

IMPUNITY AND IMMUNITY? PROSECUTING HEADS OF STATE

presented by Australian Red Cross with the support of Mallesons Stephen Jaques



HLP
Humanitarian
Law Perspectives
2009

Seminar

IMPUNITY AND IMMUNITY? PROSECUTING HEADS OF STATE

Tuesday 4 August 2009
6pm for 6.15pm start

The 2009 Humanitarian Law Perspectives Seminar will consider the unique challenges and opportunities presented when prosecuting and defending Heads of State for crimes under international humanitarian law and international criminal law. In the week leading to the 60th anniversary of the Geneva Conventions 1949, the issue will be debated by a panel of prominent speakers, which will be moderated by Professor Gillian Triggs, the Dean of the Faculty of Law, Sydney University. Closing comments, offering a humanitarian perspective, will be given by Jeremy England, Head of the International Committee of Red Cross (ICRC) Office in Australia.

The Prosecution

Graham Blewitt will discuss the unique opportunities to prosecute Heads of State for crimes under international humanitarian law and international criminal law in international tribunals. He will discuss the particular legal challenges faced by the prosecution, including practical limitations on enforcement, and the high burden of proof and onerous evidence standards for crimes under international criminal law.

Graham Blewitt was the Deputy Chief Prosecutor at the War Crimes Tribunal in The Hague between 1994 and 2004, and was involved in the prosecution of Slobodan Milosevic. Prior to this, he was the Director of the Nazi War Crimes Unit in Australia.

The Road Ahead

Associate Professor Steven Freeland will consider the particular situation of the International Criminal Court, and the challenges and opportunities that the ICC will continue to face in prosecuting Heads of State. Associate Professor Freeland will discuss the investigation and selection of cases to prosecute, and the relationship between the international community and the ICC.

Associate Professor Steven Freeland is Associate Professor in International Law at the University of Western Sydney, and Visiting Professional at the International Criminal Court, The Hague.

The Defence

Mark Ierace SC will outline the key challenges and issues in defending a Head of State. This will include the scope of sovereign immunity as a defence and its exclusion from specific international courts and tribunals, the difficulties of ensuring a fair trial and the importance of representation, and the difficulties of proving individual responsibility.

Mark Ierace SC is the Senior Public Defender at the NSW Public Defender's Office, and an expert in International Criminal Law. He was a Senior Trial Attorney at the UN Criminal Tribunal in the ICTY, leading the prosecution in the trial of General Galic and is a Visiting Fellow in International Criminal Law at UNSW.

Venue

Assembly Hall, The Faculty of Law
University of Sydney
173 - 175 Phillip Street
Sydney

The views expressed in this lecture are those of the presenter and do not necessarily represent the views of Australian Red Cross or Mallesons Stephens Jaques

Refreshments

Refreshments will be provided upon arrival.

Booking and Enquiries

The seminar is free, but bookings are essential. Please RSVP to Branka Gajic at the Australian Red Cross: bgajic@redcross.org.au or (02) 9229 4294

Website:

The Humanitarian Law Perspectives research papers on current issues in International Humanitarian Law are available at http://www.redcross.org.au/ihl/resources_MSJ-research-papers.htm

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