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STATUTE FOR THE PROPOSED INTERNATIONAL CRIMINAL COURT

Dear Sir Madam,

Submission No. 225

We are amongst many Australians who view, with much disquiet, two alarming trends in Australian foreign affairs, in recent decades:

1. the signing of International Treaties put forward by U.N. which place Australia's sovereignty SECOND to these treaties, AND to nations who do not have the same outlook, philosophies or systems as ours; the enclosed cutting from the Festival of Light magazine "Light" is the latest , and...
2. the obsequiousness of our "leaders" (both parties) towards Indonesia, an increasingly dangerous neighbour (even more so under its most recent President, Megawati.)

We urge you to read the enclosed article as being the same as if it were our personal submission on the matter, and to follow the lead of the USA (at least this once) and refuse to ratify the Statute on the Proposed International Criminal Court.

Yours sincerely,

Doug & Joan Peters
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US rejects UN court proposal

Melbourne barrister Dr Ian Spry, QC, reports that President George W Bush (right) has announced that the US will not ratify the Statute for the proposed International Criminal Court (ICC) - *News Weekly*, 24/3/01, p 5.

Bush, whose moral right to the presidency has been confirmed by a media recount of disputed votes in Florida, has recognised widespread US concern about the ICC proposal. Such a court would be subject to misinformation and political influences. It could target the United States and its allies on political grounds.

The ICC proposal, outlined in the Festival of Light resource paper, *The International Criminal Court - a tool for social engineering?* (February 2001), is the subject of a special bill introduced in the US Senate.

The legislation would prohibit US officials from cooperating with the ICC and from taking part in peace keeping operations where the Court might have jurisdiction, unless the UN Security Council gives US forces express and complete protection. The US could deny military assistance to countries which are parties to the ICC.

Dr Spry said the strength of the US response contrasts with the unfortunate Australian position which currently favours the ICC. Officials from 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.

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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 Aus-

tralian nationals to the Netherlands, although its judges and prosecutors may be from countries not friendly to Australia...

"(T)he proposed legislation is dangerously unclear. 'Genocide' is to extend to acts 'causing serious... mental harm', and 'crimes against humanity' are to extend to various 'inhuman acts... intentionally causing great suffering'.

"These and many other 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 appears, from recent statements by President Bush, that the US will refuse to ratify the ICC statute. It would be folly for Australia to ratify it."

US fears about the ICC were shown to be well-founded on 4 May, when other nations voted the US off the powerful UN Human Rights Commission. A Reuters report (*The Australian*, 5-6/5/01, p 15) said one reason for the "stunning upset" may have been recent US condemnation of human rights abuses in China, Russia, Cuba and Sudan.

Another report said the US defeat was engineered by communist governments in China and Cuba, along with African and Arab dictators and the government of France. Gary Bauer of the US Campaign for Working Families said: "A coalition of tyrants now appears to be firmly in charge of the UN Human Rights Commission."

Sudan's National Islamic Front government in Khartoum has waged a "jihad" against Christian and animist tribes in southern Sudan for many years. Islamic Sudanese 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.

The federal parliamentary Joint Standing Committee on Treaties is still hearing evidence from members of the public on whether Australia should ratify the ICC Statute. "Those who are concerned by this matter - and all Australians should be in this position - should send submissions to the Treaties Committee at Parliament House, ACT 2600," said Dr Ian Spry.

