The Principle of Equality of Arms in International Criminal Proceedings
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The Principle of Equality of Arms in International Criminal Proceedings

Masha Fedorova
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It would probably take a book half this size to describe all of my experiences and to thank everyone for all the support I have received. My mother always knows some fitting, short words to say, so I tried to follow her example and found several Russian proverbs to summarize the process I went through while writing this dissertation.

Аппетит приходит во время еды. Appetite comes with eating. When I started working at the Netherlands Institute of Human Rights (SIM) some time after my graduation at Utrecht University, little did I know what it meant to write a PhD dissertation. During my two years of being a junior researcher, my ‘appetite’ for conducting legal research grew and I ended up writing a proposal that was approved by the Netherlands Organization for Scientific Research (NWO) for a four-year research grant, for which I am very grateful. I had already acquired a fascination for the field of international criminal law when I wrote my Masters thesis, so for the purposes of a PhD, I decided to stay in this field. However, this time, I decided to focus on international criminal procedure. I started my research in November 2006.

I could not have dreamed of a better ‘job’ to feed my curiosity: a young and developing field of law to write about; many interesting and challenging conferences, summer schools, colloquia, round table discussions; and opportunities to publish, teach, present and discuss. I had so much to learn. My mother always says: Век живи – век учись. Live for a century – learn for a century. I try. A short time into my PhD research a new experience entered my life. It is amazing how much motherhood can teach one about the principle of relativeness, the balancing metaphor and the question of time. Twenty-four hours a day is all one has. I felt that I had to say goodbye to my perfectionist nature. Although my dedication to my research grew with every sleepless night, due to the fact that I realized that I actually loved doing what I was doing, it was a hectic time. I learned that Выше головы не прыгнешь. You cannot jump above your head.

I am happy to acknowledge that there are many people for whom I owe my deepest gratitude for all their support throughout the years. First of all, I would like to recognize my supervisors, Prof. Cees Flinterman and Prof. Göran Sluiter. Thank you both for your guidance and for your trust and confidence. Thank you, Göran Sluiter, for guiding me towards SIM and supporting me from the moment of the writing of my Masters thesis. And thank you, Cees Flinterman, for giving me a chance when I most needed one, my gratitude is indescribable. Of course I would also like to thank my reading committee, Prof. Jenny Goldschmidt, Prof. Geert-Jan Alexander Knoops, Prof. Guénaël Mettraux, Prof. Héctor Olásolo and Prof. Stefan Trechsel, for taking the time to read this, not all too concise, book and for your guiding comments.
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A special thank you also goes to my new colleagues at the Radboud University Nijmegen, Sven Brinkhoff, Richard van Elst, Piet Hein van Kempen, Maartje Krabbe, Mirjam Krommendijk, Sjarai Lestrade, Asha Parisius, Geert Pesselse, Henny Sackers, Renze Salet, Gracia Sieben, Martine van der Staak, Jan Terpstra, Mikhail Timmerman and Dave van Toor. Thank you all for your support and understanding, your insights and stimulating discussions, for the lunches and the coffees and for making me feel ‘at home’.

I cannot even find the words to thank my paranymphs Saskia Bal and Brianne McGonigle Leyh. Your support, affection and confidence have been no less than essential for the survival of this project. Thank you for the laughs, dinners, drinks, kids’ play dates and babysitting, and more, more and more.

Last but not least, I would like to thank my family and friends for all their love, understanding and patience with me. A special thank you goes to the Lomme-family for all their trust and love and for giving me security when I needed it, to Titia Korff for her friendship, and to Wilma van den Endt and Bert Sleurink for their confidence, attention and support. My dearest sister, I would like to thank you for bearing with me all these years, for listening and understanding and for bringing me back to reality whenever I tried to hide behind my books. And of course my mama, thank you for your love. I am what I am because of you. My last words of gratitude go to my partner, Giovanni van Heusden, who supported me beyond imagination. Schatje, thank you for loving me. This book is for you, and for our Roman and Elena.

Any errors or omissions are my own, which brings me to my last saying: He ошибается тот, кто ничего не делает. Only he who does nothing makes no mistakes.

Utrecht, July 2012
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<th>Abbreviation</th>
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<tr>
<td>A. Ch.</td>
<td>Appeals Chamber</td>
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<tr>
<td>ACHR</td>
<td>American Convention on Human Rights</td>
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<td>ACtHR</td>
<td>Inter American Court of Human Rights</td>
</tr>
<tr>
<td>App. No.</td>
<td>Application Number</td>
</tr>
<tr>
<td>Comm. No.</td>
<td>Communication Number</td>
</tr>
<tr>
<td>D&amp;R</td>
<td>Decisions and Reports</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>DSS</td>
<td>Defence Support Section</td>
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<tr>
<td>ECCC</td>
<td>Extraordinary Chambers in the Courts of Cambodia</td>
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<tr>
<td>ECHR</td>
<td>European Convention on Human Rights</td>
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<tr>
<td>ECtHR</td>
<td>European Court on Human Rights</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>GA</td>
<td>United Nations General Assembly</td>
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<td>HRC</td>
<td>United Nations Human Rights Committee</td>
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<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICTR</td>
<td>International Criminal Tribunal for Rwanda</td>
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<tr>
<td>ICTY</td>
<td>International Criminal Tribunal for the former Yugoslavia</td>
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<tr>
<td>ILC</td>
<td>International Law Commission</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>OPCD</td>
<td>Office of Public Council for Defence</td>
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<tr>
<td>OTP</td>
<td>Office of the Prosecutor</td>
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<tr>
<td>RPE</td>
<td>Rules of Procedure and Evidence</td>
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<tr>
<td>SCSL</td>
<td>Special Court for Sierra Leone</td>
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<tr>
<td>STL</td>
<td>Special Tribunal for Lebanon</td>
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<tr>
<td>T. Ch.</td>
<td>Trial Chamber</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDU</td>
<td>United Nations Detention Unit</td>
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<tr>
<td>UNMIK</td>
<td>United Nations Interim Administration Mission in Kosovo</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<td>VPRS</td>
<td>Victims Participation and Reparations Section</td>
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