



International Organisations and  
Legal Division

18 April 2002

Mr Paul McMahon  
Committee Secretary  
Joint Standing Committee  
On Treaties  
R1 Suite 116  
Parliament House  
Canberra ACT 2600

Dear Mr McMahon,

Thank you very much for your letter of 12 April 2002 attaching the proof transcript from the public hearing on 10 April 2002 regarding the inquiry into the Statute of the International Criminal Court.

I have tagged one change to the proof on page TR 317 that is marked on the text. Mr Scott has no changes to make to the transcript of his evidence.

I have outlined below further information we undertook to provide to the Committee.

(1) Japan's intentions regarding ratification of the treaty (TR 309 refers)

We understand that the Japanese Government has yet to make a final decision on ratification and is still considering the matter.

(2) The impact of non-ratification on our ability to stand candidates for judges or prosecutors (TR 315 refers)

The International Criminal Court Preparatory Committee is currently meeting in New York. It is considering whether States in the process of ratification should be allowed to participate in the election process, provided they have ratified by the time of the Second Meeting of States Parties. This meeting will be held in January 2003, but States would need to lodge their instrument of ratification by 31 October 2002, to enable ratification to take effect 60 days thereafter. The strong view is that States that have ratified by this date should be able to nominate candidates. It follows that a State that had not ratified by that date could not nominate a candidate.

(3) The operation of the voting system for the election of judges and prosecutors (TR 315 refers)

The ICC Prepcom is currently considering measures to ensure that the requirements of Article 36 (8) of the Statute, regarding the need for representation of the principle legal systems, equitable geographical distribution and fair gender representation, are met. We expect these would be similar to the measures that have been adopted by comparable international organisations, which tend to operate smoothly in practice and have generally resulted in the election of highly qualified and suitable candidates.

Please contact me if you require further information.

A handwritten signature in black ink, appearing to read 'Amanda Gorely', written in a cursive style.

Amanda Gorely  
Director  
International Law Section  
Legal Branch