



LEGACY CO-ORDINATING COUNCIL Incorporated

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Mr. Bob Morris
Inquiry Secretary
Joint Standing Committee on Treaties
Parliament of Australia
Parliament House
CANBERRA ACT 2600

Submission No.32.....

Dear Mr. Morris,

Thank you for the opportunity of making the following submissions to the Committee on behalf of the Legacy movement in Australia. Based on the limited information available to us, we make the following comments.

Legacy, as a voluntary organisation of returned ex-service personnel dedicated to the care of widows and dependants of comrades who died on service or subsequently, has a particular interest in, and support for, the establishment of an effective International Criminal Court to deter and prosecute serious crimes of concern to the international community.

1. For Legacy this is particularly so where those crimes arise out of war-like activities and affect the wives and families of combatants as well as the combatants themselves. It appears to us that the Statute does not provide a mechanism for direct access of those victims and their legal representatives to the court.

The largely recent unsuccessful efforts of World War II Japanese POW's and "*Comfort Women*" highlight this problem.

2. Also whilst recognizing the legal and practical difficulties involved with retrospectivity, Legacy is of the view that as this new Court is basically a new means of permanently enforcing existing international criminal law concepts, it would have been desirable to grant it retrospective jurisdiction.
3. A further area of concern to Legacy is the apparent lack of means of enforcement of the Court's decisions against recalcitrant states. Again, we recognize the practical difficulties, but see this as a loophole for those recalcitrant states.

Notwithstanding those comments, Legacy supports the creation of the International Criminal Court and the Australian Government's involvement in that process and we would be happy to expand on the above comments if so desired.

Yours faithfully,

G.P.A. RICHES
VICE CHAIRMAN