



Andrew Wilkie MP
INDEPENDENT MEMBER FOR DENISON

22 OCT 2014

Information and Evidence Unit
Office of the Prosecutor
International Criminal Court
Post Office Box 19519
2500 CM The Hague, The Netherlands

Office of the Prosecutor

I request that you initiate a *proprio motu* investigation, in accordance with Article 15(1) of the Rome Statute, into crimes against humanity perpetrated by members of the Australian Government against persons arriving in Australian waters who are seeking protection.

The individuals responsible, and appropriate to be named in an application to Pre-Trial Chamber, are the Hon Tony Abbott MP as Prime Minister and all 19 members of his cabinet including the Hon Scott Morrison MP as Minister for Immigration and Border Protection.

There is evidence that members of the Australian Government are committing the following acts contrary to Article 7 (Crimes Against Humanity) including:

- imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law;
- deportation and other forcible transfer of population; and
- other intentional acts causing great suffering, or serious injury to body and mental and physical health.

Members of the Australian Government are pursuing policies that are designed to deter persons arriving by boat from seeking protection in Australia. These policies include transfer to and detention on Manus Island in Papua New Guinea and also in the Republic of Nauru. The effect of the policy is that men, women and children are being forcibly relocated and then subjected to arbitrary imprisonment through mandatory and sometimes indefinite detention. The conditions they are forced to endure in detention are causing great suffering as well as serious bodily and mental injury.

In addition to breaching Article 7, members of the Australian Government are committing breaches of the Refugee Convention, Convention on the Rights of the Child and the International Covenant on Civil and Political Rights by pursuing and executing the policies mentioned above.

Members of the Australian Government are also putting large numbers of asylum seekers at risk by forcibly returning some of them to the countries from which they have fled, such as Sri Lanka and Afghanistan.

There have been a number of independent inquiries into the conditions being endured by those in migration detention facilities including by Australia's Human Rights Commissioner, the United Nations and various NGOs. Furthermore, there have been a number of 'whistle-blowers' in recent years who have provided testimony and statements to the media about the inhumane conditions that members of the Australian Government are intentionally inflicting upon individuals seeking protection in Australia.

These reports and statements are of course available to you and my office can assist in sourcing this material.

I have consulted with legal counsel experienced in the human rights arena.

I look forward to hearing from you and please do not hesitate to contact my office on +613 6234 5255 if you require further information. I would of course be prepared to meet with you in person to discuss this matter further if that would be useful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Wilkie', with a small dot above the 'i'.

Mr Andrew Wilkie MP
Independent Member for the Electoral Division of Denison
Commonwealth Parliament of Australia