**Refugee Action Collective Factsheet**

23 January 2016

**Australian Government Ministers accused of Crimes Against Humanity before the International Criminal Court (ICC)**

Among nations the image of Australia is damaged by its treatment of refugees and Asylum Seekers. Since 2013 complaints have been put to the ICC, asking its Prosecutor to investigate the conduct of individuals that according to these allegations constitute such crimes. The Court will only act against individuals, not governments. Therefore several submissions have named, among others:

Tony Abbott, Scott Morrison, Peter Dutton and George Brandis.

It is alleged that crimes have been committed by them in making and implementing policies and causing others to administer them resulting in extreme cruelty to people who have legitimate claims for protection under the UN Refugee Convention 1951 to which Australia is a signatory. It is further alleged that mandatory detention, indefinite detention and offshore detention, the practice of subcontracting the incarceration of these innocent people to private companies and nations with poor human rights records result in abuse. For example, women are raped in detention, children are severely traumatized, all detainees, men women and children are subjected to treatment that constitutes torture by any objective measure. UN assessment has found Australia guilty of almost 150 violations of international law for indefinitely detaining refugees. (ABC 7.30 Report 25 February 2014).

Submissions about these matters with supporting evidence have been made to the ICC Prosecutor by:

Tracie Aylmer Sydney solicitor and migration agent,

Andrew Wilkie MP member for Denison in the Federal Parliament

Barrister, Julian Burnside QC claims that crimes against Humanity have been committed by the named Ministers.

The latest submission was filed by the Refugee Action Collective-Vic on 10 December 2015. This Civil Society Complaint was endorsed by 53 groups, representing informed opinion, the health professions activists within churches and many others.

It is a sad time when a former Prime Minister, the members of the government and others are accused of crimes in an international tribunal. Nevertheless, these proceedings will contribute to the pressure on the Australian government to uphold international law when dealing with some of the most insecure and traumatized people in the world who seek our protection.

RAC-Vic intends to contribute to the growing Civil Society movement for refugees by re-submitting a fuller Complaint this year, adding evidence of crimes committed, for example as found by Juan E. Mendez UN rapporteur on Torture last year. In addition RAC-Vic is calling for further endorsements of its actions by groups and supporting letters to the Court by lawyers and academic experts.