



# PARLIAMENT of AUSTRALIA

## MEDIA RELEASE

### PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

---

Issue date: 14 October 2016

## **Criminal Code Amendment (War Crimes) Bill under scrutiny**

The Parliamentary Joint Committee on Intelligence and Security has commenced an inquiry into the Criminal Code Amendment (War Crimes) Bill 2016, which was introduced into the Parliament on 12 October 2016.

The Bill amends Division 268 of the *Criminal Code Act 1995* to ensure consistency between Australian domestic law and international law with regard to the treatment of members of organised armed groups in non-international armed conflicts. Specific measures in the Bill include:

- a provision to expressly recognise the distinction between civilians and members of organised armed groups, consistent with international humanitarian law;
- clarification that certain war crimes offences which cause death or injury to a person not taking an active part in hostilities in a non-international armed conflict, will not apply where that person is a member of an organised armed group; and
- clarification that these offences will not apply to attacks on military objectives which are not reasonably expected to cause civilian death or injury that would be excessive in relation to the military advantage anticipated.

Under international and humanitarian law, members of an organised armed group do not benefit from the protections accorded to civilians and other persons such as medical and religious personnel. These amendments are intended to ensure consistency between Australian domestic law and international law, and to provide that members of organised armed groups receive treatment equivalent to members of regular armed forces. They are also intended to align Australian domestic law with the requirements of the international humanitarian law principle of proportionality.

The Committee invites submissions to the inquiry. Please email the Secretariat at [pjcis@aph.gov.au](mailto:pjcis@aph.gov.au) by Friday, 21 October 2016 if you intend to make a submission. Submissions are requested no later than **Wednesday, 2 November 2016**.

A public hearing will be held on Monday, 7 November 2016. The Committee has been asked to report by 18 November 2016.

Further information about the inquiry can be accessed via the Committee's website at <http://www.aph.gov.au/pjcis>. The Bill and Explanatory Memorandum can be accessed via [http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation).

**Media enquiries:** Chair, Mr Michael Sukkar MP (Deakin, Vic) on (03) 9874 1711 (Electorate office) or (02) 6277 4847 (Parliament House)

**For background:** Committee Secretariat on (02) 6277 2360 or email [pjcis@aph.gov.au](mailto:pjcis@aph.gov.au)