (Application No. 2370/64) (ECiHR) 425
 X v. Austria (Application No. 6185/73) (ECiHR) 419
 X v. FRG (Application No. 6038/73) (ECiHR) 68
 X v. FRG (Application No. 10098/82) (ECiHR) 426
 X. v. UK (ECtHR) 422
- Y v. UK (ECtHR) 321
 T. Yochio Case (post-WW II trials) 314, 323
- W. Zuehlke Trial (post-WW II trials) 114
 Z.P. v. Canada (Communication No. 341/1988) (UNHRC) 430
 Zyklon B Case (post-WW II trials) 35, 41, 392

Table of cases by jurisdiction

Arranged in alphabetical order of Tribunal (except for the Leipzig Trials which immediately precede War Crimes Trials and National Courts which come at the end).

Apart from IACiHR and ECiHR cases almost all the decisions referred to in the text have been reported in full or digest form in the *Annual Digest and Reports of Public International Cases* (AD) (now referred to as *International Law Reports*), vols. 1–16, or in the *International Law Reports* (ILR). ILR references are included as appropriate in this Table.

European Commission of Human Rights

1967

X v. Austria, 7 February 1967, Application No. 2370/64 (COM) (22 Collection of Decisions of the European Commission of Human Rights) 425

1970

The Greek case, 15 March 1970 ((1972) 12 Yearbook of the Convention on Human Rights) 51, 53, 60, 61, 67, 320, 321

1973

East African Asians v. UK, Commission's report of 14 December 1973, Application Nos. 4403/70 ff. (3 EHRR 1973) 322

X v. FRG, Decision of 11 July 1973, No. 6038/73 ((1973) 44 Collection of Decisions of the European Commission of Human Rights) 68

1975

X v. Austria, Decision of 29 May 1975 on the admissibility of the application, E 6185/73 (COM), Application No. 6185/73 (2 Decisions and Reports) 419

1977

Dieter Haase v. Federal Republic of Germany, Commission's Report of 12 July 1977, Application No. 7412/76 (11 Decisions and Reports) 425

1978

G. Ensslin, A. Baader and J. Raspe v. Federal Republic of Germany, Decision of 8 July 1978 on the admissibility of the applications, Applications Nos. 7572/76, 7586/76 and 7587/76 (14 Decisions and Reports) 68

xxiv *Table of cases*

X and Y v. Austria, Decision of 12 October 1978 on the admissibility of the application, Application No. 7909/74 (15 Decisions and Reports) 425

1980

Adolf v. Austria, Report of the Commission of 8 October 1980 (Publications of the European Court of Human Rights, Series B: Pleadings, Oral Arguments and Documents, vol. 43) 430

Thomas McFeeley et al. v. UK, Decision of 15 May 1980 on the admissibility of the application, Application No. 8317/78 (20 Decisions and Reports) 68

1981

Gabriele Kröcher and Christian Möller v. Switzerland, Decision of 9 July 1981 on the admissibility of the application, Application No. 8463/78 (34 Decisions and Reports) 68

Pakelli v. FRG, Report of Commission, 12 December 1981 (Publications of the European Court of Human Rights, Series B: Pleadings, Oral Arguments and Documents, vol. 53) 426

1984

Jan Abdulmassih & Ibrahim Bulus v. Sweden, Decision of 19 January 1984 on the admissibility of the application, Application No. 9330/81 (35 Decision and Reports) 68

X v. FRG, Decision of 7 May 1984 on the admissibility of the application, Application No. 10098/82 (8 EHRR 1984) 426

1986

Warwick v. UK, Commission's Report of 18 July 1986, Application No. 9471/81 (60 Decisions and Reports) 485

1991

Huber case, 13 December 1991, Application No. 5523/72 (COM) (46 Collection of Decisions of the European Commission of Human Rights) 425

European Commission of Human Rights and Committee of Ministers

1963

Austria v. Italy, 23 October 1963 ((1963) 6 Yearbook of the Convention on Human Rights) 430

European Court of Human Rights

1968

Wemhoff v. Germany, Judgment of 27 June 1968 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 7) (41 ILR 281) 428, 429

1969

Matznetter case, Judgment of 10 November 1969 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 10) (45 ILR 275) 428, 429

Stögmüller v. Austria, Judgment of 10 November 1969 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 9) (45 ILR 232) 428, 429

1971

Ringelsen v. Austria, Judgment of 16 July 1971 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 13) (56 ILR 442) 414

De Wilde, Ooms and Versyp ('Vagrancy Case') v. Belgium, Judgment of 18 June 1971 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 12) (56 ILR 347) 422

1976

Engel v. The Netherlands, Judgment of 8 June 1976 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 22) (58 ILR 188) 430

1978

Ireland v. UK, Judgment of 18 January 1978 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 25) (58 ILR 188) 51, 67, 320, 321, 322, 422

König v. Federal Republic of Germany, Judgment of 28 June 1978 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 27) (2 EHRR 1978) (58 ILR 370) 427

Luedicke, Belkacem and Koç v. Germany, Judgment of 28 November 1978 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 29) (58 ILR 463) 431

Tyrer v. UK, Judgment of 25 April 1978 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 26) (58 ILR 339) 67, 320, 321, 322

1979

Schiesser v. Switzerland, Judgment of 4 December 1979 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 34) (58 ILR 684) 421

1980

Deweert v. Belgium, Judgment of 27 February 1980 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 35) (60 ILR 148) 415

1981

Hauschildt v. Denmark, Judgment of 24 May 1981 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 154) 415

X. v. UK, Judgment of 5 November 1981 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 46) (67 ILR 446) 422

1982

Case of Campbell and Cosans, Judgment of 25 February 1982 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 48) (67 ILR 48) 69, 315, 320

Corigliano v. Italy, Judgment of 10 December 1982 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 57) (71 ILR 395) 425

Van Droogenbroeck v. Belgium, Judgment of 24 June 1982 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 50) (67 ILR 525) 422

Piersack v. Belgium, Judgment of 1 October 1982 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 53) (68 ILR 128) 415

1983

Albert and Le Compte case, Judgment of 10 February 1983 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 58) (71 ILR 319) 425

1984

Campbell and Fell v. UK, Judgment of 28 June 1984 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 80) (78 ILR 292) 414, 425

De Cubber v. Belgium, Judgment of 26 October 1984 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 86) (81 ILR 32) 415

De Jong, Baljet and Van den Brink v. The Netherlands, Judgment of 22 May 1984 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 77) (78 ILR 225) 422

Goddi v. Italy, Judgment of 9 April 1984 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 76) (78 ILR 213) 425

1985

Bentham v. The Netherlands, Judgment of 23 October 1985 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 97) 414

Can v. Austria, Judgment of 30 September 1985 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 96) 425, 430

Colozza v. Italy, Judgment of 12 February 1985 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 89) (81 ILR 73) 434

1986

Sanchez-Reisse v. Switzerland, Judgment of 21 October 1986 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 107) 423

1988

Belilos v. Switzerland, Judgment of 29 April 1988 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 132) (88 ILR 635) 417

Bouamar v. Belgium, Judgment of 29 February 1988 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 129) 422

Brogan and Others v. UK, Judgment of 29 November 1988 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 145-B) 421

Woukam Moudefo v. France, Judgment of 11 October 1988 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 141-B) 422

1989

Kamasinski v. Austria, Judgment of 19 December 1989 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 168) 425, 431

Lamy v. Belgium, Judgment of 30 March 1989 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 151) 423

Cambridge University Press

0521818524 - Elements of War Crimes under the Rome Statute of the International Criminal Court:
Sources and Commentary

Knut Dormann

Frontmatter

[More information](#)

Soering v. UK, Judgment of 7 July 1989 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 161) (98 ILR 270) 68, 320

1991

EC.B. v. Italy, Judgment of 28 August 1991 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 208-B) 434

Kemmache v. France, Judgment of 27 November 1991 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 218) 429

Letellier v. France, Judgment of 26 June 1991 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 207) 429

Quaranta v. Switzerland, Judgment of 24 May 1991 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 205) 426

Toth v. Austria, Judgment of 12 December 1991 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 224) 423

1992

Boddaert v. Belgium, Judgment of 12 October 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 235-D) 428

Farmakopoulos v. Belgium, Judgment of 27 March 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 235-A) 423

Herczegfalvy v. Austria, Judgment of 24 September 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 244) 69, 321

Kolompar v. Belgium, Judgment of 24 September 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 235-C) (111 ILR 195) 423

Megyeri v. Germany, Judgment of 12 May 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 237-A) 422

Olsson v. Sweden (No. 2), Judgment of 27 November 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 250) (17 EHRR 1992) 427

Tomasi v. France, Judgment of 27 August 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 241-A) 321, 428

Y v. UK, Judgment of 29 October 1992 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 247-A) 321

1993

Brannigan and McBride v. UK, Judgment of 26 May 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 258-B) 421

Costello-Roberts v. UK, Judgment of 25 March 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 247-C) 322

Funke v. France, Judgment of 25 February 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 256-A) 435

Holm v. Sweden, Judgment of 25 November 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 279-A) 415

Imbrioscia v. Switzerland, Judgment of 24 November 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 275) 426

- K v. Austria*, Judgment of 2 June 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 255-B) 423
- Kokkinakis v. Greece*, Judgment of 25 May 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 260-A) 423
- Navarra v. France*, Judgment of 23 November 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 273-B) 423
- Poitrimol v. France*, Judgment of 23 November 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 277-A) 434
- Scopelliti v. Italy*, Judgment of 23 November 1993 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 278) (17 EHRR 1993) 427
- 1994
- Hurtado v. Switzerland*, Judgment of 28 January 1994 (Publications of the European Court of Human Rights, Series A: Judgments and Decisions, vol. 280-A) 322
- 1996
- Akdivar and Others v. Turkey*, Judgment of 16 September 1996 (Reports of Judgments and Decisions, 1996-IV) 69
- Aksoy v. Turkey*, Judgment of 18 December 1996 (Reports of Judgments and Decisions, 1996-VI) 51, 53
- Hussain v. UK*, Judgment of 21 February 1996 (Reports of Judgments and Decisions, 1996-I) 423
- Singh v. UK*, Judgment of 21 February 1996 (Reports of Judgments and Decisions, 1996-I) 422
- 1997
- Aydin v. Turkey*, Judgment of 25 September 1997 (Reports of Judgments and Decisions, 1997-VI) 53
- Coyne v. UK*, Judgment of 24 September 1997 (Reports of Judgments and Decisions, 1997-V) 414
- Findlay v. UK*, Judgment of 25 February 1997 (Reports of Judgments and Decisions, 1997-I) 415
- Serves v. France*, Judgment of 20 October 1997 (Reports of Judgments and Decisions, 1997-VI) 435
- 1998
- J.J. v. The Netherlands*, Judgment of 27 March 1998 (Reports of Judgments and Decisions, 1998-II) 430
- Selçuk and Asker v. Turkey*, Judgment of 24 April 1998 (Reports of Judgments and Decisions, 1998-II) 67, 69, 320
- 1999
- Selmouni v. France*, Judgment of 28 July 1999 (Reports of Judgments and Decisions, 1999-V) 51, 61
- 2000
- Akkoc v. Turkey*, Judgment of 10 October 2000
 (<http://www.echr.coe.int/Eng/Judgments.htm>) 51, 61

-
- Egmez v. Cyprus*, Judgment of 21 December 2000
 (<http://www.echr.coe.int/Eng/Judgments.htm>) 61
- Ilhan v. Turkey*, Judgment of 27 June 2000
 (<http://www.echr.coe.int/Eng/Judgments.htm>) 51, 60
- Salman v. Turkey*, Judgment of 27 June 2000
 (<http://www.echr.coe.int/Eng/Judgments.htm>) 51, 61
- 2001
- Denizci and Others v. Cyprus*, Judgment of 21 May 2001
 (<http://www.echr.coe.int/Eng/Judgments.htm>) 61
- Inter-American Commission on Human Rights**
- 1982
- Case 5154 Nicaragua, Resolution No. 52/82 of 23 November 1982 (IACiHR Annual Report 1982–1983, OAS/Ser.L/V/II.61, Doc. 22 Rev. 1) 55
- Case 7481 Bolivia, Resolution No. 30/82 of 8 March 1982 (IACiHR Annual Report 1981–1982, OAS/Ser.L/V/II.57, Doc. 6 Rev. 1) 54
- Case 7823 Bolivia, Resolution No. 32/82 of 8 March 1982 (IACiHR Annual Report 1981–1982, OAS/Ser.L/V/II.57, Doc. 6 Rev. 1) 54
- Case 7824 Bolivia, Resolution No. 33/82 of 8 March 1982 (IACiHR Annual Report 1981–1982, OAS/Ser.L/V/II.57, Doc. 6 Rev. 1) 55
- Case 7910 Cuba, Resolution No. 13/82 of 8 March 1982 (OAS/Ser.L/V/II.55, Doc. 28) 55
- 1984
- Case 9274 Uruguay, Resolution No. 11/1984 of 3 October 1984 (IACiHR Annual Report 1984–1985, OAS/Ser.L/V/II.66, Doc. 10 Rev. 1) 55
- 1989
- Case 10.037 Argentina, Report No. 17/89 of 13 April 1989 (IAYHR 1989) 429
- 1992
- Cases 10.147, 10.181, 10.240, 10.262, 10.309 and 10.311 Argentina, Report 28/92 of 2 October 1992 (IAYHR 1992, vol. 1) 417
- 1993
- ‘Measures Necessary for Rendering the Autonomy, Independence and Integrity of the Members of the Judicial Branch More Effective’, 12 March 1993 (IACiHR Annual Report 1992–1993, OEA/Ser.L/V/II.83, Doc. 14) 416
- 1994
- Case 11.084 Peru, Report No. 27/94 of 30 November 1994 (IAYHR 1994, vol. 1) 417, 433
- 1995
- Case 11.006 Peru, Report No. 1/95 of 7 February 1995 (IAYHR 1995) 416
- 1996
- Case 10.970 Peru, Report No. 5/96 of 1 March 1996 (IAYHR 1996, vol. 1) 47, 52, 54, 56, 416, 433

Case 11.245 Argentina, Report No. 12/96 of 1 March 1996 (IAYHR 1996, vol. 1) 428, 429, 433

Inter-American Court of Human Rights

1987

'Habeas Corpus in Emergency Situations (Arts. 27(2), 25(1) and 7(6) American Convention on Human Rights)', Advisory Opinion OC-8/87 of 30 January 1987 (IAYHR 1987) (96 ILR 392) 423

'Judicial Guarantees in States of Emergency (Arts. 27(2), 25 and 8 American Convention on Human Rights)', Advisory Opinion OC-9/87 of 6 October 1987 (IAYHR 1988) (96 ILR 405) 417, 423

1990

'Exceptions to the Exhaustion of Domestic Remedies (Arts. 46(1), 46(2)(a) and 46(2)(b) American Convention on Human Rights)', Advisory Opinion OC-11/90 of 10 August 1990 (IACtHR Annual Report 1990, OAS/Ser.L/V/III.23, Doc. 12, 16 January 1991; Inter-American Court of Human Rights, Series A: Judgments and Opinions, No. 11 (1992)) 427

International Court of Justice

1996

Legality of the threat or use of nuclear weapons, Advisory Opinion of 8 July 1996, ICJ Reports 1996 (110 ILR 163) 137, 174, 282, 291, 298, 302, 308, 310

International Criminal Tribunal for the former Yugoslavia

1995

The Prosecutor v. Radovan Karadzic and Ratko Mladic (IT-95-18-I), Initial Indictment, 14 November 1995 (108 ILR) 347, 473

The Prosecutor v. Dragan Nikolic (IT-94-2-R61), Trial Chamber I, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 20 October 1995 (108 ILR 21) 53

The Prosecutor v. Dusko Tadic a/k/a 'Dule' (IT-94-1-AR72), Appeals Chamber, Decision on the defence motion for interlocutory appeal on jurisdiction, 2 October 1995 (105 ILR 453) 18, 19, 23, 24, 25, 26, 28, 29, 33, 129, 384, 387, 441, 444, 476

The Prosecutor v. Dusko Tadic a/k/a 'Dule' (IT-94-1-T), Indictment (amended), 14 December 1995 55

1996

The Prosecutor v. Radovan Karadzic and Ratko Mladic (IT-95-5-R61 and IT-95-18-R61), Trial Chamber I, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 11 July 1996 (108 ILR 85) 347, 473

The Prosecutor v. Milan Martić (IT-95-11-R61), Trial Chamber I, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 8 March 1996 (108 ILR 39) 134, 137, 144, 146, 444, 445

The Prosecutor v. Mile Mrksic, Miroslav Radic, Veselin Sljivancanin and Slavko Dokmanovic (IT-95-13-R61), Trial Chamber I, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 3 April 1996 (108 ILR 53) 29, 33

- Prosecutor v. Ivica Rajic* (IT-95-12-R61), Trial Chamber II, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 5 July 1996 and 13 September 1996 (108 ILR 142) 28, 32, 33, 133, 134, 149
- 1997
- The Prosecutor v. Slavko Dokmanovic* (IT-95-13a-PT and IT-95-13a-T), Prosecutor's Pre-trial Brief, 15 December 1997 395, 399, 401
- The Prosecutor v. Dusko Tadic aka 'Dule'* (IT-94-1-T), Trial Chamber II, Opinion and Judgment, 7 May 1997 (121 ILR 1) 26, 27, 28, 386, 388, 390, 399, 400
- 1998
- The Prosecutor v. Zlatko Aleksovski* (IT-95-14/I-PT), The Prosecutor's Closing Brief, 9 November 1998 65, 70, 77, 79, 316
- Celbici Case* (Delalic, Mucic, Delic and Landzo) (IT-96-21-T), Trial Chamber II, Prosecution's Response to Defendants' Motion for Judgment of Acquittal or in the alternative Motion to Dismiss the Indictment at the Close of the Prosecutor's Case, 6 March 1998 26, 35, 42
- The Prosecutor v. Zejnil Delalic, Zdravko Mucic also known as 'Pavo', Hazim Delic, Esad Landzo also known as 'Zenga'* (IT-96-21-T), Closing Statement of the Prosecution, 25 August 1998 42, 68, 116, 123, 274
- The Prosecutor v. Zejnil Delalic, Zdravko Mucic also known as 'Pavo', Hazim Delic, Esad Landzo also known as 'Zenga'* (IT-96-21-T), Trial Chamber II, Judgment, 16 November 1998 18, 19, 23, 24, 25, 26, 32, 39, 45, 47, 48, 50, 53, 55, 60, 61, 62, 63, 64, 65, 66, 70, 77, 78, 79, 80, 113, 115, 116, 117, 274, 333, 334, 342, 386, 395, 398, 399, 401, 441, 469
- The Prosecutor v. Slavko Dokmanovic* (IT-95-13a-T), Prosecutor's Response to the Trial Chamber's Request for a Brief on the Use of Cumulative Criminal Charges in Relation to a Proposed 'Substantive' *Non Bis in Idem* Principle in International Criminal Law, 10 February 1998 438
- The Prosecutor v. Anto Furundzija* (IT-95-17/1-T), Trial Chamber II, Judgment, 10 December 1998 (121 ILR 218) 45, 47, 48, 49, 61, 316, 333, 334, 337, 340, 342, 402, 469
- The Prosecutor v. Milan Kovacevic* (IT-97-24-PT), Prosecutor's Pre-trial Brief: Elements of articles 2, 3, and 5 of the Tribunal Statute, 16 June 1998 40, 41, 42, 55, 60, 77, 78, 85, 95, 107, 108, 112, 211, 214, 252, 261
- The Prosecutor v. Milan Kovacevic* (IT-97-24-I), Amended Indictment, 23 June 1998 55
- The Prosecutor v. Vlatko Kupreskic, Mirjan Kupreskic, Zoran Kupreskic, Drago Josipovic, Dragan Papic, Vladimir Santic, also known as 'Vlado'* (IT-95-16-PT), Prosecutor's Pre-trial Brief, 13 July 1998 41, 399
- The Prosecutor against Dusko Sikirica aka 'Sikira' and Others case* (IT-95-8-PT), Redacted Indictment, 21 July 1998 55
- 1999
- The Prosecutor v. Zlatko Aleksovski* (IT-95-14/1-T), Trial Chamber I, Judgment, 25 June 1999 26, 316, 318, 319, 323
- The Prosecutor v. Goran Jelisic* (IT-95-10-T), Trial Chamber I, Judgment, 14 December 1999 40, 42, 65, 276, 398
- The Prosecutor v. Dario Kordic and Mario Cerkez* (IT-95-14/2-PT), Prosecutor's Pre-trial Brief, 25 March 1999 133, 145, 150, 151, 217, 228, 252, 261, 274, 280, 394, 398, 399, 407

-
- The Prosecutor v. Dragoljub Kunarac* (IT-96-23-PT), Prosecutor's Pre-trial Brief, 8 February 1999 316
- The Prosecutor v. Miroslav Kvočka, Mlado Radic, Milojica Kos, Zoran Zigic* (IT-98-30-PT), Prosecutor's Pre-trial Brief, 9 April 1999 316, 343
- The Prosecutor v. Milan Simic, Miroslav Tadic, Stevan Todorovic, Simo Zaric* (IT-95-9-PT), Prosecutor's Pre-trial Brief, 31 March 1999 145, 151, 228, 262, 280, 315, 316, 343, 407
- The Prosecutor v. Dusko Tadic* (IT-94-1-A), Appeals Chamber, Judgment, 15 July 1999 18, 23, 28, 31
- 2000
- The Prosecutor v. Zlatko Aleksovski* (IT-95-14/1-A), Appeals Chamber, Judgment, 24 March 2000 24, 31, 319
- The Prosecutor v. Tihomir Blaskic* (IT-95-14-T), Trial Chamber I, Judgment, 3 March 2000 (122 ILR 1) 12, 18, 24, 26, 27, 31, 33, 40, 41, 42, 61, 63, 65, 66, 69, 74, 78, 79, 80, 84, 95, 99, 105, 111, 123, 125, 127, 132, 146, 149, 151, 152, 227, 261, 276, 345
- Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, PR/P.I.S./510-E, published on 13 June 2000 (39 ILM 1257 (2000)) 140, 176
- The Prosecutor v. Anto Furundzija* (IT-95-17/1-A), Appeals Chamber, Judgment, 21 July 2000 47, 48
- The Prosecutor v. Zoran Kupreskic, Mirjan Kupreskic, Vlatko Kupreskic, Drago Josipovic, Dragan Papic, Vladimir Santic, also known as 'Vlado'* (IT-95-16-T), Trial Chamber II, Judgment, 14 January 2000 133, 138, 143, 150, 169, 446
- The Prosecutor v. Blagoje Simic, Milan Simic, Miroslav Tadic, Simo Zaric* (IT-95-9-PT), Prosecutor's Pre-trial Brief Pursuant to Rule 65 ter (E)(I), 9 April 2000 32, 107, 109, 112, 211, 212, 213, 214
- 2001
- The Prosecutor v. Zejnil Delalic, Zdravko Mucic (aka 'Pavo'), Hazim Delic, Esad Landzo (aka 'Zenga'), ('Celibici Case')* (IT-96-21-A), Appeals Chamber, Judgment, 20 February 2001 24, 31, 113, 114, 116, 117, 118
- The Prosecutor v. Dario Kordic and Mario Cerkez* (IT-95-14/2-T), Trial Chamber III, Judgment, 26 February 2001 39, 40, 42, 63, 65, 66, 78, 80, 82, 84, 87, 95, 116, 125, 132, 133, 143, 145, 149, 216, 222, 228, 252, 261, 276, 345, 394, 395, 399, 407
- The Prosecutor v. Radislav Krstic* (IT-98-33-T), Trial Chamber I, Judgment, 2 August 2001 78, 109, 212, 213
- The Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic* (IT-96-23 and IT-96-23/1-T), Trial Chamber II, Judgment, 22 February 2001 49, 59, 62, 318, 324, 335, 337, 338

International Criminal Tribunal for Rwanda

1998

- The Prosecutor v. Jean Paul Akayesu* (ICTR-96-4-T), Judgment, 2 September 1998 30, 40, 41, 43, 52, 56, 78, 79, 135, 328, 333, 334, 336, 340, 341, 342, 378, 384, 386, 387, 390, 392, 393, 441