

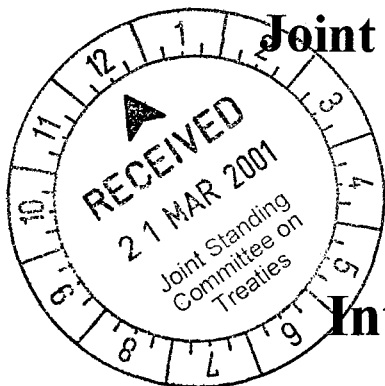
Submission to the

Submission No. 184

## Joint Standing Committee on Treaties

On the Proposed

## International Criminal Court



March 19, 2001AD

By B.W. Diggles  
Of 160 Edgevale Road  
Kew VIC 3101

### **1. Introduction**

As an ordinary person in this country, would not like to see the appearance of an International Criminal Court (ICC), exercise judicial powers in this and other countries.

Australia is a sovereign nation, with its own well-established and independent court system. The ICC, could reinterpret existing law and make new law etc. These could be imposed, on this country, without the checks and balances, that Australia has in its parliamentary and court system.

The original aims of the ICC, ie taking action over genocide and war crimes may in themselves sound excellent, but the possible introduction of ideas as in crimes against humanity, have clouded the issues involved.

### **2. Reasons for Opposing the Ratification**

#### **2.1 Australia Currently a Sovereign Nation**

Australia is a sovereign nation. It has many parliaments and governments of various political persuasions. These governments are elected for the people, by the people. Its legal system, has its roots in the English common law and has

developed over the years, into a fully **comprehensive** and **independent** unit. It is without outside influence.

By ratifying this treaty, a significant portion of this independence, will be gone forever taken away, by an ICC. What gain is there, in giving away, this hard fought independence? One of the many reasons for fighting two world wars, was to avoid this consequence, ie. going subject to other people, in legal matters

## **2.2 *Human Rights Agenda***

Why let the ICC decide differently, on matters that are currently, within the Australian court system? Many of these are held 'dear', by ordinary Australian citizens. The reinterpretation and promotion of basic human rights issues, eg. murder, persecution, abortion, same sex marriage and 'inhumane acts', may be at stake. These are examples, that people elected parliaments, would no longer have jurisdiction over.

## **2.3 *Court Judges May Themselves be Lobbyists***

Lobbyists, of all types, may get to become court judges, imposing their personal agenda, in court verdicts.

## **2.4 *Reinterpretation of The World 'Genocide'***

The word '**genocide**' may be reinterpreted in meaning from, 'extermination of a national or racial group as a planned move'<sup>1</sup> too for instance, an "Anti-genocide" Bill, discrimination against homosexuals, limiting legitimate discussion, as to their medical susceptibilities.

## **2.5 *International Criminal Court Will Apply to All Nations Once Ratified By First 60 Nations***

Once the first 60 nations ratifies the ICC, the decisions of the ICC, will apply to all nations. This is irrespective of each country ratifying the treaty or not.

---

<sup>1</sup> Genocide : Hamlyn Encyclopedic World Dictionary, Patrick Hanks, P. 666

Small countries with small populations will then, have a disproportionate effect, on the rest of the world. Their decision, to ratify, will have a major impact, on all the other sovereign nations that did not.

**2.6 *Excessive Penalties***

Life imprisonment, or 30 years in prison, may be court decisions given to individual citizens, by the ICC. Is this fair when considering the possible personal agenda of a judge? (see 2.3)

**3. *Conclusion***

I strongly urge, that Australia **should not** ratify the treaty, establishing the ICC. Australian domestic law, should not be compelled to be altered at the whim of the ICC, as the sovereignty of Australia in judicial criminal matters, would thus be challenged. Decisions would be open to reinterpretation by the ICC court prosecutor.

B.W. Diggles

