

Annex C

Authorities

ANNEX C AUTHORITIES

A. JURISPRUDENCE

(a) Control Council Law. No. 10 Cases

United States of America vs. Wilhelm von Leeb, et al. ("High Command Case"), Law-Reports of Trials of War Criminals, The United Nations War Crimes Commission, Volume XII, London, HMSO, 1949.

United States of America vs. Otto Ohlendorf, et al. ("Einsatzgruppen Trial"), Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10, Nuremberg, October 1946-April 1949, Volume IV, (Green Series).

United States of America v. Ernst von Weizaecker, et al. ("Ministries Case"), Law-Reports of Trials of War Criminals, The United Nations War Crimes Commission, Volume XII, London, HMSO, 1949.

Trial of Heinz Eck, August Hoffmann, et al. for the killing of members of the crew of the Greek steamship Peleus, sunk on the High Seas ("The Peleus Trial"), British Military Court for the trial of war criminals held at the War Crimes Court, Hamburg, 17th-20th October 1945, The United Nations War Crimes Commission, Volume XII, London, HMSO, 1949.

(b) ICTY

Prosecutor v Prlic et al, IT-04-74-T, Decision on the Prosecution Motion for Admission of a Written Statement Pursuant to Rule 92quater of the Rules (Hasan Rizvic), IT-04-74-T, 14 January 2008
<http://www.icty.org/x/cases/prlic/tdec/en/080114.pdf>

(c) ECtHR

Artner v Austria, Application No 39/1991/291/362, 5 March 1990
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbk&action=html&highlight=artner&sessionId=37405675&skin=hudoc-en>

Ferrantelli & Santegelo v Italy, Application No 48/1995/554/640, 30 August 1993
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Ferrantelli&sessionid=37405675&skin=hudoc-en>

See also:

Isgro v Italy, Application no. 11339/85, 19 February 1991
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Isgro&sessionid=37405675&skin=hudoc-en>

(d) Domestic Courts

France

Cour de Cassation Chambre Criminelle N° de pourvoi: 06-85783, Non publié au bulletin
<http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000007633557&fastReqId=1365223014&fastPos=1>

Germany

BGH, 8 January 1991 [1991] StV 197 Entscheidung vom 08.01.1991 - 1 StR 704/90 | StPO § 253 | StPO § 261
<http://beck-online.beck.de/?pubtyp=rechtsprechung>

Canada

R v Starr [2000] 2 S.C.R. 144, 36 C.R. (5th) 1, 147 C.C.C. (3d) 449
<http://scc.lexum.umontreal.ca/en/2000/2000scc40/2000scc40.html>

R v Smith [1992] 2 S.C.R. 915
<http://scc.lexum.umontreal.ca/en/1992/1992scr2-915/1992scr2-915.html>

R v P (R) (1990), 58 C.C.C. (3d) 334 (Ont. H.C)

See also (regarding relevant principles for admissibility):

R v Khan [1990] 2 SCR 531
<http://scc.lexum.umontreal.ca/en/1990/1990scr2-531/1990scr2-531.html>

R v U (F.J) [1995] 3 SCR 764, 42 CR (4th) 133, 101 CCC (3d) 97
<http://scc.lexum.umontreal.ca/en/1995/1995scr3-764/1995scr3-764.html>

R v R (T) (2007) 220 CCC (3d) 37 (Ont, C.A)

R v Duong (2007) 45 CR (6th) 145, 217 CCC (3d) 143 (Ont. C.A)

B. LEGISLATION

France

Code de Procédure Pénale (“ CPP”)

Article 427 of the CPP

Article 353 of the CPP

Article 310 of the CPP

<http://www.droit.org/jo/copdf/CPP.pdf>

United Kingdom

Criminal Justice Act 2003 (“CJA”)

Section 114(1)(d) of the CJA

Section 116(1) of the CJA

Section 118(1)(2) of the CJA

Section 118(1)(7) of the CJA

Germany

The German Criminal Code (Strafprossseordnung 2007 (“StPO”))

Section 250 of the StPO

Section 251 of the StPO

Section 261 of the StPO

The Netherlands

The Dutch Criminal Code (Wetboek van Strafvordering (“WvS”)).

Article 295 of the WvS

Article 297 of the WvS

Article 342 of the WvS

C. SECONDARY MATERIALS

May, R. & Wierda, M., “International Criminal Evidence”, Transnational

Publishers, 2002 ("May & Weirda"), pp. 223-225.

David Watt, 'Watt's Manual of Criminal Evidence 2008', (Toronto, 2008)

Reid. K., A Practitioner's Guide to the European Convention on Human Rights, 3rd ed., London, (Sweet & Maxwell, 2007), pp.142-143.

Wigmore (2d ed. 1923) Vol. III