

## WAR CRIMES SCREENING ARRANGEMENTS

- Australia has arrangements in place to identify people suspected of war crimes and prevent them from entering the country. This includes a layered approach to border management, effective systems to identify persons of concern and a screening process to assess character issues relevant to human rights violations.
- DIAC has a specialised unit that conducts war crimes screening on citizenship and visa applicants.

### General War Crimes Screening process

Individuals of war crimes concern are identified via the Movement Alert List (MAL). Additionally, automated profiles may identify an applicant with particular characteristics for further checking.

Individuals may also be identified during the visa application process as well as through information provided by the community.

Those who are identified as being of war crimes concern are referred to the War Crimes Unit for screening.

The screening process includes comparing the information provided by the applicant with information from a range of open and sometimes classified sources about conflicts, military operations, human rights abuses and individuals indicted by international tribunals.

Information sources include credible, fully verifiable reports flowing from:

- national courts,
- the *ad hoc* criminal tribunals established by the United Nations – such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR); or tribunals established in co-operation with the United Nations – such as the Special Court for Sierra Leone, and
- the International Criminal Court, set up under the Rome Statute.

Sources also used in war crimes assessments include ad hoc reports by such organisations as Amnesty International and Human Rights Watch. These provide valuable collateral information, especially where no other information exists.

The Commission for Reception, Truth and Reconciliation in East Timor (CAVR Report) was established by the United Nations Transitional Administration in East Timor (UNTAET) as an independent authority, inter alia, to inquire into and establish the truth regarding human rights violations committed in the context of political conflicts during 1974-1999 in East Timor. Allegations about individuals have not been tested in the courts.

Without a formal conviction of an individual from a recognised court or tribunal, however, DIAC is obliged to use the information cautiously, particularly so as not to assume the role of a court or tribunal in coming to a definitive conclusion about an individual's guilt or innocence.

It should be noted that the International Court of Justice (ICJ) does not produce the kind of information needed for war crimes screening purposes. It is not a criminal court and, as such, it has no jurisdiction try individuals accused of war crimes or crimes against humanity.

Each case is considered on its merits and after consideration of all the relevant information and circumstances relating to the case.

### **Movement Alert List**

MAL is a key tool used by the department to apply the legislation governing the entry to and presence in Australia of non-citizens who are of character concern.

MAL is derived from Australian immigration compliance, national and international law enforcement, security and other sources.

In terms of war crimes, people may be listed on MAL when they have been indicted by international criminal tribunals and similar bodies or when people of war crimes concern come to the notice of the Department.

Currently, there are more than 8000 records on MAL relating to war crimes.

### **Profiles**

The Department utilises the 'safeguards system' (automated profiling system) to monitor visa applicants and alert processing staff should applicants match predetermined risk profiles.

There are currently active profiles for nationals from around ten conflict zones and the Department continues to develop profiles as information becomes available.

### **Memorandum of Understanding**

In April 2007, DIAC and counterpart agencies in Canada, the UK and the USA signed a Memorandum of Understanding (MOU) to assist one another in investigations relating to war crimes, crimes against humanity and genocide and identifying suspected war criminals.

Regular information exchanges include enquiries about an individual's participation in a conflict and their association or membership of a group that directly or indirectly has been involved in genocide, war crimes, and crimes against humanity.

Other information is sourced through the MOU from working aids, specific country studies and topical reports or research products.

In addition to the MOU, DIAC has conducted several personnel exchanges with its Canadian counterpart. These have led to improvements in information exchanges and procedures.

### **Mr Gui Campos**

Mr Campos was not listed in the Commission for Reception, Truth and Reconciliation (CAVR) Report.

Mr Campos is not listed by any war crimes tribunal, nor is there a warrant for his arrest.

Following checks conducted after Mr Campos arrived in Australia, the Ministry of Justice in East Timor advised that there was no record of his having been convicted or sentenced to any term of imprisonment in East Timor.

Mr Campos was listed on MAL on 28 July 2008.

### **Procedural changes**

There have been no changes to procedures in direct response to the Campos case.

However, we continue to monitor the international scene for credible information sources on convicted or indicted war criminals.

Department of Immigration and Citizenship  
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