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5th December 2000

Submission No.27.....



THE SECRETARY
JOINT STANDING COMMITTEE ON TREATIES
PARLIAMENT HOUSE
CANBERRA. A.C.T. 2600

Dear Secretary,

RE: SUBMISSION

(1): EXTRADITION LAW

(2): INTERNATIONAL CRIMINAL COURT

In response to the advertisement (*Weekend Australian*, 4-5th November, 2000, P.15) we hereby, (on the ensuing pages) tender a submission on the above as requested on behalf of myself and Mrs. Joy Clare Lawrence, also of Port Augusta.

We trust the submission is in order and advise that we are only too happy to assist where possible regarding these two(2) matters.

Please do not hesitate to contact us either in writing at the above address or Mr. Williams via telephone, Mobile:- 0401-750-270

Thankyou for your time and for giving all Australians the opportunity to participate in this vital process in the interests of all peoples of the world.

Yours faithfully,


Robert I Williams.


Joy C Lawrence (Mrs)

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WEEKEND AUSTRALIAN(4-5/11/2000) ADVERTISEMENT.

SUBMISSION

1: EXTRADITION LAW:

It amazes us that Australia's laws in this regard appear to be so ad hoc and selective concerning whatever foreign country we appear to be 'friendly' with. It equally amazes us that this matter has reached public prominence in recent times due in no small way to the drenching publicity given to suspected war criminals and other undesirables either coming here or hiding here.

Our submission is, that Australia definitely has to review its current extradition laws, policy and practice to ensure that no suspected war criminal from any part of the world, and who is suspected of any war crime during any period of time is allowed to escape justice.

We hold the view, regrettably so, that following the Second World War too much political emphasis was placed on domestic politics and the fear of the so called *yellow peril* from the north, rather than making a concerted effort to tighten the immigration and extradition laws to ensure the thousands upon thousands of displaced people who landed on our shores were subjected to the tightest scrutiny possible under law and the United Nations Charter concerning their background and other matters.

To us it is a little late, yet not impossible, to ensure that all countries with which Australia has diplomatic or other ties also has complimentary extradition laws; whether the Governments of those countries are democratic or otherwise; regardless of whether they have capital punishment or differences in political and military ideology. This is a must!

The world is currently witnessing a fiasco concerning the Konrad Kalejs situation and what a disgrace this is for this country and more importantly for the victims of the people he is alleged to have murdered.

Kimina Lyall(*Weekend Australian*, 11-12/10/97,p.24) poses the question...*Has our apathy about ageing war criminals allowed the villains of recent wars to find shelter here?*, in her column, *Monsters Among Us?* We submit a definite yes to that situation! There are of course numerous other documented incidents concerning Kalejs and other suspected war criminals who have quite successfully evaded justice with more than a little help from the Australian taxpayer(courtesy of the successive Governments!).

Kalejs of course is only one of thousands hiding in this country, courtesy of successive Governments who have lacked the political will to do anything about his alleged murderous past for fear of the possible political consequences.

On a positive note we do congratulate Justice Minister, The Hon. Senator Vanstone for at least pursuing this matter to the extent it has thus far reached, but, more has to be done and quickly.

We can understand the Committee's extremely onerous task in balancing the review in light of bringing suspected war criminals to justice and protecting Australian citizens from false accusations. However, we are aghast at the ease in which Mr. Kalejs was granted citizenship! We really are!

We submit to the Committee our strongest encouragement to carry out a review in this direction as quickly and thoroughly as possible so that no matter where these people seek to hide, they will be found and extradited to where ever is necessary to face the justice of the international community.

2: INTERNATIONAL CRIMINAL COURT:

2.1: RATIFICATION OF STATUTE(ROME 1998):-

The advertisement reads(in part), that there will be an Inquiry into the establishment of of an International Criminal Court. Why an Inquiry? I would have thought that an International Court would have been established in any modern democracy to deal with people suspected or alleged of war crimes and the like.

I agree with the proposal to ensure it is a permanent judicial body. Robertson(p.300,1999), states the 1998 Rome Statute(July), as it is known was voted for by some 120 countries, but 21 countries abstained with 7 countries being opposed to the move, including the United States, China, Israel and India. Robertson also states the Statute is a lengthy document, containing 128 articles and will take some years before all 60 required countries ratify it thereby bringing the Court to physical and legal fruition. It is little wonder there is so much scepticism in the world concerning such courts and tribunals when countries appear to be dragging the chain in approving such an urgent and indeed much needed global facility!

The idea of a world criminal court(Robertson, 1999, p.300) was first conceived in 1937 when the then League of Nations drafted a statute to try international terrorists.

Robertson states...*After the Nuremburg and Tokyo tribunals, the UN made a passing reference to an 'international penal tribunal' in the 1948 Genocide Convention[...] but the project soon went into the deep freeze of the Cold War and was not brought again until the 1980's.*

The ICC gained momentum after the Gulf War in 1990, but, there is little wonder the United States opposes such a move as Washington fears some of its military personnel could be caught in its web(so to speak) in the wake of that conflict!

2: INTERNATIONAL CRIMINAL COURT(CONTD):

Prior to the Rome Statute of 1998, some 1,700 draft alternative choices were submitted by delegates to the Rome convention(Robertson, 1999, p.301). On paper the Rome Statute is impressive however given Washington's traditional stance that the U.S. is above international law there is little wonder it opposed the Statute from the start.

The United States wanted a 100% guarantee that none of their service personnel would appear before any such court for prosecution.

The US delegation rejected the principle of universal jurisdiction over war crimes and crimes against humanity so vehemently that the US defence secretary William Cohen threatened Germany and South Korea with a US troop pull-out if they persisted in their support for its endorsement of the Statute(Roberston, 1999, p.304).

A suggestion was made at the Roma Conference that any such ICC would receive Chinese and United States support provided it was under the control of the UN Security Council so both powers could veto prosecutions of their nationals.

3: APPOINTMENT/ELECTION OF JUDGES:

Robertson(1999, p.326), espouses the theory of eighteen(18) full time judges to be elected by the assembly of state parties which in the end could result in political caucusing. We totally agree with the learned Q.C.

It is submitted that Australia should only be allowed to nominate three(3) people as members for such an international court! They are, former Governor-General, Sir Ninian Stephen; prominent jurist, Justice Michael Kirby and the current Chief Justice of the High Court, Justice Gleeson. All others should be excluded and never considered for such onerous and high service! Never! Why? In recent times and indeed in the late 1880's we have witnessed the removal of one Supreme Court Judge found guilty of various offences against the Crown and people.

Regretably in the 1980's and 1990's we have had to bear witness to some of the most demonstrable heinous behaviour from such people with successive Governments paying little or no attention to their misbehaviour or the results thereof. We have seen the likes of former *Judge Vasta*(Queensland), former *Justice Bruce*(NSW), the late *Justice Yeldum* (also NSW) and former *Justice D.W. Bollen*(South Australia). The latter's *rougher than usual handling* comments and other evil and sinister actions and comments fell on deaf ears (regretably), when a move to remove him from office(1990) floundered due to lack of political will and alleged conflict of interest on the part of some people in authority.

The appointment or election of Judges to this extremely long overdue Criminal Court, must, (we emphasise)..must, take into consideration the worthiness of not only the nominees to these positions, but, listen to the voices of the victims of such crimes.

3: APPOINTMENT/ELECTION OF JUDGES(CONTD):

It is for this reason, that it would be a grave travesty of justice if any other Justice/Jurist apart from those three(3) mentioned were to be appointed.

Given this nation's appalling record on Human Rights, Crimes against humanity and War Crimes pursuance all others, except those three(3) have forfeited all rights to even be considered in this area due to those factors.

Former South Australian Judge D.W. Bollen has an appalling record in so many areas over the years and is guilty of(through his judgements) of crimes againsy humanity, genocide and acts of gross abuse of his former judicial status!

Robertson(1999, p.326), mentions(in part)....*states must take into account 'legal expertise on violence against women and children'....qualification calling, quite irrationally, for judges who were formerly prosecutors of rapists and child molesters. We disagree. It is our submission that any judge sitting on the ICC must surely have experience in these fields to effectively adjudicate over cases concerning alleged war criminals who have been party to genocides involving women and children.*

Surely, a judge who is not in tune with such matters should not be appointed or sitting in the jurisdiction of the ICC in the first place!

4: LOCATION:

We submit the ICC should be located in a country which is mutually agreed to by all member states (i.e. Norway, Denmark or even the United Kingdom. We do not agree with it (court) being located in The Hague for reasons that Robertson (1999, pp.301 to 308).

The idea that The Hague is symbolically suitable because it is 'the capital of international law' sends exactly the wrong message: this obscure and boring place is where international law failed to thrive, or to make much of a difference, in the twentieth century.

Robertson goes on....The International Criminal Court should have been located in an historic or else a specially designed building, home to judges and the registry, but not to the prosecution. He mentions the failures of Nuremburg in these terms....(p.308)....The mistake of Nuremburg (where prosecutors socialized regularly with judges to the exclusion of the defence lawyers) and of the Hague Tribunal (where both organs are housed under the same roof and served by the same registry should not be repeated. He says,...Regretably, the Rome Statute structures the Court so that it comprises both the judicial and the prosecutorial arm which are not at length from each other.

I also submit that the ICC should definitely not be located in the United States as with the United Nations for reasons that are obvious concerning the UN. It is strongly contended that no such court should be permanently based in Australia because of the apathetic and unrealistic attitude of successive Governments to actively pursue war criminals and indeed entertaining the continued professional tenure of judges despite their obvious breaches of the Commonwealth Constitution.

The building should be of modern design suitable for the twenty first century and cater for space age technology in every facet of its operations.

5: WHAT ARE CLASSIFIED AS INTERNATIONAL CRIMES?

Genocide; Crimes of Aggression; Crimes against Humanity; War Crimes.

5.1: GENOCIDE:

The act of genocide (if it can be termed in that fashion), is, according to Webster (1990, p.139), race murder. The Oxford Dictionary (1972, p.510) defines genocide as....extermination of a race. Do these definitions include the many different forms of murder? It is our submission that they may not. The modern terminology of ethnic cleansing (e.g. Kosovo, Rwanda and other places), is not solely attributable to the gruesome taking of a physical human life but of the social, psychological, economical, spiritual and material disposition of millions over many centuries.

That, is how we define the term...genocide and the ICC (when it becomes a physical reality) must address all aspects of genocide in order for it to be considered credible in the eyes of the international community.

We submit, it is all very well for the ICC to try and convict any alleged war criminal for acts of physical genocide and at the same time omitting to take into account the millions of people around the world and more importantly here in Australia who have in one way or another been disposed of their land, their rightful inheritance and the socio-economic status and psychological well being. These matters must be addressed by the ICC!

There are numerous people in this country (both indigenous and other racial categories) who have through the legal system lost their rightful inheritance and yet for decades successive Governments have refused to act on their grievances. Where these Governments have failed, the ICC must not!

5.1: GENOCIDE(CONTD):

The forced removal of indiginous peoples from their homelands to white settlements in the 1950's and 1960's is an act of genocide; the unlawful dispossession of one's rightful inheritance through an act by a member of the judiciary is genocide; the state sanctioned execution of prisoners is genocide(in this regard, George W Bush, current Governor of Texas in the United States is guilty of numerous acts of genocide).

It is to be noted(*Sunday Mail, 3/7/94, p.29*), that prominent Adelaide prosecutor, Grant Niemann was summoned by the United Nations to act as prosecutor for the war crimes tribunal. What ever happened to that tribunal? Mr. Niemann unsuccessfully prosecuted the Adelaide war crimes cases in the early 1990's.

5.2: CRIMES OF AGRESSION:

Robertson(1999, p.309) points out....*There will however, be no prosecutions for 'aggression' until states agree on a definition, which will be an item on the agenda of their Review Conference .seven years after the Statute comes into force.*

It amazes us that member states cannot reach a mutual agreement or understanding on a definition in dealing with this situation.

We submit there is a very clear, horrible and blatant example and definition of a crime of aggression and that was the catalyst of the Desert Storm campaign in the middle east in 1990(i.e. Iraq's invasion of Kuwait). Surely resulting from that conflict the member states have a clear definition of aggression and the perpetrator of that criminal Saddam Hussein still remains at large! Why?

The international community has an obligation(a moral one) to bring the *Butcher of Bagdad* to justice regardless of cost, political ramifications and global indifferences.

5.2: CRIMES OF AGGRESSION(CONTD):

On a local level, people every day commit crimes of aggression, which are dealt with by local jurisdictions (e.g. State/Federal Courts). We are not submitting that these should be referred to a future ICC, what we are submitting as Robertson (1999, p.309) states further...

The Court will hardly fulfil its purpose if its targets are confined to footsoldiers like Dusko Tadić (Balkans War), whose offences (while vicious enough) are comparatively minor besides those of the people who instigate or order the crimes defined in the Statute.

The ICC must be given the jurisdiction to try and convict ALL people, regardless of whether they are civilians or military personnel in positions of power who actually give the orders to subordinates to commit these crimes. It must!

The now infamous Me Lai massacre in Vietnam is a case in question. Lt. Calley was court martialled and jailed over this horrendous act of criminality during the Vietnam War and rightly so, but, what of the civilian people in Washington, Canberra and other places who actually promoted the conflict for purely political reasons? They were committing a crime of aggression against the Vietnamese and they knew it!

The Vietnam War covers a wide ambit of international crimes and so embraces all the segments covered in this submission. Mr. Williams was a conscript at that time and some of the first hand stories he heard from mates returning here (Australia) still haunt him to this day and yet, the international community, the United Nations have done nothing to atone for those crimes committed by all foreign powers in Asia at that time. Why?

5.3: CRIMES AGAINST HUMANITY:

Any act by one human being against another, to deprive that human of their life, democratic civil, political, religious and other rights is a crime against humanity. There are numerous and well documented incidents of these acts throughout the centuries in many jurisdictions including the judiciary, police, prisons, political and so on.

These type of acts must not be allowed to go unpunished regardless of the social or professional standing of the perpetrator.

Of course there are the now infamous Milosevic, Pinochet and Pol Pot regimes to mention but a few and the International Criminal Court must not leave any stone unturned to bring these people to justice including their cohorts.

Robertson(1999, p.274) defines crimes against humanity....*Crimes against humanity are inhumane acts of a very serious nature committed as part of a widespread or systematic attack against a civilian population on political, ethnic or religious grounds. They may be committed in times of peace or of war.*

Nicolas Rothwell(Paris, *Weekend Australian*, 10-11/11/90, p.12) writes...*France faces war crimes dilemma.* His column concentrates on the lack of judicial will by the French justice system to send notorious surviving Nazi collaborator, *Rene Bousquet*, the chief of police in war time Vichy regime to trial on charges of crimes against humanity. Bousquet planned the deportation of thousands of French Jews to Auschwitz.

5.4: WAR CRIMES:

What are they? Robertson(1999, P. 274)... *'War Crimes'(i.e. violations of the laws and customs of war, otherwise described as international humanitarian law) cover unlawful methods of warfare deployed against the enemy or civilians in armed conflict, whether international or internal.*

We submit Australia, has a lot to answer for in this area as it has been revealed that former United Nations Secretary General, Kurt Waldheim(1977), revealed in a press article, (*The Advertiser*, 13/2/88, p.7), that he knew about war crimes when he said...*I knew of war crimes: Waldheim.* The article went on to say..(quote in part)...[...]*...accused by a commission of historians this week of clearing the way for Nazi war crimes, has admitted he knew that atrocities were committed by his German Army group(end of quote).*

In 1977, then Australian Foreign Minister and recently retired Australian Ambassador to the U.S., Andrew Peacock was Acting President of the United Nations in 1977! (Carey/McCrae, Peacock,MP/PM, 1982, p.145). Surely Mr. Peacock would have been made aware of Mr. Waldheim's past and the allegations against him and did nothing!

We submit, Australia has to denounce in the strongest possible terms the claims of outspoken British revisionist, David Irving, who says the Holocaust never took place!

Robert Wilson(*The Australian*. 24/1/95, p.5), writes....*Death camp survivor blasts revisionist lies.* Wilson's column centres on the miraculous survival of a Dr. Ernest Morgan who was a child in Auschwitz slams Irving's claims as blatant malicious lies. He says, *'How dare he say it didn't happen! I have touched a gas chamber wall when it was working'*

Australia must take a leading role in helping people such as Dr. Morgan and other victims by bringing these brutal inhuman murderers to justice!

5.4: WAR CRIMES(CONTD):

There are too many reported incidents of alleged war crimes to detail in this submission however, we ask the question, why has it taken the international community over 50 years to take seriously the numerous allegations laid against numerous alleged war criminals?

There are glaring examples of war crimes(atrocities) committed in every conflict during the last century! The Holocaust is one example. Desert Storm another and so on.

During the Boer War(1899-1902), Australian soldiers were executed for allegedly committing such crimes(e.g. executing prisoners), yet the Japanese, the Germans, Vietcong and others carried it out with relative ease and many of the perpetrators are now Australian citizens! A total disgrace!

We have living in Adelaide, Mikolay Berezowsky, Heinrich Wagner and one is buried in rural South Australia. There are numerous others secreted around the country and all are hoping that they will be dead and buried before they can be detected and tried.

6: EAST TIMOR ATROCITIES:

We submit this special segment on East Timor atrocities(which includes all the previous categories of international crimes) as we feel this region warrants intensive investigation by an International Criminal Court.

The massive problems facing the East Timorise people span many decades courtesy of the ignorant and arrogant attitudes of successive Australian and Indonesian Governments. Thousands upon thousands of people have been slaughtered including five(5) journalists at Balibo in October 1975, known as the Balibo Five. Australia at that time failed to come to grips with the tenacity and brutality of the Indonesian mentality of invasion of East Timor at all costs. Regardless!

It is interesting to note in a column by Gerard McManus(Sydney) says (*Sunday Mail*, 29/10/00, p.23)...*Whitlam puts case on Timor*. McManus says, ...*Former prime minister, Gough Whitlam has written to every member of the Federal Labor Caucus in a bid to set matters straight over his government's handling of the Indonesian invasion of East Timor in 1975.*

Mr. Whitlam sent a 10 page letter to every member of how he first learnt of of the killing of five journalists at Balibo on October 16, 1975. The former prime minister is less than complimentary about East Timor calling it gutless and blames three left wing MP's in his government for undermining his efforts to end the conflict.

McManus names the three in his column...*Senator Arthur Geitzelt, Senator George Georges and Ken Fry* and says, Whitlam claims all three supported the Fretlin rebel army which was against official party(ALP) policy.

6: EAST TIMOR ATROCITIES(CONTD):

McManus also states....*It was reported at that time(1975) that the Whitlam government had said the families(Balibo Five), would have to pay for the return of the bodies from Timor....a claim vociferously denied by Mr. Willesee and by Mr. Whitlam in his letter to ALP members.*

We submit, how can the bodies be return to Australia, when there is nothing to return!

Over the years, successive Governments and Foreign Ministers have constantly ignored or swept under the carpet the issue of East Timor and more importantly the massacre of not only the journalists but the hundreds during the Dili Massacre(1991). Why?

President of the Australian Section of International Commission Jurists, The Hon. John Dowd, AO, has this to say about Desmond Ball and Hamish McDonald's book, Death in Balibo. Lies in Canberra, concerning Australia's involvement in the region.

A thoroughly researched indictment of successive Australian governments and the senior bureaucrats and intelligence elite of Australia, for connivance in the Indonesian invasion of East Timor and for a quarter of a century of cover up.

Author of The First Casualty, Phillip Knightly sums up his view in this way...This is an account of how the Australian secret intelligence community and pliant politicians conspired to suppress the truth about the murder of five TV journalists in Timor in 1975. Long overdue, convincing, restrained and truly shocking, it is a 'must read' for anyone concerned about the future of open government.

6: EAST TIMOR ATROCITIES(CONTD):

Ball and McDonald(2000, p.31) say that in August 1975 the UDT Coup had set off a desperate scramble amongst Australian newscrews to get to Dili as quickly as possible but their efforts were politically thwarted by the then Federal Defence Minister, Bill Morrison. (Quote)...*At the Dili end, UDT initially closed the airport. In Australia, officialdom acted out Whitlam's edict that Australia was not a principal party. The defence minister, Bill Morrison, secretly ordered navy and air force commanders in Darwin to do their best to block anyone leaving for Timor. Almost certainly it was[...]aimed at limiting the number of witnesses and Australian bystanders should Suharto take the numerous hints from Whitlam that intervention would be forgivable.*

Ball and McDonald also state that Whitlam was aware the five journalists were planning to go to Timor and in reality did nothing to stop them or to stop them being murdered!

Former National Crime Authority chief, Tom Sherman was commissioned to investigate and report on matters in East Timor. He did, only to have his reports doctored, watered down and shelved.

Former Diplomat, Richard Woolcott washed his hands of allegations and has constantly stated the journalists were killed in cross fire when it was obvious they did not!

The constant call by Mrs. Shirley Shackleton for a Royal Commission into the Balibo Five murders, we strongly support!

Over the two decades since, much has been chronicled about Timor and the ruthless blood thirsty regime in Jakarta under Suharto, and until recently assisted by former Army strong man, General Wiranto.

6: EAST TIMOR ATROCITIES(CONTD):

The International Criminal Court must examine in detail, all of the circumstances surrounding the horrific massacres in East Timor and importantly why the Australian Government did not act against Indonesia when it knew of planned militia attacks during and subsequent to the Independence referendum held in August, 1999. Foreign Minister Downer was made aware of possible blood shed in the region yet did nothing! Why?

We submit, our deepest and most sincere appreciation to Lt. General Peter Cosgrove and the INTERFET troops for their sterling efforts and sacrifices in East Timor since September 1999. All are to be congratulated on a magnificent task well done. The only regret we have is that INTERFET should still be in East Timor and not the UN Blue Helmets!

Finally, we submit in this section, all perpetrators of atrocities(most of which are so gruesome as to be gutwrenching), must be indicted for gross acts of crimes against humanity and prosecuted before any ICC as quickly as possible, regardless of the political or other ramifications that may follow in the Asia Pacific region.

There is much more we could submit in this section but is too voluminous to do so.

7: SUCCESS/FAILURE OF INTERNATIONAL CRIMINAL COURT:

It is interesting to note (*Weekend Australian*, 22-23/5/1993, p.21), that no Australian court, apart from the Japanese trials in the 1940's, has ever recorded a conviction for war crimes. During those trials some 924 people stood accused of war crimes, 644 were convicted and 148 were executed.

In that same article, Fiona Harari, states (quote)...*Australia's war crimes trials have been contentious from the start. With the acquittal this week of Ivan Polyukhovich, the debate has become more complex. Harari asks the question... What are a nation's moral obligations?*

Every nation on earth has every obligation to hunt down and bring to justice all people suspected of war crimes regardless of where the alleged crimes may have taken place.

One only has to look at the atrocities that took place in Rwanda a few years ago and right under the nose of UN Blue Helmets, yet nothing has been done about! Why?

Apathy!

8: THE SIMON WIESENTHAL CENTRE (ISRAEL):

It is submitted, that every effort must be made by Australia to assist this centre if any Extradition Laws are to be effective and indeed if the International Criminal Court is to become a positive reality in the twenty first century.

This Centre has carried out more investigations and collated more evidence concerning war crimes and related matters than any other organisation or Government in human history and it is to be commended for that.

9: GOVERNMENT ATTITUDES TO WAR/OTHER CRIMES:

Successive Governments in Canberra stand condemned by decent and law abiding citizens for not only giving refuge to these alleged criminals but actually saying they are WELCOME! What a disgrace!

In recent years we have witnessed the closure of the Menzies Commission and the Special Investigation Unit courtesy of the Hawke/Keating Governments and they stand condemned for those closures.

It is well documented in the press the Unit was in the process of tracking down suspected war criminals in Adelaide when it was closed by the Keating Government in 1991.

Michael Pirrie (*The Advertiser*, 13/2/95, pp 1,2) wrote at that time...*Federal police officers have launched a new investigation into the whereabouts of suspected Nazi war criminals some of whom are living in Adelaide.* Pirrie quoted top war crimes investigator, Mr. Robert Greenwood, QC (p.2)...[...].who was in charge of the Unit from 1987 to 1991...*last night the list contained information that could advance local knowledge of the whereabouts and activities of former Nazi war criminals who fled to Australia.*

Mr. Greenwood hardly got a chance to pursue the investigation when the Keating Government closed the door on him! Why?

We are totally appalled at the apparent lax and could not care less attitude of Canberra towards possibly thousands of suspected war criminals living in this country under apparent ease from anyone and they are living in better circumstances than so many Australians are! Shame...bloody shame! The now infamous cartoon in *The Australian* some months re Konrad Kalejs and Justice Minister Vanstone at a barbeque says it all!

10: PUNISHMENT:

Once a conviction is obtained by the futuristic ICC what type of punishment should be imposed on the offender? The death penalty or life imprisonment or a mere slap on the wrist and told not to do it again!

We refer to infamous Nazi convicted war criminal(the late) Rudolph Hess who spent his last days in Spandou Prison. It raises the question, where would a convicted war criminal serve his/her sentence?

This is one area where Australia can play an active role. There are numerous old and closed Prisons in this country. Why not utilise one of those facilities under the jurisdiction of the United Nations in conjunction with Federal/State jurisdictions.

11: TERMS OF STATUTE:

In relation to the Rome Statute(1998)...yes of course Australia should be bound to the terms of that statute. This country is the biggest haven in the world for suspected war criminals and perpetrators of crimes against humanity and it is in the national interest for all Australians that our Federal Governments pursue the terms of the Statute with vigour, integrity and expediency to ensure all these alleged criminals are brought to justice as quickly as possible.

There is no balance if these people are allowed to get away with what they are alleged to have done! Where is the rule of law in that? There is not any!

It is submitted(and strongly so here) that every aspect of the Rome Statute be adhered to and followed through meticulously to ensure Extradition Treaties are put in place and to ensure the ICC is a carefully, professionally and effectively operating court without any hidden agendas and or political biases interfering with it.

12: CONCLUSION:

We strongly support the establishment of a permanent International Criminal Court as soon as is possible, but, it must be given the power to deal with ALL crimes of international concern, not just the most serious types. It is acknowledged that in order to do this, the funds and resources must be made available by the member states otherwise it will prove to be a waste of time with the superpowers flexing their political and legal muscle to ensure it fails for their own vested interests.

We congratulate the Treaties Committee for conducting such a review, but stress, this submission is forwarded on the grounds that it is studied in detail and along with all others is acted upon in a constructive and positive manner. With respect what we are saying is that it is all very well requesting submissions concerning these matters providing their contents do not result in an expensive and wasted talk fest and the matters at the core of the submission(i.e. Extradition Laws/International Criminal Court) remain as obscure and far into the future as they have always been.

These two areas have been neglected for so long that people such as us are fed up with nothing positive happening to bring all alleged perpetrators of all international crimes to justice as quickly and as professionally as possible.

In that regard we request we be given the opportunity to speak to this submission at a later date if that is deemed appropriate and we welcome the chance to do so also to present additional documentary evidence that we have on file which the Committee may find interesting in its deliberations.

We thank you all for your time.

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