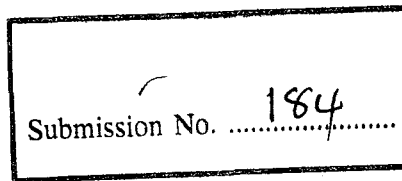
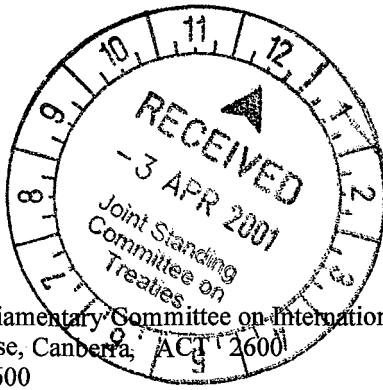


March 29, 2001



Wendy Lehmann
36 Byron Street
Hamilton Vic 3300

The Australian Parliamentary Committee on International Treaties
C/- Parliament House, Canberra, ACT 2600
Canberra ACT 2600

To Whom It May Concern:

RE: International Criminal Court Statute

The Australian Governments proposal to ratify the United Nations treaty to establish the International Criminal Court will undermine Australia's fundamental right to democratic self determination and be a tool for radical social engineering by the United Nations. It is certainly unwarranted, unjustified, undemocratic and un-Australian.

At its inception 6 years ago, the aim of the ICC was to deal with genocide and war crimes. This may seem a noble aim – however I am of the understanding that in recent years, human rights groups have taken control of the proposal and areas such as 'persecution' and crimes against humanity' have been added.

If Australia ratifies the treaty, Australia will give power and sovereignty to the ICC.

I believe the introduction of the proposed International Criminal Court in Australia will undermine Australia's fundamental democracy and be detrimental to our society for the following reasons:

Australia's sovereignty will be taken over because:

- The international Court will take over when the Australian system of justice is unwilling or unable to act on a complaint.
- The ICC take over will occur whether we have signed an international treaty or not.
- Australia will be forced to review its laws to make sure they comply with the International court.
- Australia will be forced to change its criminal and human rights laws to comply with the International Court. Please consider that Human Rights vary between nations. Luckily enough Australia is not in need of many of the human rights laws which exist in other countries. We are a peaceful and tolerant nation. I believe that any intervention by the ICC would only serve to create intolerance and social upheaval.
- The International Court decisions will override Australia's laws.

Genocide charges could and will be made against Australian citizens because:

- The International Court believes not only killing but causing serious mental harm to members of a racial group is genocide.
- Terms such as 'genocide' can be interpreted by the Court. An example - .One prospective ICC judge has said she would indict the Pope because of "crimes against humanity" in his treatment of homosexuals.
- Australia has no laws against genocide and no offence of genocide is known in Australian law. Australia already has strong laws against murder, rape, torture, extermination, sexual slavery, enslavement, forcible transfer of population and so on.
- Some groups have recently unsuccessfully tried to have genocide charges based on "mental harm" brought to Australian Courts. They will take them to the International Court if it is set up.

Persecution charges will be made against Australian citizens because:

- The International Court believes severe deprivation of a group's fundamental rights and great suffering and serious injury to mental or physical health are all persecution.
- Australia already has strong laws against enslavement, forcible transfer of population, torture, sexual slavery and so on. These are adequate to deal with any problem.
- Some groups have already indicated they will bypass Australia's Courts and use the International Court to challenge Australia's laws on marriage, divorce and sodomy.
- The International Court will be used to challenge Australia's laws on abortion, human rights, child sex, religious freedom, exemption for religious bodies and so on.
- Given the courts definition of crimes, its inception would let loose every social engineering lobby group on earth.

The International Court will have unaccountable judges because:

- There is no guarantee of judicial impartiality.
- Judicial appointments will be out of Australia's control.
- International Court judges will be appointed on gender balance between men and women, not on ability.
- International Court judges will be only appointed if they possess expertise on issues related to sexual and gender violence and sexual orientation.

Prosecutors in the International Court will be unaccountable because –

- They will be without supervision or control.
- They have the potential to use personnel from wealthy groups that want to force social change.
- Australia will have no control over appointments or procedures used.

International Court rules and procedures will be worse than Australian Courts and would be open to corruption because:

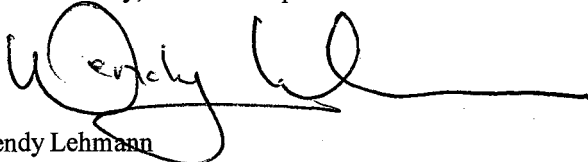
- The International Court will investigate, then prosecute, then try and then sentence crimes. Therefore, Australia's fair legal system of investigation by police, prosecution by a Crown prosecutor, trial by jury and appeal to a higher court will not be used.
- There will be no appeal available to victims to ensure a fair trial.
- There will not be any trial by jury or unanimous jury decision.
- Australia's fair common law system will not be used in trials.
- Australia's fair bail system will not be used.
- Australia's fair guarantee of legal representation for accused persons will not be used.
- Victims of allegations will effectively be guilty and have to prove their innocence.
- Australia's fair court system of no conviction unless the prosecutor can establish guilt beyond reasonable doubt will not be used.
- The proposed international court will use trial by inquisition.
- The proposed international court will not use a presumption of innocence of the accused rather a presumption of victimisation of the accuser.
- Australia's fair court system of not allowing hearsay evidence, but only corroborated eyewitness evidence will not be used.
- The proposed international court will listen to the "views and concerns of victims" rather than to evidence.
- The right to a public hearing is not guaranteed.
- The proposed international court will permit witnesses to avoid being questioned and tested by cross examination.
- The proposed international court will allow an accuser's identity to be hidden.
- Legislators, government officials and peace keeping forces doing their duty will not be exempt.

Australia does not need this proposed international criminal court undermining our national sovereignty, forcing us to change our laws based on vague crimes of social engineering, undermining our long established justice system and exposing Australian citizens to the potential of corrupt and unjust claims.

I request that you would see that all future international treaties require ratification by a two thirds majority of both the Australian House of Representatives and the Australian Senate.

Please do not ratify the treaty to enact the provisions of the International Criminal Court into Australia's domestic law. Please do not sign the ICC Statute. For Australia to surrender any part of its sovereignty to such an enterprise as the International Criminal Court would spell disaster and social disintegration for this nation.

Yours sincerely, and with respect



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