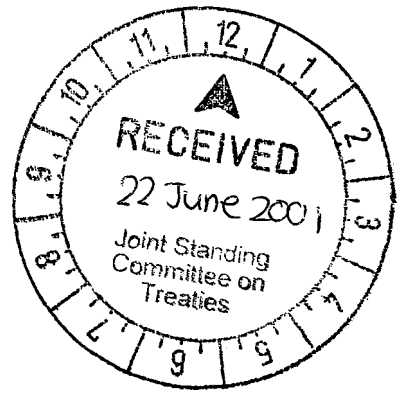


Treaties Committee
Parliament House
CANBERRA ACT 2600

Submission No. 211



15-Jun-01

27 Chardonnay Drive
NURIOTPA SA 5355

Dear Sir / Madam

I wish to express my concern that Australia is contemplating ratifying the International Criminal Court Statute, which would legally commit Australia to the ICC.

The ICC was originally intended to prosecute gross crimes of genocide, war crimes, or crimes against humanity. However, as the draft statute emerged, the mandate for the proposed ICC expanded to include many other human rights issues. In fact, many believe that the vague wording in the statute could be open to misinterpretation and the ICC could be used for social engineering against the religious and moral beliefs and values of Australians.

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 is inadequate.

Professor Wilkins, professor of law at the World Family Policy Center, has expressed grave concerns about the ICC:

As currently structured, the ICC Statute transfers a vast amount of decision making authority from previously sovereign nations to an international court that will be remote from (and unable to be controlled by) the diverse cultures and peoples of the world... the ICC has the potential to become - not a court dealing primarily with "the most serious crimes of international concern" - but a tool for radical social engineering. This potential is so great that I fear the Court may well be tread upon the fundamental right of nations to democratic self-determination..."

The main reason given for establishing the ICC is to deal with war criminals such as Pol Pot in Cambodia and the mass killings in Rwanda and the Sudan. 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. Prosecutors and judges may be from countries not friendly to Australia.

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. President George Bush has announced that the US will not ratify the Statute, *News Weekly* (24/3/01). The US could deny military assistance to countries which are parties to the ICC.

The proposed ICC procedures are fundamentally unjust. They effectively deny the presumption of innocence and would be open to manipulation and corruption. Clearly, not only would it be foolish for Australia to ratify the ICC statute, it is would also be potentially very dangerous.

Sincerely

A handwritten signature in black ink, appearing to read 'Fay Alford'.

Fay ALFORD