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CLA helps launch Australia's human rights consultation

CLA took part in the first national meeting under the Human Rights Consultation, now occurring throughout Australia.

There's a full report on the meeting, held in early February, on the CLA website: see [Rights debate underway...from a too-low base](#)

About 10 CLA members attended the first two sessions, held in the afternoon and evening in the Queanbeyan Community Centre. Similar sessions are being held throughout Australia. For locations and times, see: <http://www.humanrightsconsultation.gov.au/>

CLA members nationwide are urged to attend, support the process, and make an individual submission on aspects that most interest and motivate you. President Dr Kristine Klugman, Treasurer Kevin Pople and WA member Brian Tennant have already made submissions.

CLA is for a bill of rights and responsibilities, but believes it needs more public support and commitment from Prime Minister Kevin Rudd to have a chance of being legislated.

If nothing comes of the consultation and subsequent government report process, CLA believes the question of establishing what Australia's civil liberties and human rights are – and what any new ones might be – should be put to a Parliamentary Legal and Constitutional Committee for 12-18 months of hearings and a formal report to the Australian Parliament.

Blessed shall be free speech, says CLA

CLA made a submission in February in response to the 'Freedom of religion and belief in the 21st century Discussion Paper', a product of the Australian Human Rights Commission.

With CLA Director Jessica Mohr as lead author, the submission calls getting rid of the archaic notion of blasphemy as a 'crime'.

The best way to counter any form of opinionated speech, including blasphemy, was with free and open speech able to express different viewpoints.

To read the CLA submission, go to: [*%\\$#@, just get rid of blasphemy entirely!](#)

Footnote: The Australian Human Rights Commission (AHRC) is the new name of the former Human Rights and Equal Opportunity Commission (HREOC). Two former very senior HREOC people are new members of CLA, having joined in February.

Changed legislation would help liberties/rights group contribute more

The Attorney-General's Department is reviewing Proceeds of Crime (POC) legislation.

The AGD has asked CLA to comment on a review of the POC Act undertaken by Tom Sherman.

While also commenting on the nitty-gritty detail of the POC Act, CLA is taking the opportunity to further its campaign to have POC legislation changed so that civil liberties and human rights groups throughout Australia can access the considerable funds available through the scheme.

Under the original legislation, the confiscated funds can be used only for crime prevention, law enforcement, or drug addiction and diversionary measures. CLA is asking for "civil liberties and human rights measures" to be added to this list.

In its submission, CLA points out that civil liberties and human rights endeavours fall outside the guidelines of most funding for community measures. This is a chance to right that anomaly.

***LAST WORD:* No sex (in pairs) please, we're British**

British film censors are up in arms because they are being required to watch porno movies by themselves. The cost-cutting exercise has the censors worried, believing they might get more aroused if they are on their own! Funny people, film censors! For the full story: see *last item in this bulletin*.

New chief Aussie spook comes in from the overseas cold

David Irvine is the new Director-General of Security – that is, head of ASIO.

His rapid switch from heading the ultra secret, overseas spy agency ASIS to the just-plain-secret, domestic spy agency, ASIO, is an intriguing development on a number of levels.

Australia's secret house of cards began to tumble when the current ASIO head, Paul O'Sullivan, was appointed High Commissioner to New Zealand on 25 February. O'Sullivan, a former staffer in John Howard's office, was lucky to last 15 months under the Rudd Labor Government.

He has been as spectacularly unsuccessful as the boss of a secret agency can be in public, with ASIO pilloried for its handling of cases (particularly the UI-Haque fiasco in Sydney) and its reputation severely dented. The agency is thought to be in a mess as it fails to cope with too-rapid growth, approved hastily by the Howard government in a panic over-reaction to the 11 September 2001 aircraft attacks in the USA.

Relationships between the Australian Federal Police and ASIO were so poisoned that the Rudd Government had to appoint a security supremo, National Security Adviser, Duncan Lewis, to try to bang heads together so that the two agencies talked with each other, and cooperated. He now rides permanent shotgun on all the spook agencies.

ASIO is escalating, under the bureaucratic equivalent of an in vitro fertilisation program, from just over 600 employees in 2001 to 1860 by 2010. About 1000 would appear to be more than enough, and ASIO should be downsized, starting from the 2009 Budget, CLA says.

“Mr Irvine’s experience places him in an excellent position to provide strong and considered leadership to ASIO as it continues with its vital work of maintaining Australia’s security,” Attorney-General Robert McClelland said in announcing the appointment.

Mr Irvine has headed ASIS since February 2003. Previously, he held senior positions in Foreign Affairs, and was High Commissioner to Papua New Guinea and Ambassador to China.

No announcement has been made over who will head ASIS in future.

Isn't it amazing that no head of any spy, spook or military intelligence agency, or boss of their monitoring agencies, is female – or ever has been – in Australia? The government wouldn't move Lynelle Briggs to ASIS from being Public Service Commissioner, would they? That would allow a fresh approach to the PS, no bad thing.

ASIO: Australian Security and Intelligence Agency, basically operates within Australia.

ASIS: responsible for collecting foreign intelligence, undertaking counter-intelligence activities and cooperating with other intelligence agencies overseas

Minister Conroy announces pilot ISPs

Communications Minister Stephen Conroy has announced the six ISPs which will take part in his mandatory internet filtering 'live' pilot. He's had enormous difficulty getting ISPs to sign on...which is reflected in the composition of the six. Read more...

http://www.minister.dbcde.gov.au/media/media_releases/2009/005

REMEMBER: *CensorFree*

CLA has another website, *CensorFree*, where you can keep up with the raging debate about Mandatory Internet Filtering under Communications Minister Stephen Conroy.

<http://www.censorfree.com.au/>



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New whistleblower proposals have cross-bench support

The national parliament's Whistleblowers' Committee has recommended major changes to the federal public interest disclosure regime in Australia in a report released late last month.

Implementing the 26 recommendations would go a long way towards changing the 'Can't Do' culture of the Public Service Commission, in particular. But the recommendations are not a panacea for the PS cultural and attitudinal problem of seeing whistleblowing as a negative - much work still needs doing in this area.

One highly positive aspect of the report is its recommendation that the whistleblowing system be under the supervision of the Ombudsman, rather than the Public Service Commissioner.

The report, by the House of Representatives Standing Committee on Legal and Constitutional Affairs, headed by the former QC Mark Dreyfus, has cross-party support, as Liberal Deputy Chair Peter Slipper indicated at the media conference to launch it.

The work was much assisted by the *Whistle While They Work* project, a three-year detailed academic study led by Professor A.J. Brown of Queensland.

It will now be up to Special Minister of State, Senator John Faulkner, to implement the recommendations.

CLA contributed significantly to the review process by undertaking a range of lobbying activities; in general, CLA support the recommendations.

Australia hesitates over signing protocol

Australia can sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) in Geneva this month...but will we?

The Optional Protocol creates an international complaints and enquiry mechanism so that groups and individuals could hold the government to account for violating economic, social and/or cultural (ESC) rights, including rights to adequate housing, food, water and sanitation, health and education.

A similar complaints mechanism exists for International Covenant on Civil and Political Rights, which Australia has signed.

The OP-ICESCR would give ESC rights the same status - with people everywhere able to access those rights as well as a remedy if they are violated.

Australia hasn't supported the OP-ICESCR in its progress through the UN system. The government believes that collective rights, including the right to self-determination, should not be justiciable by the UN Committee on Economic, Social and Cultural Rights.

This key question clearly has implications for Aboriginal and Torres Strait Islander peoples who have rights as a group as well as individually under international law.

– report by Sarah, Amnesty website: <http://www.amnesty.org.au/aus/comments/20281/>

Jurists claim western states are muzzling democracy in terror's name

A three-year international study has called for urgent measures to stop the erosion of individual freedom by states and the abandoning of draconian measures brought on by the 'War on Terror'.

The study has sparked calls in Australia by the Greens for the Rudd Government to hold an independent review of Australia's anti-terrorism laws.

In the study, the International Commission of Jurists (ICJ) said the legal framework in democratic countries before 11 September 2001 was "sufficiently robust to meet current threats". But then security measures were brought in, many illegal and counter-productive, instilling anger and resentment expressed through violent protests.

One worrying development, says the report, was that liberal democracies have advocated aggressive policies that have given totalitarian regimes the excuse to bring in their own repressive laws.

"This report further strengthens the case against Australia's outdated and extreme anti-terrorism laws, many quite draconian. They need to have a use-by date or be repealed immediately because they are inconsistent with our obligations under human rights instruments," said the Greens' justice spokesperson, Senator Scott Ludlam.

The ICJ panel, which included Mary Robinson, the former Irish president and UN Human Rights Commissioner and ICJ Vice-President, Justice John Dowd of Australia, gathered their evidence from 40 countries. Details and copies of the study's report: www.icj.org

Martin appointed to Supreme Court

Ken Martin QC is the new judge on the Supreme Court of Western Australia.

He became a barrister in WA in 1992, and took silk in 1997. He is a former President and Councillor of the Law Society of WA, and was the current deputy chair of the WA Legal

Practitioners Complaints Committee and chair of the Law Society's Professional Indemnity Claims Committee.

Mr Martin was also treasurer of the Law Council of Australia.

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Coronial proposals 'put off, pigeon-holed, ignored'

A special edition of the Australian Indigenous Law Bulletin last month contained a damning indictment of how coronial inquiry recommendations are put off, pigeon-holed or just plain ignored. The report, *Coronial Recommendations and the Prevention of Indigenous Death*, examined 185 coronial inquests across Australia and includes examples of repeated failures by governments to respond appropriately and effectively to coronial recommendations.

It highlights key areas of overdue reform in managing coronial investigations relating to indigenous deaths generally, and those in police custody in particular.

In the report's introduction, Home Affairs Minister Bob Debus says:

"Almost two decades after the RCIADIC (Royal Commission into Aboriginal Deaths in Custody) delivered its final report, the plight of indigenous people who come into contact with the criminal justice system remains urgent ... the authors underline the important role that coronial investigations and subsequent recommendations can play in addressing this disadvantage for Indigenous and non-Indigenous people."

At present, the only Australian jurisdiction that requires government agencies to publicly report on coronial recommendations that fall within their jurisdiction is the Northern Territory.

Civil Liberties Australia has been calling for more than a year for a national register of coronial findings, a properly-funded monitoring group and formal reporting when recommendations are implemented and when they are NOT implemented six months after being made, and then once every six months until they are implemented. – supplied by Elizabeth Murray

Report: <http://redirect.cmailer.com.au/LinkRedirector.aspx?clid=53eb2269-b97e-4e9d-9957-cba99982e50a&rid=59172282-0afe-4e7b-b063-9645aec58a17>

– from an article by Bob Gosford writing in *Crikey*, the online newspaper

'Stun guns can kill', say Canadian police...officially

Changes newly introduced to Royal Canadian Mounted Police policy acknowledge that stun guns can kill – especially "acutely agitated" suspects – and now restrict their stun gun use to cases involving threats to officers or public safety.

(CLA has sent a copy of the Canadian news report – for information – to Commissioners and Attorneys-General in every Australian jurisdiction, including the federal A-G and police).

RCMP Commissioner William Elliott says the new rules clearly set out that Mounties can't zap suspects for simple resistance or refusing to co-operate. Their use must be justified as a necessary and reasonable use of force, he told MPs on the Canadian House of Commons public safety committee.

"The RCMP's revised policy underscores that there are risks associated with the deployment of the device and emphasizes that those risks include the risk of death, particularly for agitated individuals."

Acceptable stun gun use includes cases of "lethal overwatch," Elliott said – those serious enough that a second officer is prepared to fire a real gun if the electronic version doesn't fell the suspect.

At least 20 Canadians have died after being hit by stun guns, Sue Bailey reported in *The Canadian Press* in revealing the changed RCMP policy. The death of Polish immigrant Robert Dziekanski, who died after RCMP officers repeatedly zapped and then pinned him to the floor in an airport, is the subject of an inquiry in British Columbia.

Mounties across Canada have used their stun guns more than 5,000 times in the past seven years. An analysis of incidents by *The Canadian Press* between 2002 and 2005 found that three in four suspects jolted by the RCMP were unarmed. It also suggested a pattern of police use of the weapons for compliance rather than to defuse major threats.

However, Commissioner Elliott says the stun guns save lives, but officers will now refresh stun gun training annually instead of every two years.

See '**Taser to pay \$2m in legal fees**' below, under 'International'

Qld CCL launches its 40-year history

Queensland Council for Civil Liberties will launch a history of its first 40 years on Tuesday 3 March 2009.

Entitled *Guardian of Your Rights* and written by Eddie Clarke to cover the years from 1966 to 2007, it is published by the Supreme Court of Queensland library.

Queensland's Attorney-General and Minister for Justice, Kerry Shine, will launch the book at 5.30pm in the Banco Court, 304 George St, Brisbane.

"Though its provenance was humble and its opposition at times immense, the Council was a positive, powerful bastion of rights that many of us in that turbulent period recognised and immediately pledged ourselves to," now-Governor General Quentin Bryce is quoted as saying about the QCCL.

Further details and RSVP: tamara.crew@scqlld.org.au

Minister refuses to outline her strategic plans for our health

Australia has an agreed national strategy for e-health, but Joe the Patient isn't allowed to know what it is.

For a cost of \$1.3 million, consultancy Deloitte developed the strategy, which the Australian Health Ministers' Conference (AHMC) endorsed late last year..

Deloitte says up to 18 per cent of medical errors result from lack of access to patient information, with these adverse events costing about \$3 billion a year "in avoidable expenditure – money that could be better spent on health demands driven by an ageing and sicker population".

...but Federal Health Minister Nicola Roxon last month said the e-health strategy and the full report could not be released without the consent of all AHMC members.

The minister said the National E-Health Transition Authority (NEHTA) would continue working on interoperability and information security. NEHTA received \$218 million in ongoing funding approval for July 2009 to June 2012.

Astoundingly, federal and state governments have spent more than \$5 billion on e-health projects and trials over the past 10 years, with only "marginal progress" resulting. – from a Karen Dearne story in *The Australian*, 3 Feb 09

<http://www.australianit.news.com.au/story/0,24897,24998724-15306,00.html>



Australia's aid restrictions still in place, even as US overturns bans

The Australian Greens say they will bring the critical issue of AusAid funding for overseas women's health services back to the Senate for debate, despite obstructionist moves by the Federal Government, according to Greens Senator Sarah Hanson-Young.

She went to introduce a motion in the Senate but was denied formality by the government, meaning that it could not even be put to a vote, she said in a media release. No explanation was given.

"The Labor Party are clearly embarrassed about their complicity in the Bush-Howard policy of restricting funding to important women's health services overseas," said Senator Hanson-Young.

"These restrictions are literally costing the lives of young girls, women and mothers in developing countries, who are unable to access support, advice and services through AusAid-funded programs because of this gag rule. These policies are backward and dangerous, and must be overturned." US President Obama had been able to do this in his first week in the job, she said.

"Today's blocking behaviour by the Rudd Government leaves Australia as the only nation to restrict access to family planning services in developing countries, because of a narrow-minded ideology," she said, claiming that about 34,000 mothers died in this region each year because of a lack of maternal health support.

Details: Gemma Clark on 0427 604 760 – from UNity, UN Assn of Australia e-newsletter, 6 Feb 09

Senate inquiry tackles vagaries of Australia's legal system

A Senate inquiry is reviewing the lack of legal aid funding for thousands of Australians, as well as investigating what can be done about costly court delays.

The 'Inquiry into Australia's Judicial System, the Role of Judges and Access to Justice' is taking submissions until 30 March, and is due to report by 17 August.

"Many people in this country are not able to assert their legal rights. Some litigants wait for months or even years for their matters to be resolved, as the courts don't have the resources to deal with them – for these Australians, justice delayed is justice denied," according to the Greens Attorney-General spokesperson, Senator Scott Ludlam.

"Other Australians are prevented from taking legal action (entirely) because legal aid isn't available and they can't afford to access our expensive justice system. Your chances of success before the courts should not be determined by your bank balance.

"We need to boost funding for community legal centres and for the legal assistance sector and we need to look at alternative ways of delivering justice. In some instances, mediation or arbitration may produce better results for litigants and reduce the burden on our courts."

WA CLA member Brian Tennant has already lodged a submission to the inquiry, calling for acquitted defendants in Supreme Court matters in WA to be awarded costs.

Details: http://www.apf.gov.au/Senate/committee/legcon_ctte/judicial_system/info.htm

Legal assistance boosted for victims of the Victorian bushfires

Attorney-General Robert McClelland last month announced the Australian Government would give \$220,000 to Victorian community legal centres to help Victorians affected by the bushfire disaster.

"The devastating Victorian Bushfires have left many families with a range of legal matters that need to be considered. This assistance will help them deal with these issues as they begin to start rebuilding their lives," said Mr McClelland.

The \$220,000 will be directed to centres that service the local communities affected by the fires.

"Pressing legal needs often arise following such tragic natural disasters. Community legal centres are well placed to provide information and advice on matters such as housing and tenancy, lost documents and identification papers, insurance and handling of estates," Mr McClelland said.

Report on rights being prepared for CHOGM

Every two years the Commonwealth Human Rights Initiative (CHRI) publishes a report in preparation for the Commonwealth Heads of Government Meeting (CHOGM) on a human rights issue of interest to Commonwealth countries.

The 2009 report will examine the ways that Human Rights Defenders (HRDs) across the Commonwealth suffer as a result of police action or inaction. CHRI is calling for examples of cases and situations where police have committed human rights abuses against HRDs in a Commonwealth country, and the perpetrators have not been brought to justice, since January 2006. Details: Marisa Dowswell or Heather Collister <http://www.humanrightsinitiative.org/>

Queensland joins the national phone tapping club

Queensland police will soon have the same powers to phone tap as other States and Territories, under new laws introduced into the Queensland Parliament last month and being extended to that State by the Australian Parliament.

The Telecommunications Interception Bill “will enable the Queensland Police Service and the Crime and Misconduct Commission to apply for telecommunications interception warrants for the investigation of serious offences,” Premier Anna Bligh said.

“In August last year, the Commonwealth agreed to amend its Act to allow Queensland law enforcement agencies to apply for interception warrants. But Queensland will be the only state to have the safeguard of a Public Interest Monitor to ensure that applications for phone tapping powers take into account the broader public interest.”

The Federal Telecommunications Interception Legislation Amendment Bill - giving effect to the Prime Minister’s agreement to full PIM involvement – is due to for Senate consideration which will lead to the Queensland Bill taking full effect.

Previously, the feds wouldn’t allow the Queenslanders to share phone tap rights because they were worried what might be revealed publicly if the PIM became involved. – Liz Murray reporting <http://statements.cabinet.qld.gov.au/mms/StatementDisplaySingle.aspx?id=62640&user=c139783d-5419-445b-8750-2911e25950ff>



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CLA paper ensures more thought before major murder law change

A research paper by CLA has helped the Legislative Assembly of the ACT decide to take more time before introducing a new clause that would convict people of murder without the necessary ‘mens rea’ element of intent to murder.

CLA made the paper available to all parties in the Assembly: Labor, Liberal and Greens.

The vexed question of how extensive the Crimes Acts’ definition of murder should be will now be reviewed by the ACT’s Justice and Community Safety Committee, with a final report not expected before August 2009.

CLA believes the minority Labor Government could achieve what it is aiming for – greater punishment for violent offenders – by increasing the penalty range for manslaughter, rather than decreasing the necessarily high bar for a murder conviction.

Women seek equity over pay and work

The National Foundation for Australian Women last month called for a pay equity policy from the federal government in its submission to a House of Representatives Employment and Workplace Relations Committee’s inquiry into pay and other issues around female participation in the workforce.

The NFAW argues that “pay equity is a human right. Does lower pay occur because of the type of work that women choose to perform, or because women perform the work?” is one of the questions they pose.

Meanwhile, WA women appear to be even worse off than women in other parts of Australia.

The gender pay gap in Western Australia is substantially larger than the national average and much of the gap remains unexplained, according to WA’s Pay Equity Unit.

It is a common misconception that the mining industry is responsible for the comparatively large gap: this is not the case because the health and community services, property and business services, finance and insurance and retail sectors all have higher gender pay gaps.

The WA Department of Commerce, in its submission to the inquiry, is calling for the setting up of a national pay equity unit.

Committee Chair, Ms Sharryn Jackson said, “The establishment of the Pay Equity Unit in Western Australia has provided a clear focus on a number of issues in relation to the importance of pay

equity and increasing female participation in the workforce at a time when there is a widening gender pay inequity in Australia."

Further details: <http://www.aph.gov.au/house/committee/ewr/index.htm>

Rail officials should be shot (by camera, of course)

Officiousness is raising its head around rail stations in Perth, with amateur photographers being prevented from taking photos by rail guards in uniform, part of an emerging 'Can't Do' brigade in Australia.

The rail guards should be told by State rail officials that the public own the railway stations, and the public are entitled to take photos without hindrance from officialdom...provided the photographers are not

- (a) standing on the tracks, or
- (b) taking porno shots, or
- (c) interfering with the normal flow of other passengers.

Australia used to be a 'Yes We Can' society long before US President Barack Obama picked up that phrase: let's not allow officialdom turn our nation into a NO, YOU CAN'T society.

Even worse is that Transperth Security booms out its wrong, unlawful messages from hidden eyries through loudspeakers on the station. "*Big Brother here! Now you listen to this...*"

The law in Australia is crystal clear, whether viewed at aperture f2.8 or 22: anyone may take photographs in, and of, public places.

This is an issue on which *The West* newspaper should campaign with CLA.

Australia's A-G seeks counsel from Britain's Scotland

Attorney-General Robert McClelland met the UK Government's A-G, Patricia Scotland of Asthal QC, ahead of Baroness Scotland delivering the Magna Carta lecture at Parliament House in Canberra last month.

The wide-ranging dialogue included discussions on initiatives to improve access to the justice system, counter-terrorism legislation, human rights issues, pro bono work and development assistance in the Pacific.

Mr McClelland also sought an update on Patricia Scotland's recent reforms in relation to reducing domestic violence in the United Kingdom.

During her visit to Canberra, Patricia Scotland participated in a roundtable on international pro bono activities hosted by Mr McClelland and attended by a number of pro bono and volunteer organisations, as well as representatives of a number of Australian law firms.



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Australian calls for Kenya's police chief, A-G to be sacked

Philip Alston, the Australian who is UN special rapporteur on extrajudicial, summary or arbitrary executions, issued a scathing indictment of Kenya last month in a hard-hitting report following a 10-day investigation into the alleged killing of more than 1,000 gang members, insurgents, petty criminals and political protestors since 2007.

Mr Alston called on President Mwai Kibaki to sack his police chief and attorney general because of the outrage.

"I have received overwhelming testimony that there exists in Kenya a systematic, widespread and well-planned strategy to execute individuals," Mr Alston told the media in Nairobi. "Kenyan police are a law unto themselves. They kill often, with impunity."

A day earlier day the government-appointed Kenya National Commission on Human Rights (KNCHR) released a videotaped testimony by a police constable who described in chilling detail how he witnessed the killing of 58 people in a year while working as a driver for a police death

squad. The whistleblower, Bernard Kiriinya, was himself murdered four months after giving his testimony and going into hiding in Nairobi last year.

<http://www.guardian.co.uk/world/2009/feb/25/un-kenya-executions>

Gun amnesty operates for three months: Gun amnesties come into force in NSW and the ACT today (1 March) for three months. Illegal firearms can be handed in at police stations.

Report of main CLA activity for February 2009

Meetings:

Parliamentary Secretary, Senator Ursula Stephens (ALP, NSW) re voluntary organisation funding, Goulburn issues;

Bill Stefaniak, President ACAT;

Speaker Shane Rattenbury, ACT Legislative Assembly, re Murder Bill, police annual report;

Max Jeganathan, update;

Peter Lee, lawyer/immigration agent and ANU lecturer, re Gold Coast activity;

Consultations:

Human Rights inaugural community consultation at Queanbeyan - see report;

DFAT/NGO Consultations annual all-day seminar - see report.

Outreach:

Letters sent to Police and Corrective Services Ministers all states, to copy Canadian approach to use of stun guns;

Media launch of report on Whistleblower Protection – issue of Kessing case raised;

Student meeting at University of Canberra;

Rob Stary Melbourne criminal law firm;

HR organisations meeting at Bahai prior to DFAT/NGO Consultations;

Social luncheon for CLA members.

PR/media:

Application to SBS made for free ads on TV

Interview on community radio 2XX-fm

Liaison Carmel Egan, *The Age*, re 2000 word Op-Ed

Planning for new TV/cinema/YouTube CLA mini-ads

Cartoon exhibition:

On show for Market Week ANU at National Europe Centre, launch function attended by ACT

Supreme Court Justice Refshauge, Prof Simon Bronitt, and PhD and first year students ANU.;

Exhibition passed to Dr Sev Ozdowski for display at University Western Sydney.

Funding:

Possible source, Cultural Cooperation Program, through Minister Culture Spain, administered by National Europe Centre – if we can find likely project

Proceeds of Crime – submission being lodged to change legislation slightly to allow funding for CL and HR bodies,

Functions:

Launch of Organ Donor Week, Parliament House, with PM Rudd, organised by CLA Director Anne Cahill Lambert



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INTERNATIONAL

Obama report gilds over the base problem

A Pentagon report requested by President Obama on the conditions at the Guantánamo Bay detention centre concludes that the prison complies with the humane-treatment requirements of the Geneva Conventions.

It nevertheless recommends improvements, including increasing human contact for the prisoners, according to leaks published in the New York Times ahead of the report's release.

Civil Liberties Australia's Gbay monitor, Robert Briggs, believe there is a fundamental problem with a report claiming that Geneva Conventions are being observed at Guantanamo.

"Whether the conditions of Guantanamo meet the standards of Common Article Three of the Geneva Conventions is really irrelevant, as none of the detainees has been given his Article Five hearing as required by Geneva as well as by the domestic US law which President Bush invalidly suspended," he said.

"Until the detainees have been given these hearings, they are entitled to be treated as Prisoners of War. Certainly, no-one ever held at Guantanamo has been given the rights of a PoW, though the first commandant, General Baucus, who was sacked for being too soft, made a stab at it."

Gbay took in its first detainees on 11 January 2002. Seven days later, President Bush decided detainees' standing as terrorists disqualified them from prisoner-of-war protection under the Geneva conventions.

Nine days later, Vice-President Dick Cheney called the detainees "the worst of a very bad lot. They are very dangerous. They are devoted to killing millions of Americans."

More than eight years later, of the 773 detainees processed through Gbay, not one has been convicted of a crime...unless you count David Hicks, the Australian who plea-bargained for his freedom. About 500 of the 'worst of a very bad lot' have been released by the USA to other countries.

Taser to pay \$2m in legal fees over man's death from stun gun

A US federal judge last month ordered weapon manufacturer Taser International Inc. to pay more than \$2 million in fees to the lawyers for the family of Robert Heston, who died in 2005 after Salinas police stunned him dozens of times, the *Monterey Herald* has reported.

Salinas is a city about 150km south of San Francisco.

Judge James Ware acknowledged that the award far exceeds the \$280,000 in damages he approved for Heston's family, but said the lawyers had taken on a considerable risk in pursuing a case that served a significant public benefit.

The case marked the first time Taser has been found negligent in a death related to the use of its stun guns. In June, a jury awarded Heston's family more than \$7.6m in damages after finding that Taser failed to warn City of Salinas police of the potentially fatal dangers of shocking a subject numerous times.

The judge later threw out most of the damages, because the jury found Heston 85% at fault for being high on methamphetamine, and because the panel could not legally award punitive damages, Virginia Hennessey reported in the newspaper.

In the recent decision, Judge Ware said it would be unfair to the family and attorneys John Burton and Peter Williamson to take their contingency fees from the jury's award.

Taser International issued a statement saying it would appeal the decision. Burton said he has already warned the company that if it appeals, he will seek reinstatement of punitive damages.

The company, he said, is irresponsible to the public, to police departments and "to its shareholders, who now are being exposed to reimposition of \$7.6m million in uninsured losses because of their egos."

In July, Burton and Peterson will take Taser before another US federal jury in the case of Michael Robert Rosa, 38, of Del Rey Oaks, who died in 2004 after he was stunned multiple times by police from the City of Seaside, near Salinas. The City of Seaside recently agreed to pay \$343,000, without admitting fault, to settle the case. That settlement is awaiting approval by the Seaside City Council.

Taser International has settled at least 10 cases involving injuries to police officers during training, company lawyer Doug Klint has said, according to Bloomberg News.

<http://www.thecalifornian.com/article/20090205/NEWS01/90205032/0/NEWS>

ASEAN rights body will be toothless, group warns

Establishing a human rights body for the Association of South-East Asian Nations (ASEAN) in 2009 will be of little worth if it has no mandate to conduct independent fact-finding missions in the region, a civil rights group warned last month.

"The body should be able to conduct country visits where there are severe human rights violations and conduct fact-finding missions," said Yap Swee Seng, executive-director of the human rights group FORUM-Asia.

A summit in Bangkok was due to finalise terms of reference for the ASEAN human rights body last month. The idea grows from the ASEAN Charter, approved by the 10-nation grouping last year, which enshrined protection of human rights as a regional objective.

But the charter enshrines ASEAN's diplomatic principle of 'non-interference' in one another's domestic affairs, which makes it difficult to deal with gross violations of human rights by member-states such as Myanmar, the Philippines and Thailand.

Iran asked to honour commitments, free Bahais

Iran's plans to put on trial seven Bahai leaders for espionage and other charges have evoked condemnation from governments, parliamentary leaders and human rights organizations throughout the world.

Many called for the immediate release of the Bahais, who have been imprisoned in Tehran for about 12 months.

No formal charges have been announced, but the Iranian news agency ISNA reported last month that the Bahais would be accused of "espionage for Israel, insulting [Islamic] religious sanctities, and propaganda against the Islamic republic." The Bahais have had no access to their attorney, Nobel laureate Shirin Ebadi.

There are about 300,000 Bahai in Iran. The philosophy is persecuted in some Middle Eastern countries because it doesn't conform with the states' religious norms.

CLA believes Iran should honour its signed commitment to the International Covenant on Civil and Political Rights.



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Lords say surveillance risks undermining freedoms

The steady expansion of the "surveillance society" risks undermining fundamental freedoms including the right to privacy, according to a House of Lords report published last month.

The Lords say Britain has constructed one of the most extensive and technologically advanced surveillance systems in the world in the name of combating terrorism and crime and improving administrative efficiency.

The report, *Surveillance: Citizens and the State*, by the Lords' Constitution Committee, says Britain leads the world in the use of CCTV, with an estimated 4 million cameras, and in building a national DNA database, with more than 7% of the population already logged compared with 0.5% in America.

The cross-party committee which includes Lord Woolf, a former lord chief justice, and two former attorneys general, Lord Morris and Lord Lyell, warns that "pervasive and routine" electronic surveillance and the collection and processing of personal information is almost taken for granted.

Although many surveillance practices and data collection processes are unknown to most people, the expansion in their use represents "one of the most significant changes in the life of the nation

since the end of the second world war", the report says. The committee warns that the national DNA database could be used for "malign purposes", challenges whether CCTV cuts crime and questions whether local authorities should be allowed to use surveillance powers at all.

The peers say privacy is an "essential prerequisite to the exercise of individual freedom" and the growing use of surveillance and data collection needs to be regulated by executive and legislative restraint at all times.

Lord Goodlad, the former Tory chief whip and committee chairman, said there could be no justification for this gradual but incessant creep towards every detail about an individual being recorded and pored over by the state.

"The huge rise in surveillance and data collection by the state and other organisations risks undermining the long-standing traditions of privacy and individual freedom which are vital for democracy," he said. "If the public are to trust that information about them is not being improperly used there should be much more openness about what data is collected, by whom and how it is used."

The Constitution Committee makes more than 40 recommendations to protect individual privacy, including the deletion of all profiles from the national DNA database except for those of convicted criminals and a call for the mandatory encryption of personal data held by public and private organisations that are legally obliged to hold it.

<http://www.guardian.co.uk/uk/2009/feb/06/surveillance-freedom-peers>

Brits exploiting terror threat to curtail civil liberties, says ex-spy supremo

Dame Stella Rimington, the former head of Britain's MI5 spy agency, has accused the British Government of exploiting public fear of terrorism to restrict civil liberties.

Her comments came on the same day as a report published by international jurists suggested that Britain and America have led other countries in "actively undermining" the rule of law and "threatening civil liberties" in the guise of fighting terrorism.

In an interview with the Spanish newspaper La Vanguardia, Dame Stella said that a series of increasingly draconian policies have led British citizens to "live in fear and under a police state". The 73-year-old said: "Since I have retired I feel more at liberty to be against certain decisions of the government, especially the attempt to pass laws which interfere with people's privacy.

"It would be better that the government recognised that there are risks, rather than frightening people in order to be able to pass laws which restrict civil liberties, precisely one of the objects of terrorism: that we live in fear and under a police state."

Dame Stella, who became the first female head of MI5 in 1992 and held the position until 1996, has long been a vocal critic of the British Government's plans to introduce ID cards and lengthen the amount of time terror suspects are held without charge to 42 days.

In the interview yesterday, she also criticised the United States. "The US has gone too far with Guantanamo and the tortures. MI5 does not do that. Furthermore it has achieved the opposite effect: there are more and more suicide terrorists finding a greater justification."

<http://www.independent.co.uk/news/uk/politics/terrorist-threat-exploited-to-curb-civil-liberties-1623795.html>

Information Commissioner warns against 'creeping surveillance'

Laws that allow officials to monitor the behaviour of millions of Britons risk "hardwiring surveillance" into the British way of life, the country's privacy watchdog has warned.

Richard Thomas told *The Times* that "creeping surveillance" in the public and private sectors had gone "too far, too fast" and risked undermining democracy.

The Information Commissioner warned that proposals to allow widespread data sharing between the British Government and the private sector were too far-reaching and that plans to create a giant database of every telephone call, e-mail and text message risked turning everyone into a suspect.



MS sufferer loses appeal over right to die with husband's travel help

A British woman with multiple sclerosis has lost her court of appeal case to have the law on assisted suicide clarified.

Debbie Purdy wanted to know if her husband, the Cuban violinist Omar Puente, would be prosecuted if he helped her travel to die in a country where the practice is legal. Under British law (and under Australian law) aiding and abetting suicide is a criminal offence, punishable by up to 14 years in prison.

But the appeal judges ruled: "Notwithstanding our sympathy for the dreadful predicament in which Mrs Purdy and Mr Puente find themselves, this appeal must be dismissed." The ruling means that Mrs Purdy will not get a clear, legal statement as to whether or not her husband would be charged if he helps her travel to Switzerland to die.

Purdy, 45, from Bradford, West Yorkshire, was "disappointed and shocked" when courts rejected her attempt to obtain legal certainty and peace of mind.

<http://www.guardian.co.uk/society/2009/feb/19/assisted-suicide-euthanasia-debbie-purdy>

Iraq war not linked to terror attacks? Bollocks! says UK Security Minister

British Prime Minister Gordon Brown's Security Minister, Lord West, last month became the first member of the UK Government to acknowledge the connection between the horrors of the seven-year assault on the Muslim world and the threat of terror attacks in Britain.

The claim, much repeated by Tony Blair as prime minister, that there was no link with foreign policy was, West declared, "clearly bollocks".

<http://www.guardian.co.uk/commentisfree/2009/feb/19/terrorism-policy-labour-stella-rimington>

Spanish judge launches inquiry over Gaza deaths

The Central Investigative Judge N°4 of the Spanish National Court has launched a judicial enquiry into war crimes committed in Gaza by Israel in 2002.

Seven Israeli officials are named: Benjamin Ben-Eliezer, former Defense Minister and currently Infrastructure Minister; Dan Halutz, Commander of the Israeli Air Force when the alleged crimes were committed; Doron Almog, former Commander of the Israeli Defence Forces in Gaza; Giora Eiland, President of the Israeli National Security Council; Michael Herzog, military secretary at the Ministry of Defence; Moshe Yaalon, Commander-in-chief of the armed forces; and Abraham Dichter, former Director of the Shin Beth.

The charges relate to 22 July 2002, when a one ton bomb aimed at a Hamas official was dropped by an Israeli army F-16 in the Al-Daraj district of Gaza City, killing 14 Palestinian civilians as well as the Hamas leader. Some 150 Palestinians were also wounded.

In January 2006 the Israeli Supreme Court stated that the bombing was proportionate to the military objective, which was to assassinate the targeted Hamas leader.

On 24 June 2008, six surviving victims of the bombing filed a complaint in Spain, on the basis of universal jurisdiction. According to the Spanish legislation, universal jurisdiction can be exercised in Spain without the indicted persons being present in the country; the enquiry may take place in Spain if the alleged crimes are not investigated in Israël, in conformity with the rules of due process.

Having established that the Israeli authorities were not willing to bring anyone to trial, the Spanish judge decided to act. <http://www.fidh.org/spip.php?article6314>

Crime labs severely unreliable, study shows

Crime laboratories throughout America are grossly underfunded, lack a scientific foundation and are compromised by critical delays in analyzing physical evidence, according to a broad study of forensic techniques published last month by the National Academy of Sciences, the USA's premier scientific body.

The study counted a backlog of 359,000 requests for forensic analysis in 2005, a 24% increase in delays since 2002. A survey of crime laboratories found 80 percent of them to be understaffed.

The report highlights crime laboratory scandals involving hundreds of tainted cases handled by police agencies in Michigan, Texas and West Virginia, and by the FBI. At least 10 wrongly convicted men have been exonerated as a result of those laboratory investigations, and the cases of hundreds of other people convicted with the help of those facilities are under review.

The study recommends that an agency, to be called the National Institute of Forensic Science, be created and be independent of the Justice Department, which has traditionally been the nation's primary forensics research agency. Crime laboratories should be managed separately from police departments to ensure that their findings are protected from bias, the report said.

<http://www.nytimes.com/2009/02/19/us/19forensics.html?th&emc=th>

Corruption allegations expose journalist to jail, torture

A crusading journalist intent on exposing official corruption faces the prospect of being sent back to the prison where he was brutalised by his country's Indonesian occupiers, writes Tom Hyland.

Jose Antonio Belo knows a lot about prison walls, inside and out. All up, he's spent about three years imprisoned behind them. One time he was thrown onto the back of a police truck and thrashed and stomped. The beating was so violent that a witness said the truck rocked wildly, like a washing machine.

He's been shackled, hung upside down, bashed, electrocuted and burnt, tortured. Belo won't say much about what happened to him in jail, except this: "If you enter these places, and you get a mirror and see your face, you're not going to recognise yourself. But I am lucky. I am alive."

These days Belo is a journalist, founder and director of an East Timorese newspaper known for hard-hitting investigative reporting, the kind of reporting that now risks sending him back to jail — to the same prison, in fact, where he was once tormented.

Belo's story, like that of his homeland, is one of tragic twists and triumphant turns. It's also one of curious ironies. What's landed him in trouble is an article published by his paper, alleging ministerial corruption in granting government tenders. One of the tenders was to rebuild the walls of Belo's former prison. Another was to provide uniforms for prison guards.

In response, he has been hit with a government-initiated charge of criminal defamation, which could lead to a jail term of up to six years.

To compound the irony, he has been prosecuted under the laws of Indonesia, the former occupiers who once persecuted Belo and his compatriots. East Timor's own penal code — which will abolish the offence of criminal defamation — has yet to be enacted.

<http://www.theage.com.au/world/freedom-of-speech-fighter-20090131-7ufu.html?>



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Criminal defamation used to silence Sulawesi reporter

Regional police in Indonesia are reported to be pursuing a criminal defamation case against a high-profile media advocate, according to the International Federation of Journalists (IFJ).

Police documents detailing charges against press campaigner Upi Asmaranda were reported forwarded by regional police in South Sulawesi to the local Attorney-General's office on January 30, the Alliance of Independent Journalists (AJI) reported. It was also reported a former head of

the South Sulawesi Regional Police had originally laid criminal defamation charges against Mr Upi on November 10, alleging that Mr Upi provoked journalists to resist the head of the South Sulawesi Regional Police Office.

Mr Upi, a member of AJI's Makassar Chapter and a former Metro TV contributor, coordinates the Coalition of Journalists against Criminalisation of the Press, which was set up in response to previous statements regarded as promoting criminalisation of the media.

According to AJI's 2007 report, Stop Criminalisation of the Press, 41 defamation cases were filed against media and journalists between 2003 and April 2007.

http://www.unityunaa.info/media_matters.html

Civil society leaders urge President to reconsider media law

Abu Dhabi civil society leaders have appealed to President Shaikh Khalifa Bin Zayed Al Nahyan to intervene to reconsider a draft media law, passed by the Federal National Council in January.

More than 100 Emirati academics, lawyers, journalists, human rights activists and people from non-governmental organisations signed a petition, which said the law "does not live up to ambitions seeking to raise the level of freedoms, especially freedom of the speech and the Press". They also said the law was unclear, harmed civil liberties and curtailed media freedom in the UAE.



Dr Ebtisam Al Kitbi (*pictured*), professor of political science at the UAE University, who led the list of signatories, told *Gulf News* that the media law does not live up to the political leadership's ambitions and the UAE's achievements on all fronts.

The law scraps jail terms for journalists, but instead imposes up to \$2m fines for breaking the law, Samir Salama reports.

<http://www.gulfnews.com/nation/Media/10282572.html>

Obama continues Bush policy of 'omerta'

In a case involving rendition and torture, a lawyer for the President Obama Administration surprised a panel of US federal appeals judges last month by pressing ahead with an argument for preserving state secrets originally developed by the Bush administration.

In the case, Binyam Mohamed, an Ethiopian native, and four other detainees filed suit against a subsidiary of Boeing for arranging flights for the Bush administration's "extraordinary rendition" program, in which terrorism suspects were secretly taken to other countries, where they say they were tortured.

The Bush Administration argued that the case should be dismissed because even discussing it in court could threaten national security and relations with other nations. The Obama Administration is continuing that stance, to the puzzlement and anger of the American Civil Liberties Union.

<http://www.nytimes.com/2009/02/10/us/10torture.html>

Why this issue matters: <http://www.opendemocracy.net/article/email/a-torturing-state>

Note: Mohamed was released from Gbay last month, and flew back to Britain.

Obama keeps rendition as option, possibly to Diego Garcia

The role of the CIA's controversial prisoner-transfer program may expand and focus more on the Indian Ocean, intelligence experts say.

"The CIA's secret prisons are being shuttered. Harsh interrogation techniques are off-limits. And Guantanamo Bay will eventually go back to being a wind-swept naval base on the southeastern corner of Cuba," Greg Miller writes in the *LA Times*.

"But even while dismantling these programs, President Obama left intact an equally controversial counter-terrorism tool. Under executive orders issued by Obama recently, the CIA still has authority to carry out what are known as renditions, secret abductions and transfers of prisoners to countries that cooperate with the United States."

Diego Garcia, the UK-owned atoll in the middle of the Indian Ocean, has previously been used for rendition flights, and for detaining people behind bars in brigs on the island. The question is how much is Australia supporting Diego Garcia, and the US rendition program? – from a Greg Miller article, in the LA Times, 1 Feb 09. <http://www.latimes.com/news/la-na-rendition1-2009feb01,0,2022513,print.story>



Army officer arrested for revealing truth

A senior British Army officer has been arrested in Afghanistan for allegedly supplying civilian casualty figures to a human rights campaigner.

Lt Col Owen McNally, 48, was held in the war zone on suspicion of breaching the Official Secrets Act which could bring a 14-year jail term.

Last year, campaign group Human Rights Watch said civilian deaths in Afghanistan from US and Nato air strikes nearly tripled to at least 1,633 between 2006 and 2007. The group said it used "the most conservative figures available".

<http://www.guardian.co.uk/world/2009/feb/04/army-officer-afghanistan-human-rights>

Cambridge says 'No' to surveillance cameras

Cambridge City Council, in Boston USA, has pressed the "Stop" button on activating a further eight surveillance cameras in the community, saying the project raised concerns about possible invasion of privacy.

The council unanimously adopted two orders last month calling for a halt to work on the camera network. One, sponsored by Councilor Marjorie Decker, said "the potential threats to invasion of privacy and individual civil liberties outweigh the current benefits. The essence of this debate is that the council and I don't have enough information" about the cameras, said Mayor Denise Simmons. "We don't know how they're going to be operated. We don't know how they're going to be governed. We don't know who's going to have access to the information that they collect."

"There has not been enough public discussion about these cameras, so City Council is not convinced that their proposed benefits will outweigh the potential risk," she said.

It was the first time a community in the state had rejected the cameras, the American Civil Liberties Union of Massachusetts said in a statement.

http://www.boston.com/news/local/breaking_news/2009/02/cambridge_rejec.html

Death penalty being abolished to save money

US states are abolishing the death penalty to cut costs.

Governor Martin O'Malley of Maryland argues that capital cases cost three times as much as homicide cases where the death penalty is not sought. "And we can't afford that," he said, "when there are better and cheaper ways to reduce crime."

Lawmakers in Colorado, Kansas, Nebraska and New Hampshire have made the same argument recently in pushing bills to repeal the death penalty; experts say such bills have a good chance of passing in Maryland, Montana and New Mexico.

Efforts to repeal the death penalty are part of a broader trend in which states are trying to cut the costs of being tough on crime. Virginia and at least four other states, for example, are considering releasing nonviolent offenders early to reduce costs.

Capital cases are expensive because the trials tend to take longer, they typically require more lawyers and more costly expert witnesses, and they are far more likely to lead to multiple appeals.

http://www.nytimes.com/2009/02/25/us/25death.html?_r=1&th&emc=th

Colombo police crash funeral to make arrest

Sri Lankan police arrested the editor of a Tamil-language newspaper in the middle of a funeral late last month, accusing him of aiding a rebel air attack on the capital, Colombo, a week earlier.

The arrest of Nadesapillai Vithyatharan came as the government faced growing criticism for a recent spate of attacks on journalists. In January, a prominent newspaper editor critical of the war was killed by gunmen, a private TV station was attacked by assailants armed with guns and grenades and another editor was stabbed.

Opposition officials and media activists have accused the government of a role in the attacks, an allegation the government denies.

Vithyatharan, editor of the reputedly pro-rebel *Sudar Oli* newspaper, was attending a funeral near Colombo when three uniformed police officers drove up in a van, pulled him from a crowd of mourners standing near the coffin, and drove away, said E. Saravanapavan, managing director of the newspaper.

<http://www.nytimes.com/aponline/2009/02/26/world/AP-AS-Sri-Lanka-Civil-War.html>

British police lock up children's DNA for life

Genetic information from nearly 1.1 million children is now stored on the UJ's national DNA database, official figures show, and campaigners believe that as many as half of them have no criminal convictions.

The figure fuels the row about retention of personal information on the DNA register and on the police national computer for years after it ceases to be relevant.

The figures, revealed in a parliamentary answer to the Liberal Democrats, show that 1.09 million DNA profiles of people aged under 18 were held on the database with 337,000 under 16.

London's Metropolitan Police have added by far the largest number of profiles to the register, 117,000 boys and 33,000 girls. The second biggest number is in the West Midlands force area, 49,000 and 17,000 respectively.

<http://www.guardian.co.uk/politics/2009/feb/27/dna-database-children-criminal-record>

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BRIEFS:

Law No 1 - pay yourself more: Timor Leste's first law for the new year enables subsidising the salaries of judges and academics. Government Decree-Law No 1 of 2009 is "indispensable for improving the use of available human resources and the effective pursuit of public interest in the two sectors," according to the Ministry for Justice and Education. The establishment of a pay supplement for judges, prosecutors and public defenders, as well as for the rector, deputy rector, dean, deputy dean, heads of department, and lecturers at the National University of Timor-Leste, as well as a leadership allowance is the means by which these aims may be reached, the ministry says.

UN international law fellowship: Applications for the 2009 United Nations International Law Fellowship, slated for the Peace Palace in The Hague, Netherlands, from 6 July to 14 August 2009, are now being accepted. Deadline for applications is 25 February. The Fellowship Program will be conducted in English. Forms: Direct from the UN Institute for Training and Research on E: ilp@unitar.org or at: www2.unitar.org/diplomacy/fell_applicationforms.htm

Fiji shown line in sand: The Pacific Islands Forum has given Fiji until 1 May 2009 to nominate an election date for this year, or face possible suspension from the organisation. The summit in Papua New Guinea last month resolved to offer Fiji more time to plan elections this year. Australian Prime Minister Kevin Rudd said the timetable drawn up by the summit was a line in the sand.

EDITORIAL – The shame of California's prisons: California's prison conditions are so bad, and the standard of medical care that inmates receive is so poor, that the state is violating protections guaranteed by the US Constitution. In other words, you don't have to go to Guantanamo Bay to

find abuses of human rights and American law – just go to Lompoc. California's prisons were designed to hold 84,000 inmates but now hold 158,000. – from the *LA Times*, 12 Feb 09:

http://www.latimes.com/news/opinion/editorials/la-ed-prisons12-2009feb12_0,2694027.story

China defends its rights approach: UN delegates took China to task on its human rights record, pressing officials about Tibet, labour camps, the death penalty, torture in custody and the treatment of dissidents, in a UN rights panel's first full review of the country's progress, according to a *Washington Post* report last month. Chinese Ambassador Li Baodong, defended the government's treatment of citizens, telling the UN Human Rights Council in Geneva that people in China were free to voice their opinions to the media and that the government opposed torture. The session was part of a review program, begun in 2007, to examine all UN member states every four years.

– from UNity, UN Assn of Australia newsletter, 13 Feb 09

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/09/AR2009020901565.html>

Judges lock up kids for cash kickback from jail managers: Two judges in Wilkes-Barre, a township in Pennsylvania USA about 200km east of New York, have been charged with taking \$4m in payoffs to jail juveniles in two lock-ups run by the private sector. Since 2002, the private companies have run the detentions centre on rich contracts, the value of which partly depended on how many young people were locked up. Children have been locked up for months for stealing loose change from cars, or writing a note as a prank; some young people were jailed when probation officers recommended against a custodial sentence. Luzerne County judges Mark Ciavarella and Michael Conahan were due to plead guilty last month, and to be sentenced to up to seven years in jail themselves. – from an AAP report, Yahoo News, 11 Feb 09

Geert alert: Geert Wilders, a rightwing Dutch politician accused of Islamophobia, was refused entry to the UK last month after arriving at Heathrow airport in London. Wilders was due to show his 17-minute film *Fitna*, which criticises the Quran as a "fascist book", at the House of Lords. But the British Home Office refused him entry because his opinions "threaten community harmony and therefore public safety". Vale free speech in Britain.

Sri Lankan Minister warns journalists, diplomats: Sri Lanka's Defence Secretary has warned foreign media organisations they face "dire consequences" and being "chased out" of the country if they do not behave "responsibly" in reporting on the situation in the country. Gotabaya Rajapaksa accused three international news organisations – CNN, Al Jazeera and the BBC – last month of partisan reporting regarding civilian casualties and suffering in areas of conflict between government forces and Tamil separatist insurgents, according to news reports. Mr Rajapaksa also reportedly targeted foreign diplomatic staff and international non-government organisations, which he suggested were giving the insurgency by the Liberation Tigers of Tamil Eelam (LTTE) undue sustenance at a time when the LTTE was facing decisive defeat.

Bar moves to guard media law: A new media law and freedom of expression online resource has been launched by the International Bar Association's (IBA) Media Committee alongside the IBA's Human Rights Institute. The website is intended to promote development of a global network of media lawyers to participate in information sharing, capacity building and mutual support and discussion about media law issues. A variety of resources and links to local and global organisations working in the area of media law and human rights, including country summaries of international and national guarantees on freedom of expression and current media law cases, are available at the site. <http://www.probono.net/medialaw/>.

US lost track of Afghan weapons: The US military has failed to keep track of about 222,000 weapons shipped to Afghanistan, a report says. The report has been compiled by congressional auditors, the US Government Accountability Office (GAO). – from Open Your Eyes website, details: http://news.bbc.co.uk/2/hi/south_asia/7885533.stm

DATES:

2 March Melbourne: *Human Rights Spoilers and What To Do About Them*, Carroll Bogert, Associate Director, Human Rights Watch, 6-7.30pm Blake Dawson, 25/181 William St. Details - email: admin@pilch.org.au

4 March, Western Sydney: Launch, Year of Respect and Inclusion and 2009 Open Forum Series, U. Western Sydney, Nancy Turbott Auditorium, UWS Parramatta campus, 5.30 for 6pm with guest speaker Attorney-General Robert McClelland. <http://www.uws.edu.au/> Email: d.mey@uws.edu.au

5-6 March, Dili, Timor-Leste: Women for Peace conference, including Interactions between formal and traditional justice. Details: Peace conference co-ordinator mena.peace@alolafoundation.org or filpau@yahoo.com

10 March, Canberra: Michael Kirby launches *The Human Rights Enterprise in Australia and Internationally* by Peter Bailey, ANU College of Law, 5-6pm, RSVP by 5 March to: rsvp@law.anu.edu.au

16-17 March, Melbourne: Human Rights Conference, Melbourne Park Function Centre. <http://www.humanrightskonference.com.au/>

19 March, Canberra: annual Kirby lecture in international law by Prof Hilary Charlesworth, *Swimming to Cambodia: Justice & ritual in human rights after conflict* of ANU, 6.30-7.30pm, ANU College of Law. rsvp@law.anu.edu.au by 16 March

1 April, Sydney: *The Statute of Liberty: how Australians can take back their rights*, public lecture by barrister, Doughty head of chambers, benchmaster, recorder and visiting professor, Geoffrey Robertson, City Recital Hall, Wed 1 April 09, 6.30-7.45, Info/bookings: www.cityrecitalhall.com

5-9 April, Hong Kong: 16th Commonwealth Law Conference, www.commonwealthlaw2009.org

7 Apr, Canberra: *Covert Policing*, 4th workshop on social implication of national security, hosted by National Europe Centre, ANU. Call for papers: Email 250 word abstracts to katina@uow.edu.au by 30 January; 2009 Workshop http://www.anu.edu.au/NEC/conferences_workshops/2009_CrossingBorders/CrossingBorders.php?&p=1

8-9 Apr, Canberra: Crossing Borders - Promoting regional law enforcement cooperation: European, Australian and Asia-Pacific perspectives, http://www.anu.edu.au/NEC/conferences_workshops/2009_CrossingBorders/CrossingBorders.php?&p=1

29 Apr - 2 May, Manila, Philippines: Inter-Pacific Bar Association meeting and conference; details <http://www.ipba.org/>

1-6 June, Oslo, Norway: Global Forum on Freedom of Expression, week-long membership meetings, open conference sessions and festival events, all dedicated to exploring and celebrating free expression. Contact: Christopher Wilson (+47 2301 4696) Info: <http://expressionforum.org>

1-4 June, Washington DC, USA: Computers Freedom and Privacy conference, http://www.cfp2009.org/wiki/index.php/Main_Page

5-9 June, Fiji: 11th Australian Family Lawyers' Conference, www.aflc.com.au

14 June - 3 July 2009, Montreal, Canada: Applications close 21 Nov 2008. The International Human Rights Training Program (IHRTTP) is an annual three-week training session with 120 participants from 60 countries. Information: <http://www.equitas.org/english/programs/IHRTTP.php>

20 June, world: World Refugee Day (World Refugee Week June 14-20)

27 June - 3 July, Bali, Indonesia: 'Criminal Justice - Diagnosis Terminal' conference, contact: jodi.truman@johntoohey Chambers.com.au

2-4 July, Wellington, NZ: Australian and NZ Society of International Law annual conference, call for papers deadline 2 March 09. Details: <http://law.anu.edu.au/anzsil/conferences.html> or cipl@law.anu.edu.au

5 July, Australia: NAIDOC Week (National Aborigines & Islanders Day of Celebration)

6-7 August, Canberra: 2009 National Administrative Law Forum, contact Jenny Kelly 02 6251 6060

1-4 Sept, Sydney: XIX World Congress, International Society for Labour and Social Security Law, <http://www.labourlawsydney.com/>

17-20 Sept, Perth: 36th Australian Legal Convention, <http://www.law09.com.au/>

21 Sept, world: International Day of Peace

12-13 Nov, Canberra: CIPL/ANU Public Law weekend, including annual Sawyer lecture and dinner.

10 Dec, world: Universal human rights day www.cla.asn.au

2010:

4-7 May, Melbourne: Non -adversarial Justice: Implications for the Legal System and Society conference, E: aija@law.monash.edu.au (Call for papers closes 1 Feb 2010)

10/10/10, World: Target date to start the CLA-promoted death penalty moratorium – 10/10 for Life.



LAST WORD: No sex (in pairs) please, we're British

Staff at the British Board of Film Classification are not easily shocked, but they are revolting over a plan that would require them to watch hardcore pornographic films alone to save money.

The BBFC employs about 80 examiners, who currently watch explicit films in pairs, but executives want to extend solo viewing, which has already been introduced for less controversial content. Films released at theatres are still watched by more than one examiner, and "sex works" – a BBFC definition for explicit material – are also viewed in pairs because they often contain scenes that many examiners find offensive.

The censors argue that working in teams make it easier to form a professional judgment about content. Some says that viewing pornographic content alone will increase the chances of being sexually aroused.

There has been explosive growth in recent years in the R18 (adult) rating after a landmark legal ruling in 1999 which effectively legalised hardcore pornography.

Insiders say the changes are motivated by cost cuts. The BBFC is a not-for-profit organisation funded by the film and TV industries, whose members pay a fee for each product licensed. The BBFC classifies about 600 cinematic releases and 12,000 DVDs each year, and is also responsible for rating adverts and some video games.

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CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: <mailto:secretary@cla.asn.au>

ENDS ENDS ENDS

