

GENERAL INDEX

- absconding of suspects, 150, 153–4
- absence
 - of Accused from trial, 272, 315–18, 337–42
 - of case managers, 634
 - of defence counsels, 629–30
- abuse of power/authority, 361, 372
 - as aggravating circumstance, 348–9, 372–3
- abuse of process
 - stay of proceedings for, 296–302
- acceptance of jurisdiction
 - by declaration, 87–9
- accessory liability, 466–7
- accountability
 - for reparations, 379–86, 397
- accused
 - admissibility challenges by, 73
 - appeals on whether to stand trial, 422–3
 - disclosure obligations of, 275
 - excusal from trial of, 315–18, 337–42
 - language proficiency of
 - assessment of, 6–7
 - and fair trial rights, 287–90
 - time extensions due to deficiencies in, 632
 - rights of
 - to be informed of charges, 179, 192
 - to defence counsel, 57–8
 - seniority of
 - and decision to prosecute, 7
- acquittals
 - appeals against, 556
- ad hoc counsels, 19, 65–6
- ad hoc tribunals
 - influence on ICC, 471–3
- additional submissions
 - in interlocutory appeals, 563–6
- adjudication within context
 - obligation, 34
- administrative detention, 281
- admissibility of cases, 73
 - appellate review of, 18, 67–8, 71, 490–2, 523–32
 - criteria for, 71–80, 89–106
 - procedures for, 80–3, 106–17
 - standards of review, 558
 - victim participation in, 410
 - and State investigations and prosecutions, 55–6, 76
- admissibility of evidence
 - victims' rights to challenge, 442–3
- admissibility of filings
 - legal basis requirement for, 622
- adversarial hearings
 - right to, 277
- Advisory Committee on Legal Texts, 12
- age
 - of child soldiers
 - and culpability for enlisting/conscription of child soldiers, 460–1
- aggravating circumstances, 347–9, 355, 360, 361–4, 372–3
- Aluoch, Judge, 261–4
- amici curiae* participation, 598–600, 604–10
- ancillary proceedings
 - appellate review of, 540–1
- annexes of documents
 - formal requirements for, 623

- apparent bias, 260–1
 - of judges
 - assessment of, 261–4
- appearance at trial. *see also* absence: of
 - Accused from trial
 - detention of suspects to ensure, 149–55
- appellate review/appeals, xxix, 358–61, 487–9, 517–18
 - of admissibility of cases, 71
 - admission of additional evidence in, 509–13, 580–3
 - grounds for, 496–500, 545–60
 - interlocutory appeals, xxx–xxxii, 489–96, 519–44
 - jurisdiction in, 487–9, 516, 519, 523–32
 - proceedings, 560–71, 597–8
 - oral hearings, 505–7, 568–70
 - replies and responses in, 571
 - remedies available in, 507–8, 571–80
 - of reparation orders, 393, 394, 541–4
 - victim participation in, 411
 - victims' rights to, 457, 495–6
 - of sentencing decisions, 368–73
 - standards of review, 500–3, 551–60
 - suspensive effects in, 513–15, 583–96
 - victim participation in, 407–11, 443–56
- applicable law
 - ICC Appeals Chamber on, 3–6, 25–8
- applications
 - for *amici curiae* participation, 608–10
 - for arrest warrants, 131, 133
 - ex parte*, 616
 - for extensions of page limits, 635–9
 - for extensions of time limits, 625–35
 - for interim release from detention
 - disclosure rules for, 209, 223–5
- appointment
 - of defence counsel, 58
- arguments
 - abstract and unsubstantiated, 633
- armed forces/group
 - war crimes committed against
 - members of same, 474–7, 483–5
- arrest warrants, 131–5, 144–58
 - admissibility challenges at stage of, 108–10
 - applications for, 131, 133
 - prerequisites for, 197
- ASP (Assembly of States Parties)
 - referral of non-cooperation with ICC
 - by States to, 125–9
- assets
 - of convicted persons
 - and reparations, 381, 395–6
 - powers to request freezing and forfeiture of, 120–3
- asylum claims
 - by detained witnesses, 84–5, 124–5
- Batros, Ben, xx
- Bensouda, Fatou, xxxi
- burden of proof
 - in admissibility challenges, 81–3, 112–13
 - of guilt, 273–5
 - in reparation appeals, 386, 393–4
- “but/for” test, 385
- case managers
 - absence of, 634
- Cassese, Antonio, xxx
- causation standard
 - for reparations liability, 382–5, 390
- certainty
 - about occurrence of crime, 470–1, 479–81
- changed circumstances, 170–3
- changes to legal characterisation of
 - facts, 10, 312–15, 327–37
 - timing of, 314–15, 332–6
- charges, 179–82, 189–92, *see also*
 - confirmation of charges
 - hearings
 - amendment of, 183–4, 192–6
 - in domestic cases
 - and admissibility challenges, 76–8
 - notification of
 - right to, 267–70, 284–6
 - recharacterisation of legal facts
 - in, 314

- child soldiers
 - definition of, 86
 - war crime of enlisting/conscription of, 360, 459–64, 471
- children
 - ICC's prosecution of crimes against, xxv, 360
- clarification
 - of charges, 180
 - of decisions, 611
- coaching
 - of witnesses, 304
- Code of Professional Conduct for Counsel, 20
 - and legal representation of victims, 428–9
 - application of, 59–61
- collective reparations, 386–7, 394–5, 397
- common plan, 471
 - and co-perpetration, 470–3, 478, 479
- common purpose liability, 473–4, 481
- compensation, 376–7
- complementarity principle in ICC Statute, 103, 104–5
- completion strategies
 - of international criminal tribunals, 7
- complexity of cases
 - as exceptional circumstance, 637–8
- conditional release from detention
 - of suspects, 141–2, 162–6
 - on health grounds, 156–7
- conditional stay of proceedings, 301–2
- conduct
 - assessment of
 - in admissibility challenges, 76–8, 91–5
 - in sentencing, 367
- confidential information/documents
 - defence counsels being privy to and conflicts of interests, 19–21, 60–2
 - filing of, 600–1, 612–15
 - knowledge of, 557
 - to protect victims and witnesses, 209–11
- confidentiality agreements
 - by Prosecution
 - and disclosure obligations, 213–14, 239–42
- confirmation decisions
 - on charges, 179–82, 191–2
 - specificity requirements for, 268–9
- confirmation of charges hearings, 136, 184–9, 196–204, 205, 225, 226, 238
 - victim participation in, 421
- conflicts of interests
 - of defence counsels, 19–21, 58–65
- conscription. *see also* child soldiers
 - definition of, 461–2
- consistency
 - in sentencing, 357
- contempt of court. *see* offences against the administration of justice
- context
 - obligation to adjudicate within, 34
- control
 - over crime
 - and co-perpetration, 465–6
 - effective/overall control test, 9
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 134
- convicted persons
 - reparation orders directed against, 379–82, 396
- cooperation of States with ICC, 118–20
 - forms of, 120–5
 - non-compliance with obligations, 125–30
- co-perpetration, 189, 464–73, 477–81
- corrigenda
 - formal requirements for, 623–4
- counsels. *see* defence counsels
- culpability, 353
 - for aggravating circumstances, 363–4
 - sentence must be reflection of, 369
- customary international law
 - and ICC Statute interpretation, 28–9
- declaration of acceptance of jurisdiction, 87–9

- declaration of compliance
 - requirement for filings, 622–3
- defence
 - disclosure obligations of, 215–16
 - information material to
 - and Prosecution disclosure obligations, 208–9, 214–25
 - permissibility of non-disclosure, 196, 209–13, 225–37
 - right of accused to strategy of, 295–6
 - right of the accused to present, 276–9
 - right to adequate time and facilities for preparation of, 270–1, 284–6
- defence counsels, 19–21, 56–71, *see also* legal representation
 - absence of, 629–30
 - appointment of, 628
 - illness of, 629
 - immunities of, 303
 - inability to take instructions, 630
 - payment for, 16
- defendants
 - rights of. *see also* fair trial rights
 - failure to respect, 51–5
- defining elements of the case, 76
- delays
 - in decisions on extension of time limits, 632
- detention
 - of suspects, 132–3, 134–44, 149–55, 156–7, 158–78
 - administrative, 281
 - appeals against, 492–3, 532–4
 - obligation to deduct time spent in, 366–7, 373
 - review of, 139–41, 168–73
- of witnesses
 - appeals against, 493, 528–9, 535–6
 - asylum claims by, 84–5
 - transfer to give testimony of, 124–5
- deterrent effect
 - of prosecution by ICC, 105–6
- disclosure obligations
 - of accused, 275
 - of Defence, 275
 - of Prosecution, 205–9, 214–25
 - exceptions, 196, 209–14, 225–37
- disclosure process, 13, 33–4
- discontinuance of proceedings
 - interlocutory appeals, 567–8
- discretionary powers
 - of accused
 - to present case, 295–6
 - of Appeals Chamber
 - to accept *amici curiae* participation, 604–5
 - to grant conditional release, 141–2, 162–3
 - to initiate admissibility reviews, 80–1
 - of Prosecutor
 - to prosecute, 45
 - to refer non-cooperation, 125–9
 - of Trial Chamber
 - appellate review of, 553–4
 - in sentencing, 349–65, 369
 - to review NCTA motions, 318–19, 343–5
 - to rule on relevance or admissibility of evidence, 321–2
- discrimination
 - as aggravating factor, 362
- disqualification
 - of the Prosecutor, 50–6
- documents
 - confidential
 - filing of, 600–1, 612–15
 - filing of, 616–18
 - annexes, 623
 - corrigenda, 623–4
 - formatting requirements, 601–2, 621–3
 - non-compliance with formal requirements for, 624–5
 - page limits, 603–4, 625–35
 - time limits, 603–4, 618–20
- domestic cases
 - and ICC arrest warrants, 157–8
 - pending admissibility challenges at ICC, 117
 - similarity with ICC cases
 - assessment of, 76–8
- double counting
 - rule against, 372–3
- duty counsels at ICC, 19, 65

- ECtHR (European Court of Human Rights)
 on “no case to answer” procedure, 344
 on reasonable suspicion, 145
 on rights to disclosure, 223–4
 effective control test (ICJ)
 application of, 9
 effective remedy
 rights to
 of detained witnesses, 84–5
 Elements of Crimes
 on enlisting/conscription of child soldiers, 460
 emergency situations
 protection of witnesses in, 250–1
 equal justice principle, 357
 equality of arms principle
 and disclosure of information, 222
 and fair trial rights, 256, 277
 errors, appeals on, 571–7
 errors of fact, 498–9, 501, 545–6, 547–9, 551–3, 555–6
 errors of law, 499, 501–2, 545–6, 549–50, 551–3, 556–7
 procedural errors, 497–8, 502–3, 532, 545–7, 551–3, 557
 essential contribution to crimes
 and co-perpetration, 464–5, 468–9, 470, 477–9
 ethnicities
 targeted for genocide, 421
 European Convention on Human Rights, 134
 evidence. *see also* burden of proof
 admission of, 278, 310–12, 320–5, 510
 additional evidence in appeals, 509–13, 580–3
 evaluation/appraisal of, 138
 in appellate reviews, 554
 at confirmation of charges hearings, 187–9, 198–9, 201–4
 for necessity of arrest, 148–9
 rules
 at confirmation hearings, 186–9, 196, 197, 199–200
 summaries of
 as protective measure, 232–3
 suspects’ challenging of
 at arrest warrant stage, 136–7
 taking of, 123
 victims’ rights to presentation and challenging of, 406–7, 421–2, 433–43
ex parte applications, 616
 exceptional circumstances
 for allowing extensions of page limits, 637–8
 excusal from trial
 of accused, 315–18, 337–42
 excusal of judges, 263–4
 exonerating information
 disclosure of, 207–8, 219–20, 226
 expeditiousness of trials
 appeal proceedings, 570
 rights to, 256, 276, 282–3, 290–1
 expression of “views and concerns”
 victim participation limited to, 425–6
 extensions of page and time limits
 for filing of documents, 603–4
 factual allegations
 in charges, 190–1
 fair trial rights, 5, 39, 253–9, 279–84
 and admissibility of cases, 99–101
 and appellate review, 538–9
 and language proficiency, 287–90
 and “no case to answer” motions, 344
 right not to be compelled to testify, to
 confess guilt and to remain silent, 275–6, 286–7
 right to adequate time and facilities
 for defence preparation, 270–1, 284–6
 right to be heard, 157, 293
 right to be present at trial, 271–3
 right to defence strategy, 295–6
 right to disclosure, 206–9, 214–25, 275
 right to examine witnesses, call witnesses and present a defence, 276–9

- fair trial rights (cont.)
 - right to expeditious trial, 256, 276, 282–3, 290–1
 - right to impartiality of hearings, 259–65
 - right to legal representation, 271–3, 291–2
 - right to notification of charges, 267–70, 284–6
 - right to presumption of innocence, 273–5
 - right to public hearing/public judgment, 265–6
 - right to reasoned decision, 12, 35–7, 293–5
 - violations of
 - and recharacterisations of legal facts, 313
 - stay of proceedings resulting from, 296–302
- Fernandez, Judge, 473–4
 - excusal of, 263–4
- filings
 - of confidential documents, 600–1, 612–15
 - formal requirements for, 616–18
 - annexes, 623
 - corrigenda, 623–4
 - formatting requirements, 621–3
 - non-compliance with, 624–5
 - time limits, 618–20
 - inability to, 628
- final appeals, xxxii
 - oral hearings in, 506, 569
 - victim participation in, 455–6
- Friman, Håkan, xxxiii
- Gallmetzer, Reinhold, xx
- general principles of law
 - application of, 3–5
- genocidal intent
 - establishment of, 146
- genocide
 - ethnicities targeted for, 421
- good cause demonstration, 633
 - for extension of time limits, 626, 627–35
- good faith
 - applied to ICC Statute interpretation, 2
 - mistakes made in, 629
- gravity
 - of crimes
 - and admissibility of cases, 80, 81, 101–3, 107, 110
 - and necessity of detention of suspects, 150, 151–2
 - and sentencing, 353–6, 370
 - determination of, 353
 - of non-cooperation of States with ICC
 - assessment of, 128
 - of offences against the administration of justice, 305–6
- Guariglia, Fabricio, xx
- guilt
 - burden of proof of, 273–5
 - right not to confess, 275–6
- harm
 - assessment of, 389
 - direct vs. indirect, 401–2, 414–17
 - emotional, 401
 - link with charges
 - and victim participation, 405–6
 - proximate causes of, 383–5
 - specification/definition of
 - in reparations orders, 388–92, 397–8
- heard, right to be, 157
 - denial of, 293
- hearings
 - adversarial
 - right to, 277
 - public
 - right to, 265–6
- hostilities
 - use of children to participate in, 462–4, *see also* child soldiers
- human rights. *see also* international human rights law
 - to effective remedy
 - of detained witnesses, 84–5
- humanitarian circumstances
 - release of suspects on grounds of, 178

- hypothetical interests
 - safeguarding of, 633–4
- ICJ (International Court of Justice)
 - effective control test by, 9
- ICTY (International Criminal Tribunal for the Former Yugoslavia)
 - on abuse of power, 349
 - Appeals Chamber, xxx
 - international criminal law
 - development by, xxix
 - jurisprudence
 - ICC influenced by, 2, 7–9, 471–3, 501, 512
 - on “no case to answer”
 - procedure, 343
- illness
 - of defence counsels, 629
- immunities
 - of defence counsels, 303
- impartiality
 - of hearings/Prosecutor, 45
 - rights to, 259–65
- imprisonment, 347, *see also* detention
- impunity
 - Rome Statute’s aim of ending of, 2–3, 23
- in dubio pro reo* principle
 - Appeals Chamber interpretation of, 31–2
- indefinite extensions of time limits, 634
- indefinite stay of proceedings, 301–2
- indigence
 - establishment of, 381
- indirect harm, 401–2, 414–17
- individual circumstances, 366
- individual criminal responsibility
 - common purpose liability, 473–4, 481
 - co-perpetration, 189, 464–73, 477–81
 - for reparations, 379–86, 397
- individual reparations, 386–7, 394–5, 397
- individualisation
 - of sentencing, 356–8, 371–2
- information. *see also* confidential information/documents
 - disclosure obligations of
 - Prosecution, 205–9
 - exceptions, 196, 209–14, 225–37
 - innocence, presumption of
 - failure to respect, 51–5
 - right to, 273–5
 - inspection
 - of information material by the Defence, 208–9, 220–3
 - intention
 - and co-perpetration, 470–3
 - interests of justice
 - assessment of, 21
 - interim release from detention, 135–7, 150, 154, 158–62
 - disclosure rules for applications for, 209, 223–5
 - on health grounds, 156–7
 - interlocutory appeals, xxx–xxxii, 489–96, 519–44
 - discontinuance of, 567–8
 - oral hearings in, 505–6
 - proceedings, 563–8
 - oral hearings, 568
 - remedies available in, 507–8
 - standing in, 561–2
 - victim participation in, 443–55
- international crimes
 - seriousness of, 151
- international criminal law development
 - ICC’s role in, xxiii–xxv, xxx–xxxii
 - ICTY’s role in, xxix
- international criminal tribunals
 - influence on ICC Appeals Chamber of, 7–9, 28–30
- international human rights law
 - application by ICC Appeals Chamber of, 5, 27, 99–101, 132–3, 161
 - inadmissibility of evidence obtained in violation of, 278
- international humanitarian law
 - development
 - ICC’s role in, xxiv
 - protection against member of same armed force/group, 474–7, 483–5

- international law, customary
 - and ICC Statute interpretation, 28–9
- investigations
 - of ICC, 16–18
 - absence of victim participation rights in, 404–5, 430–1
 - obstruction or endangerment by suspects of, 155
 - on offences against the administration of justice, 304–5
 - withholding information for protection of, 211–13, 233–9
 - by States
 - and admissibility challenges, 75–8, 79–80, 81–3, 89–91, 95–8, 107–8
- joint criminal enterprise liability, 467
- Jones, John R. W. D, xxxiii
- judges
 - assessment of apparent bias of, 261–4
- judgments, public
 - right to, 265–6
- judicial functions of ICC Appeals Chamber, 12–14, 32–40
- judicial orders
 - binding nature of, 14, 38–9
- jurisdiction of ICC
 - Appeals Chamber on, 67–71, 83–7
 - challenges to, 69, 71, 72
 - appellate review of, 490–2
 - at confirmation hearings, 198
 - of Appeals Chamber, 16, 487–9, 516, 519, 523–32
- jurisprudence
 - of ICC Appeals Chamber
 - as reference source, xxiv
 - of ICTY
 - ICC influenced by, 2, 471–3, 501, 512
 - of international criminal tribunals
 - influence on ICC Appeals Chamber of, 7–9, 28–30
- justice, interests of
 - assessment of, 21
- Kenya
 - admissibility challenges by, 74
- Kourula, Judge, 340–2
- language proficiency of accused, 578
 - and fair trial rights, 287–90
 - assessment of, 6–7
 - deficiencies in, 632
 - language requirements
 - for notification of charges, 269–70
- legal basis requirement
 - for admissibility of filings, 622
- legal certainty
 - in fair trial rights, 281–2
- legal characterisations of facts
 - Trial Chamber's powers to modify, 312–15, 326–37
- legal charges. *see* charges
- legal representation. *see also* defence counsels
 - right of accused to, 272–3, 291–2
 - of victims, 428–30, 451–2
- liability
 - common purpose liability, 473–4, 481
 - co-perpetration, 189, 464–73, 477–81
 - joint criminal enterprise, 467
 - for reparations, 379–86, 397
- life sentences, 347–8
- material to the preparation of the Defence
 - and disclosure of information, 220–3
- matter jurisdiction (*ratione materiae*), 69
 - challenges to, 85–7
- medical condition
 - of suspects
 - and conditional/interim release possibilities, 156–7
- mental element of crimes/*mens rea*
 - and co-perpetration, 470–3, 479
- misconduct before the Court, 306–8
- mitigating circumstances, 356, 364–5, 373

- monitored information
 - Prosecutor's access to, 49–50
- Mugwanya, George, xxi
- necessity
 - of arrest of suspects, 146–9
 - of detention of suspects, 149–55
- Nehrlich, V., xxx
- nexus requirement
 - for war crimes, 485–6
- no case to answer (NCTA) motions, 318–19, 343–5
- non-compliance
 - with ICC Statute by States, 119, 125–30
 - with Regulations of the Court
 - remedies/sanctions for, 624–5
- notification
 - of charges
 - right to, 267–70, 284–6
 - problems with, 631
- numerus clausus* system
 - for appealable decisions, 489
- objectivity obligation
 - of Prosecutor, 46
- offences against the administration of justice, 303–6, 307–8
- OPCD (Office of Public Counsel), 66
- oral hearings
 - in appeal proceedings, 505–7, 568–70
- orality principle, 320
 - exceptions, 320–5
- ordering
 - liability for, 471–3
- organisational policy
 - existence of
 - and ICC jurisdiction, 85, 198
- overall control test (ICTY)
 - application of, 8
- Ozaki, Judge, 263
- page limits
 - applications for extensions of, 635–9
 - breaches of, 621
- parties to appeals, 503–5, 543–4, 560–2
- payment of legal assistance, 430
- permanent stay of proceedings, 301–2
- personal interests of victims
 - requirement
 - for participation in proceedings, 402–3, 412, 417–23
- personal jurisdiction (*ratione personae*), 70
- persons
 - admissibility challenges by, 111–16
 - in custody
 - transfer to give testimony, 124–5
- Pikis, Judge, 277
- preliminary issues
 - consideration of, 562–3
- Pre-Trial Chamber
 - powers of
 - to review evidence, 201–4
- pre-trial phases/proceedings
 - disclosure of witness statements in, 206–7, 216–18
 - duration of, 185
 - replies in, 610–11
- prevention of crime
 - ICC's role in, 105–6
- procedural errors
 - appeals against, 497–8, 545–7
 - in admissibility cases, 532
 - standard of review in, 502–3, 551–3, 557
- procedural rights
 - abuse of, 71
- proceedings, 404, *see also* stay of proceedings, victims, participation in proceedings of
 - admissibility
 - participatory rights of suspects in, 111–12
- ancillary
 - appellate review of, 540–1
- appeals, 560–71, 597–8
 - replies and responses in, 571, 609–10
- conduct of, 309
- extension of time limits not allowed to derail, 626
- impartiality of, 259–65
- non-compliance, 129–30
- on reparations, 542–3

- proceedings (cont.)
 - related
 - competing deadlines and workload resulting from, 630–1
 - replies in, 610–11
 - revision
 - additional evidence presented in, 583
 - stand alone
 - appellate review of, 540–1
 - time of, 106–7
- proportionality principle
 - and fair trial rights, 283–4
 - in sentencing, 352, 359, 369–70
- proprio motu* reviews of admissibility, 108–10
- prosecution by States
 - and admissibility of cases, 96–8
- Prosecution/Prosecutor, xxiii
 - appeals against acquittals by, 556
 - burden of proof of guilt on, 273–5
 - disclosure obligations of, 205–9, 214–25
 - exceptions, 213–14, 225–37
 - evidence presentation by
 - at confirmation of charges hearings, 186–7
 - fair trial rights of, 254
 - impartiality of, 45, 264–5
 - legal characterisations of facts by, 312
 - non-compliance with orders of a Chamber, 299–301
 - powers of
 - investigative, 16–18, 43–56, 304–5
 - to protect victims and witnesses, 247–8
 - to request postponement of trial, 194–6
 - to withdraw or amend charges, 183–4, 193
 - protection of identities of, 237
- protective measures
 - to secure assets for reparations, 395–6
- proximate causes of harm, 383–5
- public hearings/public judgments
 - right to, 265–6
- public holidays
 - extension of time limits due to, 632–3
- Pugliatti, Lorenzo, xxxiii
- questioning
 - records of, 325–6
- Raimondo, F., 4, 5
- rape. *see also* sexual and gender-based crimes
 - as war crime, 87
- reasonable suspicion/reasonable grounds to believe standard, 134, 145–6, 161–2
 - for issuance of arrest warrants, 197
- reasonableness
 - of extension requests, 638–9
 - ICTY standard of, 501
- reasoned decisions
 - right to, 12, 35–7, 293–5
- reconsideration of decisions, 611–12
- redactions
 - permissibility of, 209–13, 225–37
- Registrar/Registry, 248–9
 - appellate review of decisions of, 16, 42–3
 - authority of, 14–16
 - obligations of, 41, 274
 - powers of, 40–1
- rehabilitation, 377–8
- release from detention
 - appeals against decisions on, 492–3, 534–5
 - and personal interests of victims, 422–3
 - denial of release, 558–9
 - conditional, 141–2
 - on health grounds, 156–7
 - humanitarian circumstances, 178
 - interim release, 135–7, 150, 154, 158–62, 209, 223–5
 - periodic review of ruling on, 166–73
 - requests for, 143–4
- relocation of witnesses, 249–52
- remedies
 - on appeal, 507–8, 571–80

- for non-compliance with regulations of the Court, 624–5
- reparations, 374–5, 378
 - compensation, 376–7
 - individual vs. collective, 386–7, 394–5, 397
- orders/decisions on
 - appellate review of, 393, 394, 411, 495–6, 541–4, 594–6
 - mandatory elements of, 378–93, 396–8
- rehabilitation, 377–8
- restitution, 376
- securing assets for, 381, 395–6
- for unfair proceedings, 280
- victim participation in proceedings on, 411, 456–8
- replies
 - in appeal proceedings, 571
 - interlocutory appeals, 563–5, 566
 - to *amici curiae* submissions, 609–10
 - in pre-trial and trial proceedings, 610–11
- res judicata* principle, 37–8
- responses
 - in appeal proceedings, 571
- restitution, 376
- re-trials
 - prohibition of, 80
- reviews
 - of detention of suspects, 139–41, 168–73
- revision proceedings
 - additional evidence presented in, 583
- RoC (Regulations of the Court), 9–12, 30–1
 - non-compliance with
 - remedies or sanctions for, 624–5
 - on admission of additional evidence in appeals, 509–13
 - on appeal procedures, 571
 - on changes to legal characterisations of facts, 2, 10, 312–15, 327–37
 - on grounds for appeal, 500, 550–1
 - on questioning of witnesses and presentation of evidence, 278
 - on replies, 610–11
 - on representation before the Court by Registrar, 15
 - on time limits, 598
 - regulation 20, 265
 - regulation 24, 15–16, 610–11
 - regulation 35, 598
 - regulation 43, 278
 - regulation 52, 189
 - regulation 55, 2, 9–11, 30–1, 184, 193, 276, 312–15, 327–37
 - regulation 55(2), 10
 - regulation 59, 571
 - regulation 60, 571
 - regulation 61, 500, 550–1
 - regulation 62, 509–13, 580–3
- Rome Statute (ICC Statute)
 - article 8(2), 482–3
 - article 21(3), 296–7
 - article 52, 9–11
 - article 54(3)(e), 213–14, 239–42
 - article 58, 131–5, 144–58
 - article 60, 131–3, 134–44, 158–78
 - article 61 (3), 267
 - article 63(1), 315–18, 337–42
 - article 64(2), 253
 - article 64(8), 267
 - article 67, 257–9, 276
 - article 67(1), 265–6, 267, 269–73, 275, 276–9, 284–6
 - article 67(2), 241–2
 - article 68(1), 245, 247–8, 252
 - article 68(3), 399–400
 - article 68(5), 232–3
 - article 69(2), 311–12
 - article 69(4), 310–12
 - article 70, 303–6
 - article 71, 306–8
 - article 78(1), 350, 353–6, 370–1
 - article 81, 487, 489, 503–5, 520
 - article 82, 489, 503–5, 520–3
 - article 82(1)(a), 490–2, 523–32
 - article 82(1)(b), 492–3, 532–6
 - article 82(1)(d), 494–5, 536–41
 - article 82(4), 495–6, 541–4
 - article 87, 125–9
 - interpretation by Appeals Chamber of, xxvii, xxxi

- Rome Statute (ICC Statute) (cont.)
 and international human rights law, 132
 applicable law, 3–6, 25–8
 customary and conventional international law, 28–9
 general principles of law, 1–3, 21–5
travaux préparatoires, 6–7, 28
 on abuse of process, 296–7
 on admissibility of cases, 79–81, 103–5
 on admission of evidence, 310–12
 on appellate review, 487–97, 503–5, 520–30, 545
 on cooperation duties of States, 119–20
 on enlisting/conscription of child soldiers, 460
 on excusal of accused from presence at trial, 315–18, 337–42
 on fair trial rights, 253, 257–9, 265–6, 267, 269–73, 275, 276–9, 284–6
 on misconduct before the Court, 306–8
 on offences against the administration of justice, 303–6
 on protection of victims and witnesses, 245, 247–8, 252
 on reparations, 375
 on sentencing, 350, 370–1
 on victim participation, 399–400, 426–7, 428
 on war crimes, 482–3
 routine functioning of the Court, 11–12
 Rules of Procedure and Evidence, 9
 on admissibility challenges, 113–15
 on admission of evidence, 321, 324–5
 on *amici curiae* participation, 598
 on appeals, 545, 569–70
 on confirmation hearings, 225
 on information disclosure, 206–7
 on sentencing, 350–1, 353–6, 370–1
 on victim definition, 401–2, 413–17
 on victim participation, 427
 rule 64(1), 324–5
 rule 68, 321
 rule 76, 216–18, 225
 rule 77, 208–9, 220–3, 240
 rule 81(2), 211–13, 233–9
 rule 81(4), 209–11, 225–33
 rule 85, 401–2, 413–17
 rule 93, 427
 rule 103, 598
 rules 111 and 112, 325–6
 rule 143, 427–8
 rule 145, 350–1, 353–6, 370–1
 rules 154 and 155, 569–70
 same case investigated domestically
 assessment of, 91–5
 same person/same conduct
 assessment of, 91–5
 self-referrals, 68, 69
 sentences/sentencing, 346–9
 appellate review of, 368–9
 discretionary power of judges in, 349–65
 sexual and gender-based crimes
 prosecution of, xxv, 389–92, 482
 protection of members of armed forces/groups against, 474–7
 victims of, 492
 sexual slavery
 as war crime, 87
 silent
 right of accused to remain, 275–6, 286–7
 social alarm criterion, 102
 Song, Judge, 355, 407–8, 460
 stand alone proceedings
 appellate review of, 540–1
 standards of review, 551
 for appellate review, 551–60
 of admissibility challenges, 558
 of errors of fact, 501
 of errors of law, 501–2
 of procedural errors, 502–3, 551–3, 557
 standing
 to appeal decisions, 503–5
 interlocutory appeals, 561–2
 on release, 493
 to request disqualification of the Prosecutor, 50

- States
 - admissibility challenges by, 111–16
 - burden of proof, 81–3, 112–13
 - cooperation with ICC, 118–20
 - forms of, 120–5
 - non-compliance with obligations of, 125–30
 - investigations/prosecutions by and admissibility challenges, 74–8, 79–80, 81–3, 89–91, 95–8, 107–8
 - unwillingness or inability to, 73–4, 78–9, 98–101
- statutory sentencing factors, 350–2
- stay of proceedings, 515
 - and detention of suspects, 143, 176–8
 - appeals on, 6, 39, 559–60, 579, 593–4 and personal interests of victims, 422–3
 - for denial of fairness or abuse of process, 296–302
- substantial likelihood test to establish liability, 471–3
- substantially the same conduct test, 91–5
- substantive law
 - Appeals Chamber on, 459
- sui generis* motions
 - time limits of, 619–20
- summaries of evidence
 - at confirmation of charges hearings, 186–7, 200–1
 - permissibility of, 237–9
 - as protective measure, 232–3
- summary decisions, 570
- summons to appear, 131–5, 158
- suspects
 - absconding of, 150, 153–4
 - admissibility challenges by, 73, 111–12
 - arrest of, 146–9
 - detention of, 132–3, 134–44, 149–55, 156–7, 158–78
 - administrative, 281
 - appeals against decisions on, 492–3, 532–6
 - obstruction or endangerment of investigations by, 155
 - rights of. *see* fair trial rights
 - suspensive effects
 - in appeals, 513–15, 583–96
- technical problems
 - extensions of time applications due to, 629
- temporal jurisdiction (*ratione temporis*), 70, 83
- territorial jurisdiction (*ratione loci*), 70
- testimony
 - by video-conference, 124
 - right not to be compelled to give, 275–6
 - transfer of persons in custody to give, 124–5
- TFV (Trust Fund for Victims), 379, 380
 - tasks of, 388
- thresholds
 - for confirmation of charges, 184, 196, 238
- time
 - limits
 - applications for extensions of, 598, 625–35
 - for filing documents, 603–4, 618–20
 - for victim participation applications, 448
 - passage of
 - not constituting a changed circumstance, 140
 - period between first appearance and confirmation of charges, 185
 - of the proceedings, 106–7
 - spent in detention
 - obligation to deduct upon sentencing, 366–7, 373
- timing
 - of admissibility challenges, 115–16
 - of applications for victims participation, 423–4
 - of changes to legal characterisation of facts, 314–15, 332–6
- travaux préparatoires*
 - and ICC Statute interpretation, 6–7, 28

- Trial Chamber
 - admission of evidence by, 310–12
 - discretionary powers of
 - in sentencing, 349–65, 369
 - to review NCTA motions, 318–19, 343–5
 - to rule on relevance or admissibility of evidence, 321–2
 - powers of
 - to modify legal characterisations of facts, 312–15, 326–37
 - review of confidentiality agreements by, 241–2
 - review of reparation appeals by, 394
 - sentencing decisions of, 369–73
- trials, 309, 319
 - postponement of
 - powers of Prosecutor to request, 194–6
 - presence of accused at
 - excusal from, 315–18, 337–42
 - right to, 271–3
 - replies in, 610–11
 - victim participation in, 407, 431–43
- unfair proceedings
 - remedy for, 280
- United Nations Security Council (UNSC)
 - referral of non-cooperation with ICC by States to, 125–9
- unreasonable detention
 - protection against, 142–3, 174–6
- unwillingness or inability of States to investigate/prosecute
 - and admissibility challenges, 73–4, 78–9, 98–101
- Ušacka, Judge
 - on absence of accused from trial, 340–2
 - on Kenya admissibility appeals, 114–15
 - recusal request on, 264
- victims, 401–2, 413–17
 - eligibility for reparations of, 398
 - evidentiary rights of, 406–7, 421–2, 433–43
 - legal representation of, 428–30, 451–2
 - of sexual and gender-based crimes, 492
 - participation in proceedings of, xxiv, 399–405, 411–30
 - at admissibility challenges, 117
 - and *amici curiae* participation, 606
 - at appeals, 407–11, 443–56
 - applications for, 411–13, 423–4
 - at confirmation hearings, 421
 - in investigations, 430–1
 - reparations proceedings, 456–8
 - at trials, 407, 431–43
 - protection of, 243–7
 - confidentiality of information for, 209–11
 - Prosecutor's powers, 247–8
 - reparation appeals by, 393, 543–4
 - and burden of proof, 386
- video-conferences
 - testimony by, 124
- Vienna Convention on the Law of Treaties (VCLT)
 - and Rome Statute interpretation, 1–3, 6, 21–2
- virtual certainty
 - about occurrence of crime, 470–1, 479–81
- voluntary surrender to Court, 152
- VWU (Victims and Witnesses Unit), 245–6
 - protection of identities of staff of, 237
 - responsibilities of, 247, 248–9
- war crimes, 87
 - enlisting/conscription of child soldiers, 360, 459–64
 - gravity of, 102
 - ICC Statute on, 482–3
 - against members of same armed forces or group, 474–7, 483–5
- rape, 87
- witnesses
 - coaching of, 304
 - credibility of
 - pre-trial evaluation of, 188

detention of	confidentiality of information for,
appeals against, 493, 528–9, 535–6	209–11, 236–7
asylum claims by, 84–5	Prosecutor’s powers, 247–8
transfer in order to give testimony	right of the accused to examine and
by, 124–5	call, 276–9
ICC’s powers to require attendance	statements by
of, 123–4	introduction of, 186
influencing of, 155	pre-trial disclosure rules on,
protection of, 243–7	206–7, 216–18, 225–33