

ANNEX 2

Sample for a Draft Model Chart on the Presentation of Incriminating and Exculpatory Evidence by the Parties

| ELEMENTS | REFERENCE TO INCRIMINATORY EVIDENCE |
|--|-------------------------------------|
| CRIMES | |
| 1. Crimes against humanity | |
| Common (contextual) elements | |
| (1) Attack | |
| (2) Widespread | |
| (3) Systematic | |
| (4) Directed against a civilian population | |
| (5) Knowledge of the attack | |
| Specific constituent elements of the counts | |
| <i>Count 1 – Murder - Article 7(1)(a)</i> | |
| Specific elements following the text of the elements of crimes | |
| <i>Count 2 – Forcible Transfer - Article 7(1)(d)</i> | |
| Specific elements following the text of the elements of crimes | |
| <i>Count 3 – Persecution - Article 7(1)(h)</i> | |
| Specific elements following the text of the elements of crimes | |
| MODES OF LIABILITY | |
| Article 25(3) (a) | |
| Jointly through another person (...) | |
| Article 25(3)(d) | |
| Contributed to a crime committed by a group of persons (...) | |