



Australian Government
Attorney-General's Department

MC23-034415

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Ms Rawan Arraf
Executive Director
Australian Centre for International Justice
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Dear Ms Arraf

Thank you for your letter to the Attorney-General, the Hon Mark Dreyfus KC MP, and the Minister for Foreign Affairs, Senator the Hon Penny Wong, regarding Australia's engagement in discussions before the United Nations General Assembly's Sixth Committee on the Draft Articles on Prevention and Punishment of Crimes Against Humanity ('Draft Articles'). I am replying on behalf of the Attorney-General and Minister for Foreign Affairs.

Australia is committed to pursuing accountability for serious international crimes. Efforts to progress consideration of the Draft Articles, and the International Law Commission's (ILC) recommendation to elaborate an international convention on the basis of them, firmly aligns with this commitment. Australia continues to be a strong supporter of this work and we actively engaged in the Sixth Committee's substantive exchange of views on the Draft Articles in April of this year. Through Australia's Permanent Mission to the United Nations in New York, we have sought to build cross-regional support for deepening these discussions, including by co-hosting a side event earlier this year with Sean Murphy, who served as the ILC's Special Rapporteur on crimes against humanity. We look forward to submitting written comments on the ILC's Draft Articles later this year, and further engagement in Sixth Committee discussions on this topic in April 2024.

We welcome the Australian Centre of International Justice's (ACIJ) engagement on Australia's approach to the Draft Articles. Consistent with the comments made by Australia during discussions in April of this year, Australia has expressed its support for several important draft articles, as you have identified in your letter. This includes those concerning grounds for exercising jurisdiction over crimes against humanity, supporting international cooperation, and victims' rights. Australia has also expressed its support for integrating gender and First Nations perspectives into this work. Incorporating such perspectives into any future crimes against humanity convention would help ensure that such a convention would be well-balanced and fit-for-purpose. As discussions on the Draft Articles and any future convention progress, we will continue to look for opportunities to advocate for these issues.

For the reasons outlined in our reply to your previous correspondence regarding Australia's support for the adoption of the *Ljubljana-The Hague Convention*, there is currently no intention to establish a specialised international crimes unit. These functions fall within the remit of experienced investigators in the Australian Federal Police's Special Investigation Command and, in some circumstances, the Office of the Special Investigator. These arrangements meet Australia's obligations to investigate the most serious international crimes under international law and domestic law. I understand that the Attorney-General's Office has agreed to meet with you to discuss this aspect of the ACIJ's recent report.

Thank you for engaging with the Government on these important matters. I trust this information is of assistance to you.
Yours sincerely



Nina Harvey ✓
Assistant Secretary
Office of International Law