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NSW 2211
23 July 2001

The Chairman
Joint Standing Committee on Treaties
Parliament House
Canberra
A C T. 2600

Submission No. 222.....

Dear Sir/ Madam,

I ask you to urgently reconsider the issues in regard to ratification by Australia of the Statute for the proposed International Criminal Court (ICC).

It appears from recent statements by President Bush that the US will refuse to ratify the ICC Statute. US fears about the ICC were shown to be well-founded on 4 May, when other nations voted the US off the UN Human Rights Commission ("The Australian" 5-6/5/2001). A report said the US defeat was engineered by communist governments in China and Cuba, together with African and Arab dictatorships and the government of France.

Sudan's National Islamic Front government forces have tortured, starved, murdered or enslaved millions of men, women and children in the South. Yet genocidal Sudan has been elected to the UN Human Rights Commission, while the US has been voted off. Such UN hypocrisy makes a complete mockery of any proposal to appoint unbiased judges to an International Criminal Court.

Officials of the Department of Foreign Affairs and Trade, and the Attorney-General's Department have provided misleading advice to the Federal Government about ICC powers. For example, Australian advocates of the Court claim that the ICC would not need to interfere with Australian nationals because Australian legal proceedings would be allowed to take place. What they do not explain is that the ICC could at any time take any matter away from Australian authorities if in the Court's opinion the Australian investigation was inadequate.

Five retired Australian defence chiefs – three Major-Generals, an Air Vice-Marshal and a Rear-Admiral – signed a letter published in "The Age" (10/3/01) warning of the serious implications of Australian ratification of the ICC Statute. They said, in part: "This foreign court will be able to compel Australia to arrest and extradite Australian nationals to the Netherlands, although its judges and prosecutors may be from countries not friendly to Australia.....Many ambiguous provisions threaten such uncertainty for our nation that essential defence operations would be vulnerable to the restrictions of the ICC, making it unsafe for our defence forces to participate. Both commanders and troops would be exposed to risks to which our nation must not expose them..... It would be folly for Australia to ratify it".

Thanking you for your careful attention to this vital matter.

Yours sincerely,

Robert Doran