



Submission No. ...8.2.....

**The Chambers of the  
Honourable Justice Perry  
Supreme Court  
Adelaide**

21 March 2001

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

Dear Mr Morris

Thank you for facilitating my attending in Melbourne on 14 March with respect to the Committee's inquiry into ratification of the Statute for the International Criminal Court. I much appreciated the opportunity to give evidence.

As the Committee did not seem to be very familiar with the text of the Elements of Crimes, which, as I explained to the Committee, for practical purposes supersede the definition of the crimes which appear in the Rome Statute, I enclose a copy of the Report of the Preparatory Commission for the International Criminal Court which gives the finalised draft text of the elements.

As I attempted to explain to the Committee, it is for the members of the Assembly of State Parties, once the Statute is operative, by a two-thirds majority, to adopt the Elements with such amendments as the Assembly might consider appropriate (vide Article 9). The Elements are intended to remove any ambiguity, uncertainty or overreaching in the definitions of the justiciable crimes in Articles 7, 8 and 9, and as such may well go a long way towards answering some of the concerns which have been raised.

Furthermore, if Australia ratifies the Statute, it will become part of the Assembly of State Parties and will have a voice in the process of adoption of the Elements of Crimes, which may well undergo substantial further alteration by the Assembly of State Parties before final adoption.

I would like to make some further written submissions as to matters which seem to be of concern to the Committee. I am not sure of the timeframe within which this will be acceptable to the Committee. I have in mind one or two areas of research which might take me a week or so to pursue, in the course of my other duties.

Would you be kind enough to let me know of the schedule within which the Committee is working and the cut-off date for any further written submissions.

Once again, thank you for your help. I wish the Committee well with its work.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Perry', written in a cursive style.

THE HONOURABLE JUSTICE PERRY