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# The Annotated Digest of the International Criminal Court

2004-2006

Edited by Cyril Laucci

- October 2007
- ISBN 978 90 04 16311 9
- *Hardback* (700 pp.)
- List price EUR 195.- / US\$ 278.-
- The Annotated Digest of the International Criminal Court, 1

After the entry into force of its Statute on 1st July 2002, the International Criminal Court (ICC) has started to work. The first Situations (Congo, Uganda, Central African Republic and Sudan) and Cases (Lubanga, Kony, Otti, Lukwiya, Odhiambo, Ongwen) are now pending before the Court. The first public decisions of the Court are dated July 2004. More than 230 public decisions were rendered by 31 December 2006.

*The Annotated Digest of the International Criminal Court (2004-2006)* is the first volume of an annual or biennial series, depending on the volume of decisions issued. It compiles a selection of the most significant legal findings contained in the public decisions rendered by the International Criminal Court since its first decisions in July 2004 until 31 December 2006. More than 230 decisions have been reviewed for the preparation of the present volume. The criteria for selection of the abstracts are:

- 1) abstracts which clarify a point of law, interpret a rule...;
- 2) abstracts which show how a specific rule is applied by a Chamber;
- 3) abstracts which are otherwise meaningful with respect to international justice, human rights, international humanitarian law.

The abstracts are quoted in their original language, namely English or French. An English translation of the French abstracts is given. The abstracts are inserted after the relevant articles of the Statute, Rules of Procedure and Evidence and Regulations of the Court, with a short description/summary of their precise topic. A quick reference system makes it easy to refer to other decisions quoted elsewhere in the *Digest*.

This Series of *Digests* is devised, first and foremost, as a tool for practitioners of international criminal law and academics, who will be able to immediately find the most relevant abstracts of ICC jurisprudence on each and every topic, thanks to the efficient quick reference system and index.

Cyril LAUCCI, PHD, has worked for ICTR and SCSL Chambers and is currently working as consultant in International Humanitarian Law and International Criminal Law.

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Charles Chernor Jalloh

- November 2007
- ISBN 978 90 04 16183 2
- *Hardback* (400 pp.)
- List price EUR 125.- / US\$ 179.-

The Special Court for Sierra Leone was established by a unique bilateral treaty between the United Nations and Sierra Leone in early 2002, making it the third modern *ad hoc* international criminal tribunal. The Special Court is currently trying nine persons, including former Liberian President Charles Ghankay Taylor, for allegedly bearing "greatest responsibility" for serious violations of international and Sierra Leonean law that occurred after 30 November 1996. This volume presents, for the first time, a comprehensive collection of legal texts and instruments forming the normative legal framework underpinning the work of the Special Court. It fills the void for a handy sourcebook of the Special Court's primary and secondary legal texts and is intended for use primarily by the judges, lawyers, academics and other practitioners in the Special Court and other hybrid and international tribunals, including the permanent International Criminal Court.

#### Table of Contents:

Foreword; Preface; Part I: Basic Legal Texts;  
Part II: Regulations Of The Special Court For Sierra Leone; Part III: Relevant Sierra Leonean Legislation; Part IV: Ceasefire And Peace Agreements.

*Readership:* All those interested in international human rights law, international humanitarian law and international criminal justice.

Charles Chernor Jalloh is a Legal Adviser in the Special Court for Sierra Leone. He holds an undergraduate degree from University of Guelph, Common and Civil Law degrees from McGill University and a Masters in International Human Rights Law from the University of Oxford.

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Vladimir Tochilovsky

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This book provides a comprehensive guide to the jurisprudence of the criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), Special Court for Sierra Leone (SCSL), the International Criminal Court (ICC), the European Court of Human Rights (ECHR) on procedural and evidential matters.

The book contains a digest of relevant decisions, orders and judgments (which are collectively referred to as "decisions") of the ICTY, ICTR, the Special Court (hereinafter "*ad hoc* Tribunals"), the ICC, and the ECHR. The CD-ROM which accompanies this book includes the decisions themselves, which are organised topically on it. Most of the decisions on the CD-ROM are in electronically searchable format. The book also includes relevant provisions from the Statutes and Rules of Procedure and Evidence of the *ad hoc* Tribunals and the ICC, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

The book, together with the collections of decisions, will assist practitioners and researchers in studying the jurisprudence of the Tribunals. This jurisprudence reflects the current state of international criminal law. It will inevitably influence approaches of international courts, including the ICC and "hybrid" tribunals, as well as national courts.

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Foreword; Abbreviations; I. Indictment: Introduction; II. Disclosure by the Prosecutor; III. Defence Access to Protected Material; IV. Disclosure by the Defence; V. Disclosure in the ICC Proceedings; VI. Variation of the Lists of Witnesses and Exhibits; VII. Binding Orders and Subpoenas; VIII. Protection of Victims and Witnesses; IX. Legal Assistance of Counsel; X. Plea Agreements; XI. Trial Proceedings; XII. Admissibility of Evidence; XIII. Victims' Participation in the Proceedings (ICC); XIV. Judgments and Decisions; XV. Motions for Judgment of Acquittal; XVI. Appellate and Review Proceedings; XVII. Arrest, Detention, and Provisional Release; XVIII. Referral of the Indictment to Another Court; XIX. Other Procedural Matters; Statutory Provisions; Table of Cases of the International Courts; Table of Cases of the European Court of Human Rights; Index.

*Readership:* All those who practice before international and national criminal courts as well as those who study international criminal justice.

Vladimir Tochilovsky, Ph.D. (1985) in criminal procedure and prosecution, Kiev National University, is a Trial Attorney in the International Criminal Tribunal for the Former Yugoslavia. He published extensively on international criminal justice and criminal procedure.



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## The Resolution of International Investment Disputes: Challenges and Practical Solutions

by *Marisel Dimsey*

*Forthcoming*

isbn: 90-977596-52-4  
Hardbound, approx. 300 pp  
Publication date: Jan 2008  
Series: International Commerce  
and Arbitration, vol. 1  
Price: €85 / US\$ 128

This work deals with the current state of investment dispute resolution and analyzes the problems associated with investor-state arbitration. In search of solutions, the author examines developments in the existing legal framework and looks at the mechanisms under existing domestic and international systems, such as judicial review and class actions, to see if these can be applied to investment dispute resolution.

As investment dispute resolution gains in importance, a book that specifically deals with this issue and suggests ways of improving it, will be of interest to anyone interested in this field.

## International Investment Law in Context

edited by *August Reinisch and Christina Knahr*

*Forthcoming*

isbn 978-90-77596-48-7  
Hardbound, vii + 208 pp  
Publication date: Dec. 2007  
Price: € 55 / US\$ 80

In the last decade international investment law has developed into one of the core areas of international law. The reason for this development is twofold. The number of cases has increased rapidly. ICSID has over a hundred pending cases and there are more before ad hoc tribunals, mostly operating under the UNCITRAL Rules. In addition, investment law has addressed a number of novel issues and has come up with some innovative solutions.

This book brings together the papers delivered at the Young Scholars Conference in International Economic Law, which took place at the University of Vienna/Law School in June 2007. As international investment law is becoming more and more significant, a book dedicated to the latest developments in the field will be of utmost importance to anyone interested in this area of law.

## Legal Framework for the Admission of FDI

by *Thomas Pollan*

isbn 978-90-77596-15-9  
Hardbound, xiii + 321 pp  
Publication date: Apr 2006  
Price: € 85 / US\$ 124

The law on foreign direct investment (FDI) belongs to the fastest changing legal field in international law. Investors and the host state have long left behind a relationship dominated by the host state's desire to screen and choose FDI. In the current market for FDI, both parties try to assert influence, but in the end the scarcity of FDI is the decisive factor.

This book provides an in-depth study of the legal framework for the admission of FDI and presents insights into the pros and cons of various admission models. Its goal is to identify legal and policy options that serve the host state's and investor's common needs. The book is of interest to lawyers, academics and policy makers.

## Applicable law in International Investment Disputes

by *Taida Begic*

isbn 978-90-77596-12-8  
Hardbound, xvi + 248 pp  
Publication date: Oct 2005  
Price: €65 / US\$ 95

This book gives a comprehensive overview of all relevant aspects of the issue of applicable substantive law in the context of investor/State arbitration. It is a comparative survey of both the International Center for Settlement of Investment Disputes (ICSID) and non-ICSID arbitral practice.

The applicable substantive law represents an important issue in investment disputes as it determines the rules of law that should be applied to the merits of the dispute. This study demonstrates the need for a discussion on the applicable law before examining the merits of the case, as it appears to be non-existent in most arbitral awards.

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From its beginning, the Society established as one of its primary functions the regular collection, publication, and dissemination of important international legal materials. These materials were first published as a section of the *American Journal of International Law*, and since the 1960s as the current stand-alone *International Legal Materials* publication. The publication met a critical need in that earlier era — when access to primary source legal materials was limited. Today, access to information is no longer a problem. Indeed, our challenge is too much information. And therein we find a continuing mission for *International Legal Materials*.

The dramatic growth in the international legal field makes it nearly impossible for scholars and practitioners — let alone the general public — to keep abreast of the most important international legal developments. Fortunately they can rely on our staff and Editorial Advisory Committee to sift through the vast array of documents, identify those that are truly significant, and highlight them in *International Legal Materials* and our bi-monthly electronic bulletin, *International Law in Brief*. The Society's periodic *ASIL Insights* provide additional analysis of particularly high-profile developments.

Beginning in 2007, we are supplementing all documents published in *International Legal Materials* with an introductory note from one of the many experts ASIL counts among its members. These notes will provide summaries of the documents and key insights into their significance. This month's collection features notes by Olivia Swaak-Goldman, Saira Mohamed, Coalter Lathrop, Fred Abbott, Chiara Giorgetti, Ken Randall and Chimène Keitner, and Cymie Payne. We are extremely grateful to these authors, and we are confident that you will value their contributions as well.

Please send us your comments and suggestions as we continue our efforts to meet the evolving needs of the international legal community.

Sincerely,

Elizabeth Andersen  
Chair  
Editorial Advisory Committee  
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*International Legal Materials* serves as both a bi-monthly information service and a widely recognized archive of international law documents for a diverse, global community of legal scholars, government officials, private practitioners and institutions sharing a common interest in international law. To meet the varied demands of such a readership, documents are selected from world-wide sources on the basis of their present and future legal significance.

*International Legal Materials* is prepared for publication in Washington, D.C. with both the advice of the Editorial Advisory Committee and the assistance of Corresponding Editors around the world. In order to reproduce the texts of selected documents under tight production schedules, the best available source is used, whether electronic or printed.

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