

Hon. Andrew Thomson  
Chairman of the Treaties Committee  
Parliament House  
Canberra.

Dear Mr. Thomson,

I urge your Committee to recommend against Australia's ratification of this Statute, or at least initiate widespread discussion of the advantages & disadvantages before any commitment is made.

Currently all I see are disadvantages.

It seems, once again, international utopians are placing other interests ahead of their own country & its nationals.

Currently both Australian & U.S. judges, as reported, are interpreting legislation in light of their own philosophies rather than as intended by those who enacted the legislation. An example is the U.S. decision to over rule State referendum results because of the judges' newly discovered understanding of their Constitution.

At a time when 'rights rhetoric' seems paramount, one must pause to inquire whence came some of these rights. It seems the only logically fundamental right is the right to life- yet this right is challenged if not negated throughout the world.

By which principle of 'justice' will the Court be guided- innocent until proven guilty, or guilty until proven innocent, or by a majority, as slim as 5-4, of the Justices presiding?'Liberal' judges will be 'activist' or 'restrained' depending on what, in a given case, best serves whatever liberal cause is at issue. How will a partisan atmosphere be avoided in the resulting court? Will decisions be squarely based on the law ( and which law of which country?)- on text, history, practice & precedent, or what is currently, as in the U.S. Supreme Court on the 'Rule of Five', i.e. Five votes wins?

Heinous crimes should be investigated & punished. But the answer is NOT a supranational court, supreme and absolute by its own constitution. Such a court has too great a potential to become a tool for radical social engineering.

A proposed court responsible for prosecuting grave crimes committed in armed conflict seems a euphemistic way of saying the defeated will be prosecuted. Or is it claimed 'war crimes' are perpetrated only by the defeated?

Is the purpose of the Court to protect the weak, the disabled, the vulnerable, the handicapped, the frail, the disadvantaged? What will prevent it from becoming the mechanism by which Western innovation of judicially ( as against legislatively) crafted policy, & its accompanying consequences, are exported to the rest of the world.?

As the meanings given to words progressively alter, usually to suit the aims of those who wish to depart from accepted norms, we see an ever increasing reliance on legal interpretation. This, of course, means increasing power, whether welcomed or otherwise, to those who make the ultimate judgments. So we come to be ruled by judicial decree rather than by legislation or by any moral consensus. This means anything becomes possible for almost any verbal knot can be

untied if the lawyers (& judges) engaged in the task are infused with enthusiasm and ingenuity. the NGO & legal communities that support adoption of the ICC have plenty of both - & to spare.

I understand Article 44 allows the prosecutor to accept "any.....offer" of "gratis personnel offered by States Parties, intergovernmental organisations or non-governmental organisations". What happens when NGO values & advice conflict with that of the relevant government? An independent prosecutor's office free from any real government control is dangerous enough. An independent prosecutor's office staffed by NGOs with ideological axes to grind is frightening.

Who or what will control or effectively oversee the ICC? How will this be effected? What happens when ICC rulings clash with domestic legislation? Unless each signatory to the Statute has some control over the scope of the court's activity- of other than an impartial dispensation of justice ( which MUST mean more than 'just us')- ratification of this Statute become virtually identical with handing total control of the country to some independent agency completely without any responsibility to that country.

I urge rejection of this Statute.

Yours Faithfully

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