

OTHER PASSIONS...

A matter that matters

She speaks measuredly and considerately which belies the burning passion she has for what is arguably the most significant international institution established since the United Nations.

Senior Crown Prosecutor Alexis Fraser is a keen supporter of the newly ratified International Criminal Court and is the chair of the International Humanitarian Law sub-committee of the Red Cross Northern Territory division. To Alexis it is as significant as the day the Wall came down in Berlin.

So how did the former nurse and criminal lawyer become interested in this intense area?

"In 1988 I was working with the Department of Defence and the Navy Commander in the office next door used to go once a month to Melbourne for National Red Cross meetings. It was the first time that I became aware that there was such a high level agency interaction between the Australian Red Cross and the Australian government," she said.

"He was the international lawyer in the Defence Legal Branch and his work involved, amongst other things, the Geneva Conventions and Rules of Engagement. I realised for the first time that the Red Cross was more than just rest rooms in hospitals, knitting balaclavas and scarves and First Aid courses.

"Then, I went to work in the International Criminal Law branch of the Federal Attorney-General's Department. Besides extradition and treaty work, one of my other jobs was that of post box-referral-on-forwarding point between the Australian War Crimes unit and the Archives and equivalent Departments of Justice from governments of then Eastern and Western Europe. Australia had followed many OECD countries and 45 years after was attempting to prosecute a WWII Nazi now Australian citizen, Polyukovich for atrocities and crimes against humanity committed in Ukraine during the Eastern Front campaign".

During that time Alexis also happened

to be reading about the infiltration of the Ustaci, a right-wing pro-Nazi segment of the Yugoslav Secret Service, into Australia.

"The allegation always had been that the CIA and the Vatican assisted in placing large numbers of the Ustaci and other Nazi sympathisers into Australia as part of the fight against 'communism'," she said. "The history of war crime prosecution became more of my world when I worked for Andrew Menzies who had been, amongst other things the Royal Commissioner in the inquiry as to existence and extent of WWII European war criminals in Australia. It had been as a result of his work that the Hawke government changed the legislation to allow Australia to prosecute retrospectively European theatre of war crimes against humanity and war crimes in Australia.

"It was while working on international criminal extraditions and our extradition treaties, arrangements and UN Multi-lateral Conventions and the like that I began to appreciate the real need for an international Criminal Court and the limited extent to which Australia could prosecute breaches of the Geneva Conventions and genocide without substantial changes to our domestic law".

"At the same time I was studying for my Masters in Australian history. I found it fascinating the way the Australian public policy had been moulded by the McCarthy era of anti communism, such that we ignored Nazi associations within a decade of Auswicz and housed and accommodated a lot of suspicious ex-German soldiers. Further, 45 years later we still could not prosecute in Australia a perpetrator escaping from Kampuchea who had been involved in the Pol Pot killing regimes because genocide still was not part of the criminal statutes of Australia."



Whilst delving deeper into such issues, Alexis was also experiencing the difficulties arising from the incompatibility of the European inquisitorial judicial systems as against our English-American derived system.

"There was a jurisprudential and cultural clash that we encountered whilst trying to prepare the Polyukovich case, made worse by the fact so much of the evidence came from Soviet Archives where post WWII evidence gathering was equally objectionable to Western European courts as our courts. Realistically Australia was never going to be in a position to prosecute any of the WWII war criminals because of the incompatibilities, lapses of time; loss of records etc." she said. At the same time exposure to jurisprudential clashes in international criminal extraditions confirmed her belief of the need for an International Criminal Court if justice was to be done let alone seen to be done.

"The Red Cross takes the position that we have ideal standards in the Geneva Conventions and other UN Conventions but the only way they will really work is to implement those conventions such that they are universally observed and universally enforced," she said

Acknowledging Australians' tendency to look inward more than outward, she says as a nation and even at the local community level, it's important to realise our place as world citizens.

continued, page 7

women lawyers association

AGM coming up

All members are urged to attend our Annual General Meeting on Wednesday 21 August.

Ballot papers will be forwarded and if you can't attend, please fill in your papers and send them back. The AGM will take place at the offices of Hunt & Hunt from 5.30pm.

It's an important election of a new President and Committee. Please try to be there.

On a lighter note, our 2002 Patron's Drinks in early July were well attended and we thank again our Patron, the Hon Justice Sally Thomas for hosting the event.

We'd also like to thank Law Society president Ian Morris for his humorous and thoughtful speech.

The topic we gave him was on the reputation of lawyers and how to resurrect it from its current low ebb.

Ian made some interesting points and gave us all food for thought.

It was a successful drinks event and we'd like to thank all who attended and enjoyed the hospitality.

See you at the AGM. ①



Above: Ian Morris delivers his words of wisdom.

Below (from left):
Bonnie Masters, Sylvia Tomazos, Pipina Papazoglou, Maria Savvas



Above (from left):
Tanya Fong Lim and visiting from Alice, Penny Johnston.

Alexis Fraser, from page 5

"Ordinary citizens in the streets can have a much greater sense of ownership of the moral challenges that Australian troops face especially when peace keeping," she emphasised.

"We have to work at creating that ownership in a way that people instinctively have a sense of what's right and wrong for Australian troops acting in hostile environments.

"We can't expect our troops to adopt values that are acceptable, or know what is a war crime unless those values are an integral part of our whole community's values."

For her part, Alexis is a tireless worker for the International Humanitarian Law sub-committee constantly taking the issues to the public and the local legal fraternity.

Her passion for the area legendary amongst her colleagues.

"I don't think you can live life without passion, many passions" she said.

For the ICC, humanitarian law, human rights and the Red Cross, Alexis Fraser has that in spades. ①

nt young lawyers

Dates update

There are a few dates we'd like you to keep in mind.

Professional's Ball

Preparation for the Young Professionals Ball is coming together nicely. There has been a change of date, it's now on Saturday 21 September at Rydges Plaza - put it in your diary.

Monthly Drinks

Don't forget drinks will be held at Madison's on 9 August from 5.30pm onwards.

CLE

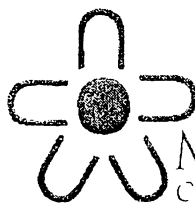
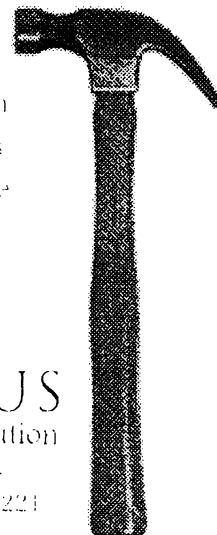
On 12 August 2002 at 5.15pm, Registrar Monaghan will be presenting a CLE on Local Court enforcement orders. Venue to be advised.

General Meeting

NTYL will be holding a general meeting to discuss proposed changes to the Constitution on 19 July 2002 from 5.30 onwards at Planters Bar at Saville Park Suites on the Esplanade. ①

Hammering out a deal?

When you want to hit the nail on the head call on Medius to provide professional negotiation and mediated solutions. We'll help you strike the best deal.



MEDIUS
Creating resolution

LEADR Accredited Mediator
T - 08 8948 1828 F - 08 8948 3221
E - medius@ezemal.com

ba1070202