

THE AUSTRALIAN CENTRE FOR MILITARY LAW & JUSTICE
ANU COLLEGE OF LAW PRESENTS:



PUBLIC SEMINAR

SITUATIONAL GRAVITY UNDER THE ROME STATUTE

Mr Kevin Heller

Melbourne Law School, University of Melbourne

Friday 30 October 2009, 2.30–3.30pm

Phillipa Weeks Staff Library

ANU College of Law (Bldg 5), Fellows Rd, ANU

The Australian National University

Please RSVP (by cob Wednesday 28 October) to E: rsvp@law.anu.edu.au

Enquiries to T: (02) 6125 3487

This event is free and open to the public

The ICC is often derided as the African Criminal Court. That criticism cannot easily be dismissed, given that all of the Office of the Prosecutor's (OTP) current investigations focus on African states and that the OTP has declined to investigate the situations in a number of non-African states. The OTP defends its decisions by arguing that the African situations are simply graver than the non-African situations, because they involve far greater numbers of victims. I will argue, however, that the OTP's quantitative conception of situational gravity is misguided. More specifically, I believe that the OTP should de-emphasise the number of victims in a situation in favour of two qualitative factors when it determines the gravity of a situation: whether the situation involves crimes that cause 'social alarm' in the international community; and whether the situation involves crimes that were committed by States, instead of by rebel groups.

THE LECTURER

Kevin Heller is currently a Senior Lecturer at Melbourne Law School, where he teaches criminal law and international criminal law. His work has appeared in the *European Journal of International Law*, the *American Journal of International Law*, the *Journal of International Criminal Justice*, the *Michigan Law Review*, the *Leiden Journal of International Law*, and others. He is currently writing a book entitled, *The Nuremberg Military Tribunals and the Origins of International Criminal Law*, to be published by Oxford University Press in 2010. On the practical side, Kevin has been involved in the International Criminal Court's negotiations over the crime of aggression, served as Human Rights Watch's external legal advisor on the trial of Saddam Hussein, and consulted with the defence in a number of cases at the ICTY and ICTR. He is currently serving as one of Radovan Karadzic's formally-appointed legal associates.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University.

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