We acknowledge the Traditional Owners and Custodians of the lands on which we work and pay our respects to Indigenous Elders past, present and emerging.

We acknowledge that this land – which we benefit from occupying – was stolen, and that sovereignty was never ceded.

It always was and always will be, Aboriginal and Torres Strait Islander land.
<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>About the ACIJ</td>
<td>Our Purpose &amp; Mission</td>
</tr>
<tr>
<td>05</td>
<td>Welcome Note</td>
<td>From Our Director</td>
</tr>
<tr>
<td>06</td>
<td>Accountability for War Crimes in Afghanistan</td>
<td>Advocacy</td>
</tr>
<tr>
<td>07</td>
<td>Structural &amp; Institutional Reform</td>
<td>Policy &amp; Law Reform</td>
</tr>
<tr>
<td>08</td>
<td>Justice for the Rohingya People</td>
<td>Advocacy</td>
</tr>
<tr>
<td>09</td>
<td>Accountability for Crimes in Syria &amp; Iraq</td>
<td>Policy &amp; Law Reform</td>
</tr>
<tr>
<td>10</td>
<td>Human Rights Sanctions Act</td>
<td>Policy &amp; Law Reform</td>
</tr>
<tr>
<td>10</td>
<td>Annexation &amp; Palestine</td>
<td>Advocacy</td>
</tr>
<tr>
<td>11</td>
<td>Support for the ICC &amp; Rome Statute System</td>
<td>Advocacy</td>
</tr>
<tr>
<td>12</td>
<td>Acknowledgments</td>
<td>Thank You</td>
</tr>
</tbody>
</table>
The Australian Centre for International Justice (ACIJ) is a specialist legal centre working to develop Australia’s capacity to investigate and prosecute atrocity crimes and develop a universal jurisdiction practice. The ACIJ aims to provide access to justice to survivors of serious and egregious violations of human rights, in particular the crimes of torture, war crimes, crimes against humanity and genocide.

The ACIJ employs strategies to combat the impunity of the perpetrators to seek justice, redress and accountability for the survivors of these crimes.

Despite Australia’s implementation of international crimes offences in law and the existence of a legal framework to prosecute these crimes, the practical legal implementation of international crimes investigations and prosecutions in Australia is still in its infancy. There have been only limited allegations, and investigations and minimal international coordination of strategy. We engage critically and constructively with Australian authorities through legal action, submissions, policy change and community engagement.

The ACIJ endeavours to place Australia as a new avenue for accountability on the global stage and contribute to ending the impunity of those responsible for committing atrocity crimes. We work with partners locally and abroad to ensure Australia’s conduct is consistent with international human rights law and international humanitarian law.

Our Advisory Council provides strategic guidance and advice. The Advisory Council members are:

- Chris Sidoti – former member of the UN Fact-Finding Mission on Myanmar, international lawyer and former Australian Human Rights Commissioner
- Melissa Parke – current member of the UN Group of Eminent Experts on Yemen, international lawyer and former MP and Minister for International Development
- Professor Ben Saul – Challis Chair of International Law, Sydney Law School
- Professor Louise Chappell – Scientia Professor, UNSW & Director of Australian Human Rights Institute
- Andreas Schüller – Director of International Crimes & Accountability – European Centre for Constitutional and Human Rights (ECCHR)
- Ben Batros – Director at Strategy for Humanity and a former lawyer with the Open Society Justice Initiative and former Appeals Counsel for the Office of the Prosecutor at the International Criminal Court
- Kate Eastman SC – Human rights lawyer and Barrister
- Sarah Dale – Principal Solicitor, Refugee Advice & Casework Service

*Rawan Arraf is a full-time staff member who serves on the Board of Directors.
It is an honour to present to you this report, the first that we have released since the Australian Centre for International Justice was created two years ago.

It feels like it was only yesterday when we established our groundbreaking initiative in Australia, joined the global justice movement and worked to put Australia on the map as a serious actor in the global fight to end impunity for grave crimes. Two years on, in this report, we highlight some of our work and the significant impact it has created, which would not have happened without your support. We set out to find ways to disrupt and disable the impunity of perpetrators of grave crimes and hold them accountable, and work with survivor communities around the world in their fight for justice. This was and continues to be a challenging task. We recognise the obstacles and are ready to work to meet them.

Our work to date has been underpinned by our legal advocacy, strategic policy engagement and collaboration with others. We advocate for a victims and survivor centred approach and have maintained our policy reform agenda pushing for necessary structural change required to develop Australia’s ability to conduct investigations and prosecutions of atrocity crimes. You will see in these highlights, details of our legal advocacy and policy and law reform work. We represent survivors and families of victims in legal actions, and for reasons which are obvious we are unable to present them here, but they remain a fundamental part of why we are here.

This year was a challenging year for all of us, and particularly those communities and societies most impacted by the global pandemic. For international justice, the year was also tumultuous, and especially for Australia with the release of the Afghanistan War Crimes Inquiry report. We led and collaborated on efforts to ensure a victims’ rights approach is a focus for the coming accountability process. We will continue to work with our Afghan partners to this end. The establishment by the Australian Government of a dedicated body to investigate these crimes is welcome, and we have led the civil society call for such a focus. It’s just a small part of the scope of our vision and mission and reinforces our impact and value.

It has been our privilege to support our clients and partners these past two years and an honour to have you join us in this fight. We are grateful for your support and belief in us and this vital work. We are excited to present you this report, it’s interactive, so please click on the items to find out more.

With you as our partner, we weave hope into the struggles for truth, justice and accountability.

In gratitude and solidarity,

R. Arraf
Principal Lawyer & Director
Australian Centre for International Justice

Mathan represented here, is a Tamil survivor of atrocity crimes. He is featured in Tamil Survival Stories documenting stories of survival of atrocity crimes perpetrated against the Eelam Tamil people by Sri Lankan authorities. Visit: www.tamilsurvivalstories.com © Brami Jegan
ADVOCACY

AUSTRALIAN WAR CRIMES IN AFGHANISTAN: A VICTIMS’ RIGHTS APPROACH

Advancing victims rights to truth, justice & accountability

In November 2020, after a four-year administrative inquiry into allegations of war crimes by Australian special forces in Afghanistan, the Inspector-General of the Australian Defence Force, led by Justice Brereton, released the report of the inquiry. The release of the report marked a significant milestone in Australia’s ability to confront the crimes and forge a process for individual and collective accountability.

The ACIJ was established anticipating that the domestic investigations and prosecutions of the allegations of war crimes by Australian special forces in Afghanistan will be a pivotal moment in shaping Australia’s approach to an international crimes policy. Our strategic advocacy, policy engagement and collaboration with others, has provided focus on victims’ rights and has had significant impact.

We have been coordinating efforts with human rights groups in Australia and around the world, but particularly in Afghanistan, to bring the critical perspectives, leadership and depth of experience Afghan human rights organisations and advocates have to offer. These efforts included a coordinated media campaign, including a joint call for action, bringing together Afghan, Australian and international human rights organisations. Our comments were sought on BBC World Live, Al Jazeera English, ABC The Drum, ABC News, ABC Radio National, ABC Triple J, community radio, The Guardian, The Age, ABC News and an international justice podcast.

We have brought attention to Afghan human rights organisations to provide expert advice. Our media assistance ensured Afghan voices were reflected in the media, including on ABC News 24, ABC Radio National, ABC News Online, The Guardian, SBS, Al Jazeera English, regional newspapers in Australia as well as media in Afghanistan.

The Afghanistan Inquiry Report, years in the making, is a welcome first step. But the real work starts now. Lost in all of this, it’s easy to forget that victims’ families have never given up their demands for truth, justice and accountability. It’s imperative for us to work to ensure their rights are respected, and enforced. The ACIJ is building a strategy that implements our mission and stays true to our values in advocating for victims and victims’ rights. We are working with our partners in Afghanistan to find ways on how best to advocate for Afghan victims and to ensure what will follow is a full and comprehensive accountability process. There is much work ahead.

“Without the participation of the victims, this investigation will be incomplete... Nothing can heal the open wounds of the victims and their families other than bringing those responsible to justice.”

Hadi Marifat, Afghanistan Human Rights & Democracy Organization
The ACIJ has been leading in advocating for broad structural and institutional reform necessary to conduct effective, thorough, independent and genuine investigations and prosecutions of the international crimes offences in the Commonwealth Criminal Code. We knew from our work in representing victim survivors that it is the missing piece in the puzzle required to engage authorities to undertake investigations and prosecutions into atrocity crimes.

This policy objective was the subject of our first policy submission, and we have continued to lead, and collaborate with others in the sector, to push for this necessary change. This included a joint submission with the Human Rights Law Centre to the Australian Law Reform Commission where our recommendation on this issue was accepted. We also joined the joint NGO submission on Australia’s Universal Periodic Review at the UN, to call for reform to Australia’s international crimes investigative structure. This push has been advanced in the context of strategic communications and public engagement, including through media comments published in the ABC and numerous opinion pieces.

Office of the Special Investigator

In November 2020, our persistent efforts and contribution to the debate achieved a significant policy advance and a major breakthrough with the announcement from the Australian Government to establish a new body, the Office of the Special Investigator (OSI) to conduct investigations and refer briefs for prosecution, in respect of allegations of special forces crimes in Afghanistan. This effort has been recognised by experts from leading human rights organisations in the world, including from the ECCHR and the CCR.

ACIJ was a leading voice in calling for this independent investigations unit to be established, and worked to contextualise the need for such a unit within concerted efforts globally on global atrocity crimes investigative mechanisms. We will continue to advocate for a permanent investigations unit to be a feature of Australia’s justice landscape.

The opportunity is now to consolidate any build-up of Australia’s expertise in investigating and prosecuting war crimes by special forces in Afghanistan and establish a permanent investigations unit, while developing a national strategy and program to join the global fight to disrupt the impunity that exists for those who commit atrocities and to assist victims and survivor communities around the world in their struggle for justice and accountability.

Rawan Arraf, Director
Highlighting the role of corporations in business links with the Myanmar military

Together with the Burmese Rohingya Community in Australia (BRCA), we submitted a Freedom of Information (FOI) request for the Future Fund to disclose any holdings it has in Adani Ports and Special Economic Zone Ltd (Adani Ports SEZ). The Future Fund is Australia’s sovereign wealth fund.

The FOI revealed the Future Fund has AUD$3.2 million invested in Adani Ports SEZ, this is despite critical environmental, social and corporate governance failings of the company in Myanmar because of its commercial deal in Myanmar with a Myanmar military holding company, the Myanmar Economic Corporation (MEC), as identified by the UN Human Rights Council’s International Fact-Finding Mission on Myanmar in the August 2019 Report on the ‘Economic interests of the Myanmar military.’

We wrote to the Future Fund, urging the fund to divest all holdings from Adani Ports SEZ, and any other entities that maintain business ties with Myanmar military-owned companies and the Carmichael coal project.

We worked in collaboration with partners in Australia’s climate justice movement to highlight this story. The climate dimensions of the story are significant because of the links between climate damaging projects and human rights violations.

The story was covered on ABC News online, radio and television and shared widely on social media. Our legal advocacy will continue in 2021.

“...

A genocide has occurred and we are technically funding them.

Mohammad Junaid, Burmese Rohingya Community in Australia (BRCA)
Advancing rights for Yazidi, Syrian and Iraqi people

In 2015, the Australian Government introduced citizenship revocation provisions as a tool to fight terrorism and prevent foreign fighters from returning to Australia. These provisions were up for review by the Parliamentary Joint Committee on Intelligence and Security.

The citizenship revocation provisions are dangerous for many reasons and we highlight the role that it plays in inhibiting Australia’s duty to prosecute Australians suspected of involvement in international crimes.

We presented detailed submissions and recommended that the provisions be repealed and for the Government to act to prosecute Australians involved in international crimes. We were invited to give evidence in October 2019 to the Committee, which was reported by wire news services.

Legislative changes introduced

In September 2020 the Committee reported, and a bill was introduced recognising the need to consider international crimes conduct of foreign fighters in the Explanatory Memorandum. Though we fundamentally oppose the policy of citizenship revocation, we welcomed the reform, implementing changes based on recommendations we made.

Changes introduced include that when determining whether a person’s citizenship will be revoked, there must be a consideration of whether they were involved in the commission of war crimes, crimes against humanity or genocide. Although it may appear at first instance that this is a minor reform, it introduces a significant change to the policy on citizenship revocation and is the first evidence of political will mandating that Australian authorities must exercise their obligation to investigate and where appropriate investigate the commission of grave crimes by foreign fighters.

Our specialist legal expertise on this issue was the first legal advocacy effort to press Australian authorities on their responsibility to investigate international crimes, and proved to be key in contributing to these changes.

Yazidi, Syrian and Iraqi survivors of crimes by foreign fighters can now press Australian authorities to implement these changes effectively. We will continue working with our partners to monitor the implementation.
Advocating for new accountability tools

In February 2020, we made a submission to a Parliamentary Inquiry on whether Australia should introduce, Magnitsky style, human rights targeted sanctions laws. The introduction of a new Australian human rights sanctions regime represents a unique opportunity for Australia to protect and promote human rights globally, particularly in the Asia-Pacific region, by targeting human rights abusers and corrupt actors, as well as promoting accountability.

The ACIJ recommended that any sanctions determination process must ensure that the criminal prosecution of perpetrators of gross human rights violations that amount to international crimes, should be Australia’s primary objective to combating impunity for serious violations of human rights and international humanitarian law, but in circumstances where prosecution it is not likely, targeted sanctions can be a powerful tool to hold perpetrators accountable.

In March 2020, the ACIJ was invited to provide evidence to the Committee at a hearing. The Committee heard evidence throughout the year from impacted diaspora communities, academics and high-profile lawyers and advocates from around the world, including Geoffrey Robertson QC.

Our recommendations, that a sanctions determination process ensures contribution of civil society and NGOs, and that an independent committee be established to provide recommendations, monitoring and guidance, among others were accepted by the Parliamentary Committee in its report released in November 2020. The ACIJ will continue to engage with the process when a draft bill is introduced in Federal Parliament in 2021.

Advocating for a just approach to Palestine

Our briefing paper on Australia’s international law obligations regarding Israel’s annexation of the West Bank was released in June 2020 in anticipation of Israel’s imminent annexation of the West Bank. It was widely read and shared. It may even have influenced the statement released by the Foreign Minister which recognised “land appropriations, demolitions, and settlement activity” the issues that formed the focus of our brief. In a climate where the Australian Government is often dismissive of Palestinian human rights on the global stage, this was a welcome step.

We recommended the implementation of effective measures against any imminent annexation and present de facto annexation policies such as targeted sanctions, and other measures for violations of international law arising from Israel’s occupation and settlement enterprise, which have expressly denied the Palestinian people fundamental human rights guarantees. We recognised Australia’s response in respect of Russia’s illegal annexation of Crimea and recommended Australia consider other places impacted by occupation and annexation, such as Western Sahara and West Papua.
Advocating support for the ICC against US sanctions measures

In 2020 we saw the amplification of attacks from the US Government against the International Criminal Court, with threats in March 2020 of sanctions measures against ICC staff, and subsequently in June 2020, imposition of sanctions against the ICC’s Chief Prosecutor and another member of the Office of the Prosecutor.

The ACIJ worked with human rights organisations to appeal to the Australian Government to condemn the threats and support the ICC against attacks, including through public and private engagement to pursue those ends. The ACIJ spoke to the ABC’s AM about this event. The Australian Government joined other States Parties in joint statements to protest the actions of the US Government.

Participation at the ICC Assembly of States Parties, December 2019

For the first time, the Australian Centre for International Justice was represented at the Assembly of States Parties (ASP) to the Rome Statute of the International Criminal Court meeting in its 18th session in The Hague in December 2019.

The ACIJ is the first ever Australian civil society organisation to be present at the ASP. We attended meetings and held discussions with delegations and with partners from civil society organisations from around the world to learn from, and contribute to advancing Australia’s role in the fight against impunity for grave crimes.

Supporting accountability at the ICC: Palestine

In February 2020, the Australian Government joined a small group of other States Parties to the Rome Statute of the ICC to intervene in ICC proceedings and provide observations to a Pre-Trial Chamber arguing that the Court has no jurisdiction to investigate and prosecute grave crimes in Palestine.

The ACIJ worked with human rights NGO partners in Palestine and others around the world to condemn this move and call on States Parties to support international justice and accountability and withdraw their requests to prevent an investigation from proceeding.

Our media release broke the news, and our comments were featured in The Guardian. Rawan Arraf appeared on community radio to explain the proceedings at the ICC and Australia’s position. The ACIJ is committed to working with our NGO partners in Palestine and around the world, who represent victims groups from the occupied Palestinian territory in Gaza and the West Bank, to ensure access to justice at the ICC without discrimination.
ACKNOWLEDGEMENTS

We are grateful for the support of so many people and organisations who have assisted and supported us from the beginning.

Thank You

Awdah Arraf, Brami Jegan, Alexandra Lily Kathre, Fiona Nelson, Scott Cosgriff, Raymond Bonner, Chris Sidoti, Professor Ben Saul, Andreas Schiller, Ben Barros, Melissa Parke, Professor Louise Chappell, Kate Eastman SC, Dan Creasey, Andrew Ferguson, Sarah Dale, Wolfgang Kalecke, Jen Robinson, Raji Sourani, Daniel Machover, Katie Gallagher, Susan Power, Hal Wootton AC QC, Professor Gillian Cowlishaw, Frances Harrison, Yasmin Sooka, Professor Andrea Durbach, Emily Howie, Ruth Barson, Keren Adams, Annal Nasser, Sarea Ashrafah, Sarah Finnin, Priya Pillai, Professor Kevin Jon Heller, Dan Oakes, Elaine Pearson, Sophie McNiel, Patricia Gossman, Elsane Qaane, Hadi Manfatt, Horia Mosadiq, Mahmoud Abdul-Nabi, Ibtsam Abdul-Nabi, Elise Keppler, Nyaqoah Tut Pur, Tobias Freeman, Tim O’Connor, Simon Henderson, Dr Sue Wareham, Elise West, Joshua Scotland, Nicki Lees, Jacinta Lewin, Kristin Robson, John Ratsion, Bob Reed, Graham Blewitt, Professor Sarah Williams, Dr Joanna Kyriakakis, Natalie Young, Hala Yousef Nguyen, Paula Abood, Aissar Gazal, Barbara Bloch, Leida Andrawes, Fidel Elsakiet, Sofia Yiannikas, Reem Abdalla, Sarah Hassaran, Mariam Hakim, Amanda Al-Alassad-Bruun, Aissar Chidiac, Nikolai Haddad, Randa Abdul-Fattah, Samah Sabawi, Jemini Khalik, Professor Bassam Dally, Sara Saleh, Sarah Ibrahim, Jennifer Killen, Salidar Ahmed, Isabelle Reinecke, Hollie Johnston, Rebecca Barber, Kobra Moradi, Nirmansan Balasundaram, Mohammad Junaid, Kellie Tranter, Antony Loewenstein, Fatima Yazbeck, Joanna Soucek, Duncan Philp, Ruls Hawkins, and many more.

Advocacy Partners

Afghanistan Human Rights & Democracy Organization, Amnesty International Australia, Australian Arms Control Coalition, Burmese Rohingya Community in Australia, Conflict Analysis Network, Human Rights Law Centre, Human Rights Watch, Save the Children Australia, Sunrise Project, Transitional Justice Coordination Group - Afghanistan, and many more.

Our Generous Donors


Pro Bono Firms

King & Wood Mallesons, Maurice Blackburn Lawyers

Barristers

Matthew Kalyk (NSW Bar), Madeleine Bridgett (NSW Bar), Rose Khalilizadeh (NSW Bar), Felicity Gerry QC (Vic Bar), Talia Epstein (NSW Bar)

Volunteer Legal Advisors

Fiona Nelson, Dr Sharron Maree Torres, Sofia Yiannikas

Volunteer Legal Researchers

Alexandra Touw, Michael Moryosef

WE THANK YOU FOR YOUR SUPPORT
JOIN THE MOVEMENT FOR GLOBAL JUSTICE

The Australian Centre for International Justice is a registered charity with Deductible Gift Recipient status. All donations of $2 or more are tax deductible in Australia.

Join the global movement to end impunity and fight for justice and accountability by becoming a supporter today.

www.acij.org.au/donate

Australian Centre for International Justice
ABN 55 630 673 308
www.acij.org.au
info@acij.org.au