



STUDIES IN INTERNATIONAL & COMPARATIVE CRIMINAL LAW

the criminal responsibility of  
senior political and military  
leaders as principals to  
international crimes

HÉCTOR OLÁSOLO

*with a foreword by* JUDGE SIR ADRIAN FULFORD,  
*an introduction by* JUDGE EKATERINA TRENDAFILOVA  
*& an epilogue by* PROF DR KAI AMBOS

# The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes

Héctor Olásolo

with a Foreword by

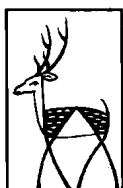
Judge Sir Adrian Fulford

an Introduction by

Judge Ekaterina Trendafilova

and an Epilogue by

Professor Dr Kai Ambos



• H A R T •  
PUBLISHING

OXFORD AND PORTLAND, OREGON  
2010

Published in North America (US and Canada) by  
Hart Publishing  
c/o International Specialized Book Services  
920 NE 58th Avenue, Suite 300  
Portland, OR 97213-3786  
USA  
Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190  
Fax: +1 503 280 8832  
E-mail: [orders@isbs.com](mailto:orders@isbs.com)  
Website: <http://www.isbs.com>

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Reprinted in paperback 2010

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Telephone: +44 (0)1865 517530 Fax: +44 (0)1865 510710  
E-mail: [mail@hartpub.co.uk](mailto:mail@hartpub.co.uk)  
Website: <http://www.hartpub.co.uk>

British Library Cataloguing in Publication Data  
Data Available

ISBN: 978-1-84113-695-0 (hardback)  
ISBN: 978-1-84946-090-3 (paperback)

Typeset by Hope Services, Abingdon  
Printed and bound in Great Britain by  
CPI Antony Rowe, Chippenham, Wiltshire

## FOREWORD

This book provides a hugely important contribution to a complex and vital area of international criminal law. For the courts and tribunals which are charged with the responsibility of trying the most serious cases in the criminal calendar, there can be few subjects of greater concern than the approach that should be taken when dealing with the alleged responsibility of those who are seemingly ‘in control’ when the worst international crimes are committed. The author, who brings to bear his distinguished academic and practical experience in this area, has subjected the issue to painstaking research and, in the event, he has provided with his personal views a penetrating analysis of the extensive materials which relate to this subject, as found in the academic writing and the leading jurisprudence.

The issue of practical and serial concern is, very often, not whether crimes of real magnitude have been committed by someone, but rather whether blame can properly be attached to those who, although at some distance from the event, were seemingly responsible for strategy and controlling the immediate perpetrators. The evidence-trail leading to the General at his headquarters and the politician in his office is often imperfect: identifying what a figure in authority did or did not know, or did or did not order, is frequently hard to establish for the prosecution and the defence.

Given the current trend of concentrating the limited time and resources that are available for these often lengthy and expensive trials on those believed to be the most culpable perpetrators, this becomes a subject of heightened importance. For a court to arrive at a valid judgment on the true position in these circumstances, evidence of the crimes themselves can, almost perversely, become of lesser importance. Instead, different kinds of evidence—often at some remove from the core events—take on a high degree of significance, such as meetings, telephone calls, letters and the movement of funds. This emphasis can have a critical effect on the content of trials and their focus, and to the public and the victims it may lead to a sense that the court has lost sight of the true nature of what happened.

To meet at least the legal aspect of these dilemmas and difficulties, international criminal law has adopted some necessary principles so as to address the role of these particular co-perpetrators, for instance those of ‘joint criminal enterprise’ (or the ‘common purpose doctrine’) and ‘control of crime’. However, for prosecutors much of the debate has revolved around the need to find safe mechanisms that, within a juridical setting, will reflect the true role of senior political and military leaders, who often are not in the ‘lower’ position (as they are often understood) of accessories or aiders and abettors. The goal, therefore, has been to enable the court to address the ‘leader’s’ true position—that of an indirect participant who is also a principal.

## Foreword

This book provides the practitioner with fascinating and highly useful historical, national and international insights into how these problems have been addressed and how the law has emerged in this area. The developments are traced with skill, and although there is for the most understandable of reasons a strong focus on the jurisprudence of the ad hoc tribunals, academic writing and the important contributions by national systems are nevertheless generously included. In the event, a text has been produced that should be in the Chambers of every judge and in the office of every lawyer and academic who practices or writes in this field.

In short, I suspect this will rapidly become the *locus classicus* on this subject.

Judge Sir Adrian Fulford  
Den Haag  
24 April 2008

## ACKNOWLEDGEMENTS

‘all men make mistakes, but a good man yields when he knows his course is wrong, and repairs the evil. The only crime is pride.’

Sophocles

To Judge Sylvia Steiner, who stood up for me in the most difficult moments; Ana Isabel Perez Cepeda and Aleksandra Bojovic for their invaluable help in so many aspects, including the references in German; my former colleagues at the legal advisory and appeals sections of the ICTY Office of the Prosecutor, in particular Barbara Goy, Norman Farrel, Helen Brady and William Fenrick, from whom I learnt so much; my truly dedicated colleagues Josyanne Pierrat and Leila Bourguiba without whose support this book would not have been possible; and Enrique Carnero Rojo whom I wish a thorough recovery after the countless hours spent at the ICC.

The views expressed herein are those of the author alone and do not necessarily reflect the views of the ICC, the ICTY, the United Nations or the Spanish Government.

## TABLE OF ABBREVIATIONS

ABiH	Army of the Republic of Bosnia and Herzegovina (also referred to as Bosnian-Muslim Armed Forces)
AFRC/RUF	Armed Forces Revolutionary Council / Revolutionary United Front
ARK	Serb Autonomous Region of Krajina
AP I	First Additional Protocol to the Geneva Conventions
AP II	Second Additional Protocol to the Geneva Conventions
art/arts	Article/s
BGH	Bundesgerichtshof (German Federal Supreme Court)
BGHSt	Entscheidungen des Bundesgerichtshofs in Strafsachen (Decisions of the German Federal Supreme Court in criminal matters)
BiH	Bosnia and Herzegovina
CAR	Central African Republic
DRC	Democratic Republic of Congo
EC	Elements of the Crimes
ed/eds	Editor/s
et al	And others
et seq	And the following
FAR	Rwandan Armed Forces
FNI	Front National Intégrationniste
FPLC	<i>Les Forces Populaires pour la Libération du Congo</i>
FRG	Federal Republic of Germany
FRPI	Forces de Résistance Patriotique d'Ituri
FRY	Federal Republic of Yugoslavia
GC I	First Geneva Convention
GC II	Second Geneva Convention
GC III	Third Geneva Convention
GC IV	Fourth Geneva Convention
GDR	German Democratic Republic
Gestapo	<i>Die Geheime Staatspolizei</i>
HVO	Croatian Defence Council (also referred to as Bosnian Croat Armed Forces)
HDZ-BiH	Croatian Democratic Union of Bosnia and Herzegovina
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda

## *Table of Abbreviations*

ICTRS	Statute of the International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ICTY OTP	Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia
ICTYS	Statute of the International Criminal Tribunal for the former Yugoslavia
IMT	International Military Tribunal (also referred to as Nuremberg Tribunal)
IMTFE	International Military Tribunal for the Far East (also referred to as Tokyo Tribunal)
KLA	Kosovo Liberation Army
JCE	Joint Criminal Enterprise
JNA	Former SFRY Armed Forces (also referred to as Yugoslav People's Army)
LRA	Lord's Resistance Army
MLC	Mouvement pour la Liberation du Congo
mm	Millimetres
Mtbr	Motorized Brigade
MUP	Special Police Forces of Serb Ministry of Interior
n	Footnote
NATO	North Atlantic Treaty Organization
No	Number
OSP	Organised Structure of Power
p/pp	Page/s
ICC PTC	Pre-Trial Chamber of the International Criminal Court
ICC TC	Trial Chamber of the International Criminal Court
PUSIC	<i>Le Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo</i>
RPE	Rules of Procedure and Evidence
RPF	Rwandan Patriotic Front
RPP	Relevant Physical Perpetrators
RS	Rome Statute
SD	<i>Sicherheitsdienst des Reichsführer SS</i>
SDS	Serbian Democratic Party
SFRY	Socialist Federal Republic of Yugoslavia
SpCC	Spanish Criminal Code
SRT	Serb Radio Television
SRK	Sarajevo Romanija Korps (part of the VRS)
SS	<i>Die Schutzstaffeln Der Nationalsozialistischen Deutschen Arbeiterpartei</i>
TO	Territorial Defence Unit
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNTAET	United Nations Transitional Administration for East Timor
UNMO	United Nations Military Observer



### *Table of Abbreviations*

UNPROFOR	United Nations Protection Force
UPC/RP	<i>L'Union Populaire Congolaise/Rassemblement pour la Democratie</i>
UPDF	Ugandan People Defence Forces
US	United States of America
VJ	Armed Forces of the Federal Republic of Yugoslavia
VRS	Bosnian-Serb Armed Forces
WW II	Second World War

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## European Court of Human Rights

Streletz Case:

*Streletz, Kessler and Krenz v Germany* (App Nos 340044/96 and 44801/98)  
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## International Court of Justice

Asylum Case:

*Colombian-Peruvian Asylum Case (Colombia v Peru)* [1950] ICJ Rep 266.

Continental Shelf Case:

*North Sea Continental Shelf Cases (Federal Republic of Germany v Denmark;  
Federal Republic of Germany v Netherlands)* [1969] ICJ Rep 4.

Nicaragua Case:

*Case Concerning Military and Paramilitary Activities in and against Nicaragua  
(Nicaragua v United States of America)* [1986] ICJ Rep 14.

## International Criminal Court

Bemba Case:

*Bemba Case* (Pre-Trial Chamber III Decision on the Prosecutor's Application  
for a Warrant of Arrest against Jean-Pierre Bemba Gombo) ICC-01/05-01/  
08-14-TEn (10 Jun 2008).

Katanga and Ngudjolo Case:

*Katanga and Ngudjolo Case* (Pre-Trial Chamber I Decision on the Applications  
for Leave to Appeal the Decision on the Admission of the Evidence of  
Witnesses 132 and 287 and on the Leave to Appeal on the Decision on the  
Confirmation of Charges) ICC-01/04-01/07 (24 Oct 2008).

*Katanga and Ngudjolo Case* (Pre-Trial Chamber I Decision on the Confirmation  
of Charges) ICC-01/04-01/07 (1 Oct 2008).

*Katanga and Ngudjolo Case* Confirmation of Charges, (Partially Dissenting  
Opinion of Judge Anita Usascka) ICC-01/04-01/07 (1 Oct 2008).

*Katanga and Ngudjolo Case* (Pre-Trial Chamber I Decision on the Three  
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Document) ICC-01/04-01/07 (25 June 2008).

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### Lubanga Case:

*Lubanga Case* (Pre-Trial Chamber I Decision on the Confirmation of Charges)  
ICC-01/04-01/06 (29 January 2007).

*Lubanga Case* (Pre-Trial Chamber I Decision on Prosecution's Application for  
Warrant of Arrest) ICC-01/04-01/06 (10 February 2006).

### International Criminal Tribunal for the former Yugoslavia

#### Aleksovski Case:

*The Prosecutor v Zlatko Aleksovski* (Appeals Chamber Judgment)  
ICTY-95-14/1-A (24 March 2000).

*The Prosecutor v Zlatko Aleksovski* (Judgment) ICTY-95-14/1-T (25 June 1999).

#### Blagojevic Case:

*The Prosecutor v Vidoje Blagojevic and Dragan Jokic* (Appeals Chamber  
Judgment) ICTY-02-60-A (9 May 2007).

*The Prosecutor v Vidoje Blagojevic and Dragan Jokic* (Judgment)  
ICTY-02-60-T (17 January 2005).

#### Blaskic Case:

*The Prosecutor v Tihomir Blaskic* (Appeals Chamber Judgment)  
ICTY-95-14-A (29 July 2004).

*The Prosecutor v Tihomir Blaskic* (Judgment) ICTY-95-14-T (3 March 2000).

#### Boskoski Case:

*The Prosecutor v. Ljube Boskoski and Johan Tarculovski* (Judgment)  
ICTY-04-82-T (10 July, 2008).

#### Brdanin Case:

*The Prosecutor v Radoslav Brdanin* (Appeals Chamber Judgment)  
ICTY-99-36-A (3 April 2007).

*The Prosecutor v Radoslav Brdanin* (Judgment) ICTY-99-36-T (1 September 2004).

*The Prosecutor v Radoslav Brdanin* (Decision on Motion for Acquittal Pursuant  
to Rule 98bis) ICTY- 99-36-R77 (19 March 2004).

*The Prosecutor v Radoslav Brdanin* (Decision on Interlocutory Appeal)  
ICTY-99-36-A (19 March 2004).

*The Prosecutor v Radoslav Brdanin* (Sixth Amended Indictment)  
ICTY-99-36-T (9 December 2003).

*The Prosecutor v Radoslav Brdanin and Momir Talic* (Decision on Form of  
Further Amended Indictment and Prosecution Application to Amend)  
ICTY-99-36-T (26 June 2001).

*The Prosecutor v Radoslav Brdanin and Momir Talic* (Decision on Motion by Momir  
Talic for Provisional Release) ICTY-99-36-T (28 March 2001).

#### Celebici Case:

*The Prosecutor v Zejnil Delalic et al* (Appeals Chamber Judgment)  
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*The Prosecutor v Zejnir Delalic et al* (Judgment) ICTY-96-21-T  
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Delic Case:

*The Prosecutor v Rasim Delic* (Judgment) ICTY-04-83-T (15 September 1998).

Erdemovic Case:

*The Prosecutor v Drazen Erdemovic* (Appeals Chamber Judgment)  
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*The Prosecutor v Drazen Erdemovic* (Judgment) ICTY-96-22-T  
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Furundzija Case:

*The Prosecutor v Anto Furundzija* (Appeals Chamber Judgment)  
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*The Prosecutor v Anto Furundzija* (Judgment) ICTY-95-17/1-T  
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Galic Case:

*The Prosecutor v Stanislav Galic* (Appeals Chamber Judgment)  
ICTY-98-29-A (30 November 2006).

*The Prosecutor v Stanislav Galic* (Judgment) ICTY-98-29-T (5 December 2003).

Hadzihasanovic Case:

*The Prosecutor v Enver Hadzihasanovic and Amir Kubura* (Appeals Chamber  
Judgment) ICTY-01-47-A (22 April 2008).

*The Prosecutor v Enver Hadzihasanovic and Amir Kubura* (Judgment)  
ICTY-01-47-T (15 March 2006).

*The Prosecutor v Enver Hadzihasanovic, Mehmed Alagic and Amir Kubura*  
(Decision on Interlocutory Appeal Challenging Jurisdiction in Relation  
to Command Responsibility) ICTY-01-47-AR72 (23 July 2003).

Halilovic Case:

*The Prosecutor v Sefer Halilovic* (Appeals Chamber Judgment) ICTY-01-48-A  
(16 October 2007).

*Prosecutor v Sefer Halilovic* (Judgment) ICTY-01-48-T (16 November 2005).

Jelusic Case:

*The Prosecutor v Goran Jelusic* (Appeals Chamber Judgment) ICTY-95-10-A  
(5 July 2001).

*The Prosecutor v Goran Jelusic* (Judgment, Partial and Dissenting Opinion of  
Judge Wald) ICTY-95-10-T (14 December 1999).

Kordic Case:

*The Prosecutor v Dario Kordic and Mario Cerkez* (Appeals Chamber Judgment)  
ICTY-95-14/2-A (17 December 2004).

*The Prosecutor v Dario Kordic and Mario Cerkez* (Judgment) ICTY-95-14/2-T  
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*The Prosecutor v Dario Kordic and Mario Cerkez* (First Amended Indictment)  
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### Krajisnik Case:

*The Prosecutor v Moncilo Krajisnik* (Judgment) ICTY-00-39-T  
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*The Prosecutor v Moncilo Krajisnik* (Consolidated Amended Indictment)  
ICTY-00-39&40-PT (7 March 2002).

### Krnojelac Case:

*The Prosecutor v Mirolad Krnojelac* (Appeals Chamber Judgment)  
ICTY- 97-25-A (17 September 2003).

*The Prosecutor v Mirolad Krnojelac* (Judgment) ICTY- 97-25-T (15 March 2002).

*The Prosecutor v Mirolad Krnojelac* (Decision on Form of Second Amended Indictment) ICTY- 97-25 (11 May 2000).

*Prosecutor v Krnojelac* (Decision on Preliminary Motion on Form of the Amended Indictment) ICTY- 97-25-T (11 February 2000).

### Krstic Case:

*The Prosecutor v Radislav Krstic* (Appeals Chamber Judgment) ICTY-98-33-A  
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*The Prosecutor v Radislav Krstic* (Trial Judgment) ICTY-98-33-T  
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### Kunarac Case:

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*The Prosecutor v Zoran Kupreskic et al.* (Appeals Chamber Judgment)  
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### Kvocka Case:

*The Prosecutor v Miroslav Kvocka et al* (Appeals Chamber Judgment)  
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*The Prosecutor v Miroslav Kvocka et al* (Trial Judgment) ICTY-98-30/1-T  
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*The Prosecutor v Miroslav Kvocka et al* (Amended Indictment)  
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### Limaj Case:

*The Prosecutor v Fatmir Limaj et al.* (Judgment on Sentencing Appeal)  
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### Martić Case:

*The Prosecutor v Milan Martić* (Appeals Chamber Judgment) ICTY-95-11- A (8 October 2008).

*The Prosecutor v Milan Martić* (Appeals Chamber Judgment, Separate Opinion of Judge Schomburg on the individual criminal responsibility of Milan Martić) ICTY-95-11- A (8 October 2008).

*The Prosecutor v Milan Martić* (Judgment) ICTY-95-11-T (12 June 2007).

### Milosević Case:

*The Prosecutor v Slobodan Milosević* (Croatia: Second Amended Indictment) ICTY-02-54-T (28 July 2004).

*The Prosecutor v Slobodan Milosević* (Decision on Motion for Judgment for Acquittal) ICTY-02-54-T (14 June 2004).

### Milutinović/Ojdanić Case:

*The Prosecutor v Milan Milutinović et al.* (Third Amended Joinder Indictment) ICTY-05-87-PT (21 June 2006).

*The Prosecutor v Milan Milutinović et al.* (Decision On Ojdanić's Motion Challenging Jurisdiction: Indirect Co-Perpetration) ICTY-05-87-PT (22 March 2006).

*The Prosecutor v Milan Milutinović et al.* (Decision On Ojdanić's Motion Challenging Jurisdiction: Indirect Co-Perpetration, Separate Opinion of Judge Bonomy) ICTY-05-87-PT (22 March 2006).

*The Prosecutor v Milan Milutinović et al.* (Decision on Dragoljub Ojdanić's Motion Challenging Jurisdiction – Joint Criminal Enterprise) ICTY-99-37-AR72 (21 May 2003).

*The Prosecutor v Milan Milutinović et al.* (Decision on Dragoljub Ojdanić's Motion Challenging Jurisdiction – Joint Criminal Enterprise, Separate Opinion of Judge Hunt) ICTY-99-37-AR72 (21 May 2003).

### Mrksić Case:

*The Prosecutor v Mile Mrksić* (Judgment), ICTY-95-13/1-T (27 September, 2007).

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*The Prosecutor v Nasser Oric* (Appeals Chamber Judgment) ICTY-03-68-A (3 July 2008)

*The Prosecutor v Nasser Oric* (Judgment) ICTY-03-68-T (30 June 2006).

### Simić Case:

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*The Prosecutor v Blagoje Simić et al.* (Judgment) ICTY-95-9-T (17 October 2003).

*The Prosecutor v Blagoje Simić et al* (Judgment, Separate and Partly Dissenting Opinion of Judge Per-Johan Lindholm) ICTY-95-9-T (17 October 2003).

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*The Prosecutor v Milomir Stakic* (Decision on the Defence Rule 98 *bis* Motion for Judgment of Acquittal) ICTY-97-24-T (31 October 2002).

*The Prosecutor v Milomir Stakic* (Fourth Amended Indictment) ICTY-97-24-PT (10 April 2002).

*The Prosecutor v Milomir Stakic* (First Amended Indictment) ICTY-97-24-I (23 June 1998).

### Strugar Case:

*The Prosecutor v Pavle Strugar* (Appeals Chamber Judgment) ICTY-01-42-A (17 July 2008).

*The Prosecutor v Pavle Strugar* (Judgment) ICTY-01-42-T (31 January 2005).

*The Prosecutor v Pavle Strugar et al.* (Decision on Interlocutory Appeal) ICTY-01-42-AR72 (22 November 2002).

### Tadic Case:

*The Prosecutor v Dusko Tadic* (Judgment in Sentencing Appeals) ICTY-94-1-A (26 January 2000).

*The Prosecutor v Dusko Tadic* (Appeals Chamber Judgment) ICTY-94-1-A (15 July 1999).

*The Prosecutor v Dusko Tadic* (Judgment) ICTY-94-1-T (7 May 1997).

*The Prosecutor v Dusko Tadic* (Second Amended Indictment) ICTY-94-1-I (14 December 1995).

*The Prosecutor v Dusko Tadic* (Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction) ICTY-94-1-A (2 October 1995).

### Tuta and Stela Case:

*The Prosecutor v Mladen Naletilic and Vinko Martinovic* (Appeals Chamber Judgment) ICTY-98-34-A (3 May 2006).

*The Prosecutor v Mladen Naletilic and Vinko Martinovic* (Judgment) ICTY-98-34-T (31 March 2003).

### Vasiljevic Case:

*The Prosecutor v Mitar Vasiljevic* (Appeals Chamber Judgment) ICTY-98-32-A (25 February 2004).

*The Prosecutor v Mitar Vasiljevic* (Appeals Chamber Judgment, Separate and Dissenting Opinion of Judge Shahabuddeen) ICTY-98-32-A (25 February 2004).

*The Prosecutor v Mitar Vasiljevic* (Judgment) ICTY-98-32-T (29 November 2002).

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#### Akayesu Case:

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*The Prosecutor v Jean Paul Akayesu* (Judgment) ICTR-96-4-T  
(2 September 1998).

#### Bagilishema Case:

*The Prosecutor v Ignace Bagilishema* (Appeals Chamber Judgment)  
ICTR-95-01A-A (3 July 2002).

*The Prosecutor v Ignace Bagilishema* (Judgment) ICTR-95-01A-T (7 June 2001).

#### Bisengimana Case:

*The Prosecutor v Paul Bisengimana* (Judgment) ICTR-00-60-T (13 April 2006).

#### Gacumbitsi Case:

*Sylvestre Gacumbitsi v The Prosecutor* (Appeals Chamber Judgment)  
ICTR-01-64-A (7 July 2006).

*Sylvestre Gacumbitsi v The Prosecutor* (Appeals Chamber Judgment, Separate  
Opinion of Judge Schomburg on the Criminal Responsibility of the  
Appellant for Committing Genocide) ICTR-01-64-A (7 July 2006).

*The Prosecutor v Sylvestre Gacumbitsi* (Judgment) ICTR-01-64-T (17 June 2004).

#### Kajelijeli Case:

*Juvenal Kajelijeli v The Prosecutor* (Appeals Chamber Judgment)  
ICTR-98-44A-A (23 May 2005).

*The Prosecutor v Juvenal Kajelijeli* (Judgment) ICTR-98-44A-T (1 December 2003).

#### Kambanda Case:

*Jean Kambanda v The Prosecutor* (Appeals Chamber Judgement) ICTR-97-23-A  
(19 October 2000).

*The Prosecutor v Jean Kambanda* (Judgment) ICTR-97-23-S (4 September 1998).

#### Kamuhanda Case:

*Jean de Dieu Kamuhanda v The Prosecutor* (Appeals Chamber Judgment)  
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*The Prosecutor v Jean de Dieu Kamuhanda* (Judgment) ICTR-95-54A-T  
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#### Karemera Case:

*Edouard Karemera v The Prosecutor* (Appeals Chamber Decision on  
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#### Kayishema Case:

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### Musema Case:

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*The Prosecutor v Alfred Musema* (Judgment) ICTR-96-13-T (27 January 2000).

### Muvunyi Case:

*Tharcise Muvunyi v The Prosecutor* (Appeals Chamber Judgment)  
ICTR-00-55A-A (29 August 2008).

*The Prosecutor v Tharcise Muvunyi* (Judgement) ICTR-00-55A-T  
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### Nahimana Case:

*Ferdinand Nahimana et al. v The Prosecutor* (Appeals Chamber Judgment)  
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*The Prosecutor v Ferdinand Nahimana et al.* (Judgment) ICTR-99-52-T  
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### Ndindabahizi Case:

*Emmanuel Ndindabahizi v The Prosecutor* (Appeals Chamber Judgement)  
ICTR-2001-71-A (16 January 2007).

*The Prosecutor v Emmanuel Ndindabahizi* (Judgment) ICTR-2001-71-T  
(15 July 2004).

### Niyitegeka Case:

*Eliezer Niyitegeka v The Prosecutor* (Appeals Chamber Judgment) ICTR-96-14-A  
(9 July 2004).

*The Prosecutor v Eliezer Niyitegeka* (Judgment) ICTR-96-14-A (16 May 2003).

### Ntagerura Case:

*Andre Ntagerura et al. v The Prosecutor* (Appeals Chamber Judgment)  
ICTR-99-46-A (7 July 2006).

*The Prosecutor v Andre Ntagerura et al.* (Judgment) ICTR-99-46-T  
(25 February 2004).

### Ntakirutimana Case:

*The Prosecutor v Gerard Ntakirutimana and Elizaphan Ntakirutimana*  
(Appeals Chamber Judgment) ICTR-96-10-A (13 December 2004).

*The Prosecutor v Elizaphan Ntakirutimana and Elizaphan Ntakirutimana*  
(Judgment) ICTR-96-10-T (21 February 2003).