



"Kelvin Park"
510 Labertouche Rd
Labertouche 3816

Submission No.192.....

Dear Sir

I wish to indicate my opposition to the ratification by Australia of the ILC Statute.

There seems to be no clear definition of so called "complementary jurisdiction with national judicial systems over "the most serious crimes of concern to the international community as a whole" including genocide, crimes against humanity and war crimes. Is this constitutional? Will the High Court remain the final court of appeal in Australia? Under the ~~the~~ Statute the ILC would have power to determine any cases, including those relating to crimes committed by Australians in Australia which it judges Australian courts are "unable or unwilling" to prosecute.

Another major problem with the Statute is the broad definition of the "most serious crimes of international concern". These definitional problems will apply to ILC court cases as well as to cases in Australian courts if the crimes in the statute are enacted into Australian domestic law.

The definition of Genocide in the Statute is loose enough to perhaps enable charges to be made against parliamentarians who may seek for example, changes to the Native Title Act.

Crimes against Humanity in the Statute are also a legal minefield. Given the burgeoning number and variety of so called "fundamental rights contrary to international law" there is no obvious limit to the reach of this definition and therefore to the ILC's reach of incorporating international law (human rights) into Australian criminal law.

I believe the ratification of the Statute would be a surrender of sovereignty, possibly unconstitutional and certainly unwarranted and un-Australian.

Sincerely,
John F. Gibbons