



Andrew Wilkie MP
INDEPENDENT MEMBER FOR DENISON

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Information and Evidence Unit
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International Criminal Court
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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.