



**SCHOOL OF LAW RESEARCH SEMINAR SERIES
AUTUMN 2016**

MH17 and the International Criminal Court

ASSOCIATE PROFESSOR SARAH WILLIAMS AND SIMON KOZLINA

DATE

Wednesday 18 May 2016

TIME

11.30am - 12.30pm

VENUE

Moot Court, Building EO, Parramatta

LUNCH PROVIDED

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INQUIRIES

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ABSTRACT

The downing of Malaysia Airlines flight MH17 on 17 July 2014 killed all 298 people on board and had significant implications for the safety of international civil aviation. Resolution 2166, adopted by the Security Council on 21 July 2014, condemned the downing of the MH17 and called for a full, thorough and independent international investigation and accountability for those responsible.

The focus of the states affected by MH17, including Australia, has been on securing criminal accountability for those responsible for the downing of MH17. There are thus several options for securing criminal accountability for those responsible for downing MH17. This comment explores these various options. It details the key features, challenges and strengths of five options for prosecution: (1) the International Criminal Court (ICC); (2) an ad hoc international criminal tribunal created by the Security Council; (3) an ad hoc international criminal tribunal created by other means; (4) national criminal proceedings; and (5) the possibility of internationalising a national criminal process.

BIOGRAPHY

ASSOCIATE PROFESSOR SARAH WILLIAMS

Sarah is an Associate Professor at the University of New South Wales. She was the Dorset Fellow in Public International Law at the British Institute of International and Comparative Law (from 2008 - 2010), a Senior Legal Researcher at the UK Foreign and Commonwealth Office (from 2006 - 2007) and a Lecturer at Durham Law School, University of Durham (from 2003 - 2008). Sarah has acted as a consultant to the European Commission, the British Red Cross, the International Federation of the Red Cross and the British Institute of International and Comparative Law. Sarah's book, on Hybrid and Internationalized Criminal Tribunals, was published in 2012. Her current research focuses on four areas: the Extraordinary Chambers in the Courts of Cambodia; reparations for sexual and gender based violence; civil society and international criminal justice; and international disaster law.

SIMON KOZLINA

Simon Kozlina's research focus is international dispute settlement, in particular the dispute settlement practices of developing and developed Member States in the WTO and other fora. He brings qualitative and quantitative methodologies to the critical analysis of legal theory and practice. Simon also has expertise in policy and law reform processes and lectures in Contracts, Property and the relationship between law and public policy.