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**‘Chicago rethinks its use  
of stun guns’**

*By Bill Rowlings*

Under the headline above, the New York Times carried an article in mid-February reporting the death of a man and the shooting of a 14-year-old boy in the space of one week in Chicago, both ‘electrified’ by ‘stun’ guns.

The weapon, currently undergoing an trial of unspecified length and integrity in the ACT, is being considered for police forces throughout Australia.

Monica Davey and Alex Berenson reported that Chicago had found itself “swept into the center of a national debate over use of the weapons”.

Chicago police superintendent Philip Cline withheld 100 new stun guns from his officers until the incidents had been thoroughly studied.

“And Edward M Burke, the chairman of the (Chicago) City Council’s finance committee, called on city leaders to stop using any of the 200 Tasers that Chicago police sergeants already carry, at least for the moment,” the reporters said.

“Once we are put on notice like this, the liability that is created is substantial,” they reported Mr Burke as saying.

The NY Times said that Tasers looked like pistols but fired electrified barbs connected to the gun by insulated copper wires up to 8m long. They hit their targets with a powerful shock that lasts us to five seconds.

Nationally in the USA, more than 100,000 police officers carry Tasers.

But the article says Tasers sales have slumped this year, as people who have died after being shocked with the guns reached almost 100 across America.

The Taser company claims the deaths are unrelated to the gun, and would have occurred anyway because of other factors such as drug overdoses.

“But scientists who have examined the company’s research say it is spotty and inconclusive. The company’s primary safety studies on its most powerful weapon consist of shocks administered to one pig and five dogs,” the NY Times article said.

The newspaper reported the company’s share price had fallen to \$13.50 in mid-February, down 19 per cent for the week and 57 per cent for 2005.

The two recent incidents in Chicago started with a 14-year-old boy who lives in a group home as a ward of the state.

The boy had pushed and battered home staff, and kicked or punched out windows before lunging at a police sergeant. The policeman fired a Taser from about 2m away, and the boy collapsed in what medical authorities said was cardiac arrest. By the end of the week the boy was conscious and no longer on a ventilator, but still in hospital.

Four days after the first incident, police fired a Taser at a man they said had been screaming and threatening them in the hallway on the 26<sup>th</sup> floor of an apartment building.

Paramedics were trying to help Ronald Hasse, 54, when the police approached him, the NY Times reported.

Mr Hasse began threatening to “kill them with his blood”, according to Chicago police spokesperson Dave Bayless, and began swinging the handcuffs that the police were trying to put on him.

Mr Hasse was shot with a Taser from about 2m away. He collapsed and died.

A spokesman, Steve Tuttle, for the Taser company said they did not believe the death was shock-related. The Cook County medical examiner’s office said it had not yet determined the cause of the death, and expected to investigate for up to two months more before reaching a conclusion, the NY Times said.

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– from UN Assn Aust newsletter, UNity, 18 Feb 2005

**Submissions wanted on ASIO's questioning and detention powers**

The Parliamentary Joint Committee on ASIO, ASIS and DSD (PJCAAD) has commenced a public inquiry into the Australian Security Intelligence Organisation's questioning and detention powers and is seeking submissions.

The committee expects to hold public hearings in Canberra, Sydney and Melbourne in May and June. Deadline for written submissions and for notifying intentions to give evidence at hearings is 25 March.

PJCAAD chairman David Jull emphasised the committee's responsibility to conduct a comprehensive inquiry into these new counter-terrorism powers.

"ASIO's questioning and detention powers raise important questions about the balance to be struck in protecting Australia from terrorist threats and preserving fundamental rights and liberties," Mr Jull said.

Under the *Intelligence Services Act 2001*, the PJCAAD is required to review by 22 January 2006, the operation, effectiveness and implications of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*.

Those provisions enable ASIO to obtain a warrant to question a person when there are reasonable grounds for believing that questioning will substantially assist the collection of intelligence relating to a terrorism offence.

A warrant may also enable the person to be detained if there are reasonable grounds for believing that the person may alert someone involved in a terrorism offence, may not appear for questioning or may destroy or damage evidence.

The committee is seeking submissions from key government agencies including ASIO, the Inspector-General of Intelligence and Security, the Attorney-

General's Department and the Australian Federal Police, together with a wide range of legal organisations, legal experts, welfare organisations, civil liberties groups and anyone affected by the legislation.

Issues that the committee may wish to examine include:

How the legislation has operated since its enactment;

What persons have been subjected to ASIO's questioning powers and what was achieved through their questioning;

What problems, if any, have been encountered in the use of the legislation;

What complaints, if any, have been made in relation to this legislation;

What aspects of the legislation have not been used;

What broader issues relating to the use of questioning and detention powers may need further consideration; and

What, if any, further legislative changes may need to be made.

Mr Jull noted that the PJCAAD does not have any specific statutory power to carry out periodic reviews of the questioning and detention regime.

"As a consequence this review by the committee may represent the only opportunity for detailed parliamentary scrutiny of these powers", he said.

For more information, contact the inquiry secretariat 02 6277 4650 or visit the PJCAAD's website at [www.aph.gov.au/house/committee/pjcaad](http://www.aph.gov.au/house/committee/pjcaad)

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– from ACLU email alert, 050224

**House to vote on allowing formal religious prejudice in USA**

The US House of Representatives is to vote early March on a bill that would further President Bush's faith-based program for government-funded religion.

The bill would allow organizations that receive US tax dollars to discriminate against employees on the basis of their religion.

An amendment to restore civil rights protections is expected to be introduced by Representative Bobby Scott of Virginia.

The proposed legislation would jeopardize civil rights and religious freedom because it would roll back protection against discrimination or misuse of government funds by religious organizations.

For the first time ever, it would allow religious organizations involved in federal job training programs to discriminate according to religion when hiring staff for these taxpayer-funded services.

Non-profits – whether religious or secular – which provide taxpayer-funded services currently need to obey federal hiring guidelines. Under this proposal, religious non-profits would be able to hire individuals only from their particular religion to provide these taxpayer-funded services.

For example, a highly qualified social worker might be rejected because she 'wasn't the right kind of Christian' to work on a job training program.

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– from Straits Times, 4 Feb 2005

### **Court ends male rule in Korean households**

*Reported by Lee Tee Jong*

SEOUL – South Korea's constitutional court has ruled that the country's family registry system – or hoju – which recognises only males as the household head, is unconstitutional.

The hoju system, engraved in the country's civil code since 1960, violated the constitutional guarantee of human rights and gender equality, the court said.

“The hoju system, based on fixed concepts on gender roles, unjustifiably differentiates men from women and is inflicting much inconvenience and pain on many families,” the court said in its verdict, made after five rounds of consultations with experts from November 2003 to December 2004.

But related laws will still be valid pending the introduction of a new registry system and law.

The verdict, which challenges the deeply Confucian and male-dominated Korean society, follows petitions by a frustrated divorcee in 2001.

The woman, identified only as 'Yang', brought her case to a Seoul district court after failing to add her child's name to her parents' family register.

The court is also reviewing legal provisions that require children to take the surname of the biological father. The new ruling is expected to pave the way for the Korean parliament to amend the civil code.

The Bill was initiated last year by 39 female lawmakers who later won the support of 152 male colleagues.

In 2000, a women's civic group filed a petition to the parliament seeking to abolish the hoju.

The Justice Ministry and the Supreme Court are looking at an individual registry system where every citizen will have a record of his or her own particulars, as well as those of the spouse, parents, siblings and children.

Under the hoju system, a woman is always defined in relation to the males in her family, be it the father, husband or son. A baby boy becomes the family head if his father dies.

The head of the household wields much power over the family, including having the say on how family assets are to be distributed in the event of death.

A Korea Women's Association spokesman hailed the ruling as 'a breakthrough for women' and said it would 'change the deep-rooted perception that women are inferior to men'.

But Sungkyunkwan, the headquarters of Korean Confucianism, said the hoju system's abolition threatened the pillars of Korean society and would cause families to collapse.

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– from HR First email, 2 Feb 2000

**Stop persecution of critics,  
HR First tells Russia**

Russian human rights defender Stanislav Dmitrievsky is at risk of prosecution for publishing articles critical of Russian government policies, according to Human Rights First.

Mr Dmitrievsky is co-chair of the Society for Russian-Chechen Friendship, a Chechen human rights organization.

The Russian security services (FSB) on 20 January raided the organization's offices in the city of Nizhny Novgorod and summoned Mr Dmitrievsky for questioning.

FSB agents suggested that articles in 'Human Rights Defense,' a newspaper published by the organization, violated laws banning extremist propaganda, even though the newspaper focuses on human rights issues and promoting a peaceful resolution to the conflict.

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– from Straits Times, 23 Feb 2005

**Arroyo again moots controversial national ID scheme**

Reported by Luz Baguioro

President Gloria Arroyo's Philippines government has revived a controversial proposal for a national system of identification (ID) cards.

The national ID system and the tapping of suspected terrorists' communications have been proposed under the Anti-Terrorism Bill.

'We need tougher laws to defeat terror,' Mrs Arroyo said after certifying the Bill as an urgent measure.

'We must match the resolve of other nations on this score as the terrorists take advantage of the loopholes in the legal system that allow them anonymity and mobility,' she said.

Although the Bill has yet to be approved by both Houses of Congress, the government will implement a pilot scheme in the 17 towns and cities that make up Metro Manila, press secretary Ignacio Bunye said.

He said the ID card would bear 'standard information' such as a person's date of birth, address and contact details, names of his parents and spouse, as well as schools attended.

But public opposition, rooted in a deep distrust of government power, remains as fierce as when the proposal was previously broached.

'(The Government) should leave the people's civil liberties alone,' said Senator Joker Arroyo, a former human rights lawyer.

The Anti-Terrorism Bill, first proposed in the wake of the 11 Sept 2001 terrorist attacks in New York, was revived last month after 13 people were killed and more than 100 others wounded in a trio of Valentine's Day bombings that jolted Makati, the country's premier financial district, as well as two southern cities.

The successive explosions were claimed by the Abu Sayyaf, a small band of Islamic militants believed to be part of the Al-Qaeda terror network.

The proposed measure aims to tackle terrorist financing and would give security forces broader powers of search and arrest, extending the period that terror suspects are allowed to be held without an arrest warrant to 72 hours from 36.

It also seeks to lift restrictions on tapping of telephones.

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– from the Straits Times, 2 Feb 2005

**British homeowners can kill intruders in self-defence**

LONDON - British homeowners who kill or seriously injure intruders will not face prosecution, as long as their actions are within newly-defined guidelines.

A leaflet produced by prosecutors and police chiefs aims to address confusion over legislation that lets people use 'reasonable force' against intruders.

The new guidelines say householders can use weapons such as knives and guns against intruders and escape prosecution, but cannot get away with

hurting someone already unconscious or with setting a trap for an intruder.

The right to self-defence against intruders has been the subject of debate in Britain since farmer Tony Martin was jailed for manslaughter after he shot and killed a teenage burglar at his remote farm in 1999.

The main opposition Conservative Party had called for the law to be changed with charges brought against homeowners only if their force was 'grossly disproportionate'.

But Home Secretary Charles Clarke said further explanation of current laws would suffice.

Director of Public Prosecutions Ken Macdonald said it was very rare for prosecutions to be brought against people who defended themselves in their own homes.

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– ACLU email, 7 February 2005

### **Proposed bill would undermine USA's liberal tradition, says ACLU**

A proposed new Bill would undermine the United States' record as a nation of immigrants with a long, proud history of granting asylum to those fleeing from religious or political persecution, the ACLU's national internet organizer said last month.

Matt Howes, speaking for the American Civil Liberties Union, said 'security reform' legislation introduced into the US Congress threatened to make a mockery of America's tradition by forcing many asylum seekers to get supporting evidence from the very governments they were fleeing.

"This proposed bill would also expand the Patriot Act to make it possible to deport long-term permanent residents for providing non-violent, humanitarian support to organizations later labeled as 'terrorist' by the government, even where such support was completely legal at the time it was provided," Howes said.

"For example, people could be deported if they gave money to a tsunami relief organization and – years from now – the

government decided the organization was involved in terrorism-related activities."

Howes urged people to contact their (politicians) to oppose this "unnecessary assault on immigrants that would undermine our national commitment to freedom and liberty".

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– from Straits Times, 8 February 2005

### **Indonesian media slams new government curbs on press**

JAKARTA: Indonesian journalists have accused President Susilo Bambang Yudhoyono's newly-elected government of trying to silence the media by preparing legislation that would make it a crime to offend top leaders or undermine the country's guiding doctrines.

The Bill, which was drawn up by the Justice Ministry and presented to the President for his approval before being introduced in the legislature, includes harsh penalties for journalists, including prison terms of up to 15 years and fines up to 3 billion rupiah (about \$0.5m Oz).

The government says it wants to encourage more responsible reporting, according to an Associated Press report.

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– from a report by Amy Waldman in the NY Times, 8 Feb 2005

### **Nepalis lose rights and freedoms as King gains absolute power**

Nepalis now have no freedom of assembly, expression or opinion; no right to information, property or privacy; and no protection from preventive detention, the New York Times reported last month.

The government had banned any criticism of the king's action for six months, and any public comment that could affect the morale of the security agencies.

Widespread international condemnation had done nothing to slow the arrest of political and student activists, with the military insisting that the detentions were necessary to prevent protests against the king, according to reporter Amy Waldman.

The new government, installed on 3 February when King Gyanendra took over in a bloodless 'coup', acknowledges having 27 politicians under house arrest or in detention, but human rights activists say dozens more people, many of them student leaders, have "disappeared" into custody. Those who have not been arrested have gone underground or to India.

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– 17 Feb 05, from various reports

### **General pledges to uphold human rights in Nepal**

KATHMANDU: The head of the Nepalese Army has pledged to uphold human rights in the country.

His statement came as security forces stepped up their bid to smash a Maoist revolt after the King's seizing power.

General Pyar Jung Thapa's assurances came amid mounting international concern over potential rights abuses in the wake of the king's dismissal of the government and declaration of emergency rule, suspending civil liberties, Agence France-Presse reported.

"Necessary action has been taken against those involved in violation of human rights regardless of their rank and will continue," Gen Thapa is quoted as saying.

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– from FIDH\* email, 31 Jan 2005

### **UN asks Iran to improve rights of children**

A UN committee has called for Iran to improve its record on the rights and liberties of children.

The 28 January 2005 report of the UN Committee on the Rights of the Child (CRC) notes that the death penalty is still applied to children under 18 committing crimes.

The committee said it "deeply regrets that persons below 18 who have committed a crime can be subjected to corporal punishment and can be sentenced to amputation, flogging or stoning".

Iran declares females and males to reach majority at pre-determined ages of puberty, 9 for females and 15 for males. Girls from 9 to 18, and boys from 15 to 18, are therefore not protected by international CRC protocols on the rights of children.

The UN experts also expressed deep concern "at the persisting discrimination of girls and women" and notably point to the high drop-out rates of girls in rural schools on reaching puberty.

\* *International Federation for Human Rights (FIDH in French)*

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– from ACLU email, 10 Feb 2005

### **ACLU steps up support for whistleblowers**

The American Civil Liberties Union has announced a major effort to support national security whistleblowers.

As well, the ACLU is encouraging government employees – who feel they have been retaliated against for exposing misconduct or corruption – to come forward.

CLA encourages any Australian Public Servants in a similar situation to make contact. See top of this newsletter.

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– from ACLU email, 10 Feb 2005

### **ACLU charges South Dakota County with violating Native American rights**

The ACLU has filed a federal lawsuit charging the Charles Mix County Commission with violating Native American voting rights by using election districts that are unequal in population and divide the Native American community.

The ACLU lawsuit, filed on behalf of four members of the Yankton Sioux Tribe, seeks a court order that dissolves the existing district lines, creates new, nondiscriminatory districts, and calls for a special election.

Although Native Americans constitute almost one-third of the county population, lead plaintiff and tribal elder Evelyn Blackmoon said that she cannot recall any Native Americans ever serving

on the three-member county commission, each of whom is elected by the voters in a single-member district.

For more details visit:  
<http://www.aclu.org/VotingRights/>

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- from HR First email, 17 Feb 2005

### **New Bill puts refugees at risk**

A new bill, known as the REAL ID Act, threatens the ability of refugees to find safety and protection in the USA.

The bill, if confirmed into law, would undermine America's commitment to protecting people fleeing political, religious and other kinds of persecution.

The bill (H.R. 418) was passed by the US House of Representatives on 10 February 2005. It would:

- Make it much harder for refugees to prove that they qualify for asylum; and
- Bar a US federal court from prohibiting a refugee's deportation to the country where she fears harm while her asylum case is pending before that court.

If passed, a refugee would have to prove her persecutor's "central" reasons for harming her — essentially penalizing a refugee who cannot prove with unrealistic precision what is going on in her persecutor's mind;

It would also give an immigration officer or immigration judge broad leeway to deny a refugee asylum based on her "demeanor" — ignoring the fact that survivors of rape, forced abortions, or similar abuses may appear lacking in emotion or have difficulty making eye contact — or based on any inconsistencies in her prior statements, even minor mistakes in remembering dates that do not relate to her persecution or fears.

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– from NY Times, 1 February 2005

### **Judge extends legal rights for Guantánamo detainees**

– reported by Neil A. Lewis

WASHINGTON – A US federal judge has ruled against the Bush administration, declaring that detainees

at Guantánamo Bay, Cuba, were clearly entitled to have federal courts examine whether they have been lawfully detained.

The judge, Joyce Hens Green of Federal District Court in Washington, rejected the argument that federal courts could not issue writs of habeas corpus for Guantánamo that would require the government to justify the detentions before a judge.

Judge Green said that although the Guantánamo base was in Cuba, the Supreme Court definitively ruled in June that it was not out of the reach of American law as administration officials have argued.

"American authorities are in full control at Guantánamo Bay, their activities are immune from Cuban law," leaving no reason to contend that American law does not apply, she wrote.

Judge Green also declared unconstitutional the tribunals that the military established (in mid-2004) to review the detentions in the hope of satisfying the Supreme Court ruling.

She also questioned whether some of the information used against the detainees had been obtained by torture and was thus unreliable, the first time that problem has been brought up in a judicial opinion.

In June, a divided US Supreme Court ruled that the Guantánamo detainees had some rights. But the justices left open the precise nature of how those rights would be exercised.

The case before Judge Green was part of the second round of litigation to determine how the US Supreme Court ruling would affect the flood of habeas corpus petitions on behalf of Guantánamo detainees.

Although her ruling was a setback for the administration, it was balanced in some sense by a favorable ruling that the Justice Department recently received from another judge in the same courthouse.

Two weeks earlier, Judge Richard J. Leon ruled that the Guantánamo

detainees, now believed to number about 545, could not be granted writs of habeas corpus and have their detentions examined in federal court.

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- from HR First alert, 17 Feb 2005

**Indon. intelligence chief drops \$1m action against HR activist**

Former intelligence chief Hendropriyono has dropped the defamation suit against human rights defender Hendaridi.

The \$1m lawsuit followed the lawyer's comments that the intelligence agency's harassment of activists was distracting it from counter-terrorism efforts.

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- from HR First alert, 17 Feb 2005

**US wants new court to replace the international court it doesn't like**

The United States is maintaining its resistance to using the International Criminal Court to try serious crimes allegedly committed in Darfur, Sudan.

On 8 February, the US Ambassador-At-Large for War Crimes Issues met with United Nations Security Council members to endorse a US proposal of establishing an African war crimes court in Tanzania as an alternative.

The US is in a double bind: it can't endorse a case being taken to the ICC because it doesn't recognize the court; it doesn't recognize the court because it fears the court would be inundated with actions brought against the US if the court was US-recognised.

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- from NY Times, 11 Feb 2005

**Lawyer guilty of aiding terror**

Reported by Julia Preston

Lynne F. Stewart, an outspoken US lawyer known for representing unpopular defendants, has been convicted of aiding Islamic terrorism by smuggling messages from a terrorist client out of the jail where he was being held.

A US Federal judge convicted Ms Stewart on all five counts of providing material aid to terrorism and of lying to

the government when she pledged to obey federal rules that barred her client, Sheik Omar Abdel Rahman, from communicating with his followers.

After the verdict, Ms Stewart said she was stunned and vowed to appeal. She called the trial a government assault on the practice of law.

"I see myself as being a symbol of what people rail against when they say our civil liberties are eroded," she said outside the courthouse.

"I hope this will be a wake-up call to all citizens of this country, that you can't lock up the lawyers, you can't tell the lawyers how to do their jobs.

"I will fight on, I'm not giving up," she said. "I know I committed no crime. I know what I did was right."

Ms Stewart, who is 65, faces up to 30 years in jail.

The judge, John G. Koeltl, set her sentencing for 15 July.

Because she was convicted of a felony, she is immediately disbarred from practising law. She remains free on bail, but cannot travel outside New York State.

Ms Stewart was convicted on two counts of conspiring to provide material aid to terrorists, by making the views and instructions of Mr Abdel Rahman available to his followers in the Islamic Group, an organization in Egypt with a history of terrorist violence.

She was also convicted of three counts of perjury and defrauding the government for flouting federal prison rules that barred Mr Abdel Rahman, a blind Islamic cleric, from communicating with anyone outside his federal prison in Minnesota except his lawyers and his wife.

Ms Stewart's troubles arose from her work over a decade to defend Mr Abdel Rahman, who is serving a life sentence for inspiring a thwarted 1993 plot to bomb the UN, the Lincoln and Holland Tunnels and other New York landmarks.

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- NY Times, 2 February 2005



## EDITORIAL

### **The costly right to know**

Citizens who rate the Freedom of Information law as priceless had better consider this: The (US) Justice Department is demanding close to \$400,000 from a public interest foundation before honoring its request for information on a lingering mystery of 11 September – the secret numbers of immigrants who were rounded up after the terrorist attacks and never heard from as their court records were sealed.

This huge tab, presented to the People for the American Way Foundation, is well beyond established criteria and amounts to an insult to the law's intent: letting citizens in on some of the murkier things the government may be up to.

Justice officials insist that there is no easy way to provide the requested information from scores of regional offices.

The law provides for two free hours of searching, but officials presented an estimated bill steeped in Newtonian gibberish, if not outright stonewalling.

Let's see, that's 13,314.25 hours at \$28 an hour for \$372,799, plus more expenses not yet tabulated in other jurisdictions.

There are doubtlessly cheaper, simpler ways to find the extent to which the government buried court proceedings after the immigrant dragnet. We doubt that it would take that much time and labour if the White House were making the request.

Basically, the group pursuing the information wants to know how many requests the government made to seal proceedings and what rationales were offered. Vital security information is not part of the request, just an honest idea of government lawyers' resort to stealth.

It's hardly a secret that when national security is heightened, the values of government accountability, an informed citizenry and robust journalism can get short shrift.

Close to a dozen reporters, for example, have been served with subpoenas or

threatened with jail sentences in the past year for refusing to reveal confidential sources to federal investigators.

It is encouraging that two concerned members of the (US) House Judiciary Committee, Mike Pence, an Indiana Republican, and Rick Boucher, a Virginia Democrat, have proposed a Free Flow of Information Act that would mandate guidelines to rein in prosecutors.

We agree strongly with Mr Pence that journalists' promises of confidentiality are essential to the flow of information the public needs about its government.

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– from Straits Times, 4 Feb 2005

### **Muslim group calls for religious law review**

*Sisters In Islam pushing for suspension of Islamic laws treating 'sins' as a crime*

Reported by Carolyn Hong, Malaysia  
KUALA LUMPUR – The organisation, Sisters In Islam, is pushing for a suspension and review of the Islamic criminal law as the group disputes the right to punish 'personal sins' as crime.

It said parts of that law are unconstitutional and without basis in religion, citing as an example the law used to arrest some 100 Muslims in a nightspot for 'indecent behaviour'.

It argued that moral policing went against the injunctions of the Quran.

'Is it the duty of the state, in order to bring about a moral society, to turn what it considers 'sins' into 'crimes against the state'?' it asked in a letter to Malaysian newspapers.

Sisters In Islam is a controversial pressure group challenging orthodox interpretations of Islamic injunctions on issues such as polygamy.

Some Muslims in the country have also begun asking questions about Islamic offences, although few have gone as far as Sisters In Islam.

'Personal sins' can be punished as crime in Malaysia because of a power-sharing arrangement giving states the authority

to punish offences against Islamic precepts.

All states have laws on offences such as apostasy, close proximity (khalwat) between single men and women, drinking alcohol and adultery.

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– from UN Assn Aust newsletter UNity, 18 Feb 05

### **New HR organisation formed for campaigning in Australia**

Rights Australia Inc, the new national human rights campaign organisation, is an independent extension of *A Just Australia's* campaign for the reform of refugee and asylum seeker policy which was put on hold after the 2004 election.

Chair Ian Anderson said on 16 February 16: "Over this period, it has been important to review the past three years of campaigning to assess where we have had the most positive impact, and to decide where our future efforts can be directed to greatest effect.

"After gauging the current political climate, we are convinced there are many more positive gains to be made in the coming months.

"The Board of Australians for Just Refugee Programs Inc. is pleased to announce that, at its 10 February 2005 meeting, it was resolved to work with Oxfam and the Edmund Rice Centre to continue the important efforts of the *A Just Australia* campaign for reforms to our nation's refugee and asylum seeker policy and practice.

"Oxfam and the Edmund Rice Centre will sponsor and support the campaign for a further six months followed by another review of the campaign's focus and achievement of goals shared by our many individual organisational supporters, patrons and campaign allies."

The new website is on-line at [www.rightsaustralia.org.au](http://www.rightsaustralia.org.au)

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– from Canberra Times  
**Free legal advice in Canberra**

The Night Time Legal Advice Service gives free advice on any area of the law. The service operates every Tuesday night from 6-8pm.

It is run by volunteer law students and lawyers. The service is in Gould Street, Turner, and can be contacted on (02) 6247 2177.

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– from the Straits Times, 24 Feb 2005

### **Blair's anti-terrorism Bill clears first hurdle in the UK**

LONDON - Prime Minister Tony Blair's proposed anti-terrorism law, which would allow the government to place suspects under house arrest without a trial, won the backing of a majority of lawmakers today in a crucial Parliamentary vote.

They voted 309 to 233 in favour of the Prevention of Terrorism Bill, despite fears it will erode civil liberties.

But it faces further debate in the Commons in late February and stiff opposition in Parliament's upper chamber, the House of Lords, which may force the government to water down its proposals.

– from NY Times, 24 February 2005

### **Breach points up flaws in US privacy laws**

Reported by TOM ZELLER Jr.

A recently-disclosed privacy breach at the US data collection giant ChoicePoint, in which con artists gained access to the Social Security numbers, addresses and other personal data of nearly 145,000 people, has exposed the shortcomings of the laws governing the data-mining industry and consumer privacy.

Tom Zeller, in the NY Times, reported that the company has mailed notification letters to the people whose privacy is known to have been compromised, and at least one lawsuit has been filed seeking class-action status for consumers whose information was leaked.

A Nigerian man in Los Angeles has been sentenced to 16 months in California

state prison for his role in the fraud after pleading no contest to a single count of unlawful use of personal information, according to the newspaper.

“But whatever the specific legal fallout of the ChoicePoint breach, the bigger effect may be its exposure of the patchwork of sometimes conflicting (US) state and federal rules that govern consumer privacy and commercial data vendors,” Zeller wrote.

“In recent days, (US) state and federal regulators and lawmakers have started calling for an updating of those rules, which never envisioned the current power of data gatherers to amass and distribute vast digital dossiers on ordinary citizens.

“If a person has held a job, held a lease, obtained a driver’s licence, carried a credit card, been fingerprinted, taken a drug test, gone to court, or simply received mail – odds are that those and many other of his or her recordable details are now stored in one or more consumer databases and available for sale.

“Beyond fraud artists, the buyers might be landlords, prospective employers or other customers of ChoicePoint, LexisNexis and the other big data brokers that offer one-stop shopping for clients seeking background data on tens of millions of individuals throughout the (United States).”

The NY Times reported critics as saying the current laws, in focusing too closely on industry-specific uses of information, like credit reports or medical data, rather than on protecting the privacy of the individuals in the databases, have failed to keep pace with the emergence of (the big) data miners.

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– from ACLU email, 25 Feb 2005

**ACLU in US Federal Court over torture ‘FOI’ requests**

US Army files obtained by the American Civil Liberties Union reveal previously undisclosed allegations of abuse by US soldiers in Iraq and Afghanistan.

Among the documents are reports that a detainee who was beaten and seriously injured was forced to drop his claims in order to be released from custody.

The release of these documents follows a federal court order that directed the US Defense Department and other government agencies to comply with a year-old request under the Freedom of Information Act (FOIA) filed by the ACLU, the Center for Constitutional Rights, Physicians for Human Rights, Veterans for Common Sense and Veterans for Peace.

The New York Civil Liberties Union is co-counsel in the case.

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– from ACLU email, 25 Feb 2005

**Holy Moses! ACLU wants to remove God from government in the US**

The US Supreme Court is expected to hear oral arguments on Tuesday 1 March over the constitutionality of ‘ten commandments’ displays on US government land and buildings in two separate cases, including a successful challenge by the ACLU of Kentucky to a courthouse display.

“The Ten Commandments advocate believing in God, observing the Sabbath and not worshipping idols,” said David A. Friedman, general counsel for the ACLU of Kentucky, who argued the case before the appeals court, noting that different faiths have different versions of the document.

“Those are religious beliefs that should be left to each individual.

“Especially in a courthouse, people should not be made to feel like outsiders in their own community because they may not share the prevailing religious view.”

The case is McCreary County v. ACLU, 03-1693. For more information on ACLU cases in the Supreme Court, visit: <http://www.aclu.org/supremecourt?orgid=n&MX=1949&H=0>

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– from ACLU email, 25 Feb 2005

**ACLU of Northern California helps end program to track students**

The Sutter (California)-based company InCom announced on 15 February 15 2005 at a packed special school district meeting of the Brittan School Board that it would end its pilot program to require students to wear Radio Frequency Identification (RFID) badges that track the students' movements.

The decision came after the ACLU of Northern California and other organizations urged school officials to end the program after being contacted by several parents.

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-from ACLU email, 25 Feb 2005

**City of Omaha settles suit out of court**

A case involving a Muslim woman who was not allowed to enter a public swimming pool last summer due to her religious clothing has been settled out of court.

The city policies in place at the time of the lawsuit did not permit anyone to enter a swimming pool unless they were wearing a bathing suit.

Lubna Hussein came to the pool with her small daughters to watch them swim and did not intend to swim herself.

Ms Hussein observes Muslim dress requirements for women by wearing modest clothing and a head scarf to cover her hair.

In future, she and others will be able to enter the pool not wearing a swim suit! *(well, you know what they mean)*

"I am so pleased at this change in policy," said Lubna Hussein.

"My little girls have been waiting for a chance to try out the water slides and they'll finally get the opportunity this summer. We're happy to feel like part of the community again."

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- NY Times, 27 February 2005

**Mexico reopening inquiry in death of rights lawyer's death**

Reported by James C. McKinley Jr.

MEXICO CITY 25 Feb 2005 - Bowing to a court decision, prosecutors here have reopened the investigation into the death of Digna Ochoa, a human rights lawyer who was found shot dead in her office in 2001 after receiving many threats.

Two investigations by Mexico City prosecutors determined that Ms Ochoa, 37, had killed herself, even though she had been shot twice, once in the leg and once in the head, and an anonymous note was found at the scene threatening additional attacks against human rights campaigners.

Ms Ochoa's family has never accepted the official explanation of her death as a suicide, elaborately staged to resemble a homicide.

This week, they finally persuaded a judge to order prosecutors to re-examine the forensic evidence in the case.

Last week, the attorney general for Mexico City, Bernardo Bátiz, issued a curt bulletin saying that his office would "repeat certain diligences" without delay. Prosecutors declined to elaborate on their reasons for reopening the case.

Jesús Ochoa, Ms Ochoa's brother, said he had little confidence that the prosecutor's office would reach a new conclusion, but he was happy investigators would at least review the forensic evidence they had amassed.

"We don't have any confidence in the attorney general's office, nor in the attorney general, because in recent newspaper stories they have continued with the hypothesis it was suicide," he said. "They are practically married to this hypothesis, and they will not change it even if they reopen the case."

Ms Ochoa, a former nun who represented poor farmers against powerful government interests in Guerrero State, was discovered slumped over in her office in Mexico City on 19 October, with two bullet wounds from a gun fired point-blank and with her hands sheathed in rubber gloves.

A pistol prosecutors maintain belonged to her was under her body. No sign of forced entry was found.

Suspicion initially fell on the government, because Ms Ochoa's work had uncovered torture and other abuses by the military and the police.

But prosecutors determined that she had been depressed and had killed herself, first shooting herself in the leg with her right hand, then falling to her knees and shooting herself in the head with her left hand.

ENDS ##### ENDS ##### ENDS #####

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