

- email newsletter of Civil Liberties Australia
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– from Pres. Kris Klugman, 16 Apr 05

Crime and punishment ‘live’ at Guantanamo Bay

I can’t say I ‘enjoyed’ the talk by Stephen Kenny. Appalled, horrified and depressed would more accurately describe my reaction and that of the audience at the National Library of Australia on Thursday night 14 April.

Kenny, former lawyer for alleged-but-not-convicted terrorist David Hicks of Adelaide, has strong civil liberties and aboriginal land title credentials.

He started his talk at the NLA in Canberra in a light-hearted vein, giving an example of the iron control exercised by the GB authorities – the books he carried in on several occasions were banned, books with titles such as *A Fatal Shore*, *Breaker Morant* and *Catch 22*.

Indeed, this literary censorship is indicative of the management of GB, which flies in the face of the Geneva Convention – with no appeal possible.

In the war on terror, torture is rationalised as self-defence. Kenny described and demonstrated the practice of long and short ‘shackling’, when a prisoner is forced to squat in chains for 6-7 hours. Solitary confinement is common. Concrete cells are 3m by 2m.

Admissions of guilt induced under torture have been proven in several cases involving UK suspects to be untrue.

Amazingly, the US administration has 500 hours of 24,000 interrogations on video. When the American Civil Liberties Union (ACLU) asked for the tapes to be released, release was refused on the grounds of privacy!

Now that the US Supreme Court has decided – after Abu Ghraib atrocities were revealed – that such incarceration is unlawful, the US administration has

resorted to ‘rendering’ (transferring) suspects to countries which use torture in interrogations.

Any objection to these actions taken in the war on terror are deemed to be un-American and unpatriotic – in a situation reminiscent of Nazi Germany.

Shamefully, the Australian government is the only one not to have demanded our nationals be repatriated.

Finally, even if all the detainees at GB are in fact terrorists and murderers, which has not been proven because trial is denied, the degrading and brutal treatment they are subject to is not justified in any human rights terms.

Further, the situation exacerbates the violent hatred in the Arab world of all things American and so is completely counter-productive.

I fervently hope the voice of the ACLU is finally heeded.

The Independent Scholars Association of Australia (ISSA) is to be congratulated for organising this enlightening if distressing lecture.

– Kris Klugman

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NY Times wants major changes to US Patriot Act against terrorism

“The (Patriot) act, which was rushed through the US Congress after the 11 September attacks, gives (the US) government too much power to invade the privacy of ordinary Americans and otherwise trample on their rights,” according to an editorial in the New York Times last month.

See a précis of the article, and detailed analysis of Patriot Act flaws, at the end of this month’s CLA email bulletin.

The Australian equivalent – the ASIO Legislation Amendment (Terrorism) Act 2003 – also features a ‘sunset clause’ like the Patriot Act.

The ASIO Act is due for review by 26 June 2006. Look for an article (on the information the community needs before the review) in the June CLArion.

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– from UNity, newsletter of the UN Assn of Australia, 14 April 2005, No. 415

NGOs call for total revamp, and a stronger human rights body

UN member states should move quickly to establish a stronger human rights body as recommended by UN Secretary-General Kofi Annan, according to 15 leading human rights organisations in a joint statement made in Geneva on 12 April.

The NGOs argue that the new body should:

- Respond quickly to human rights crises year-round;
- Respond effectively to early warnings by taking preventive action;
- Ensure follow-up and implementation of country-specific commitments and decisions; and
- Provide a more comprehensive supervisory framework and continue to develop human rights standards and norms.

The organisations making this statement were Amnesty International, Association for the Prevention of Torture, Baha'í International Community, Centre on Housing Rights and Evictions, Colombian Commission of Jurists, Dominicans for Justice and Peace, Federation Internationale des Ligues des Droits de l'Homme, Franciscans International, Human Rights Watch, International Commission of Jurists, International Service for Human Rights, Lutheran World Federation, Organisation Mondiale Contre la Torture, Friends World Committee for Consultation (Quakers) and Rights Australia.

The full text of the statement is at: www.rightsaustralia.org.au/issues.php

For more information, contact Howard Glenn, Executive Director, Rights Australia

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- 28 April 2005

Beware identity theft: it's rising rapidly, says ATO

Identity thieves are targeting government computer systems and databases to steal identities, Deputy Tax Commissioner Michael Monaghan told a Canberra conference today.

He said criminals were increasingly stealing confidential personal details and documents to try to submit fraudulent tax returns.

They were harvesting personal details over the internet, and by internal fraud, stealing wallets and 'dumpster diving' (sorting through rubbish for confidential information).

"Large-scale identity takeovers are on the increase," Mr Monaghan said.

ATO figures showed tax fraud using false identities had surged from about 14 per cent of cases investigated in 2002-03 to more than 30 per cent in 2004-5...and the percentage was continuing to rise.

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– from ACLU email, 13 April 2005

310,000 personal data records reported stolen

US-based data broker LexisNexis reported in April that personal information on 310,000 US citizens may have been stolen.

The LN report follows similar admissions from two other US data-broking companies in recent months.

The revelations came at the same time that some Members of Congress were pushing legislation to compile an individual's most personal information, such as name, address, social security number and perhaps even DNA, into a national database.

The giant network would then be accessible by numerous government officials and shared with Mexican and Canadian bureaucracies, dramatically increasing the risk of personal information being stolen and abused, according to the ACLU.

The proposed legislation would create a national system to store personal contact information and personal biometric

information, which could include fingerprints, DNA or retinal scans.

It would drastically alter who has access to personal information in the Americas, the ACLU claims.

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– NY Times, 15 April 2005

EDITORIAL (précis)

Identity thieves' secret weapon

But for a single innovative law in California, (the USA's) consumers might not even be hearing some of the more outrageous news about mass heists of supposedly secure computer information from reputedly trustworthy sources:

LexisNexis gently announces about 32,000 suspected thefts of identity data, which soon balloon to 310,000.

ChoicePoint, a data broker and credit reporting agency with access to 19 billion records, lets 145,000 consumers know their personal data may have been stolen.

These are among hundreds of thousands of warnings to vulnerable Americans surfacing mainly because California has a law requiring that consumers be notified when their personal data are pilfered.

There is no such US federal law, even though identity theft produces \$US50 billion a year in personal and business losses.

...The nation needs tight regulation of the security and business practices of data brokers and credit agencies, and a ban on the easy access and sale of Social Security numbers without individual consent.

Consumers, not data dealers, deserve controlling interest in their vital information.

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- from The Independent, 18 April 2005

Police chief told to butt out of identity card politics

London's police chief Sir Ian Blair got into hot water in mid-April for appearing to support the UK Labour Government's

proposed introduction of identity cards for Britons.

Shami Chakrabarti, director of UK civil rights group Liberty, told the Metropolitan Police Commissioner to stay out of the political debate.

"Law enforcement and other vital services must remain politically neutral - especially during an election campaign," Chakrabarti said.

UK Labour's campaign coordinator, Alan Milburn, confirmed that the party would reintroduce ID card legislation immediately after the election if it wins.

The UK election is scheduled for 5 May.

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- from The Times, 27 March 2005

Met police chief says force has to target Asians

Reported by Andrew Porter and David Leppard

BRITAIN'S most senior police officer admitted recently that his officers are specifically targeting Asians in the fight against Al-Qaeda terrorists.

Sir Ian Blair, the Metropolitan police commissioner said: "If you are looking for co-conspirators of Al-Qaeda, the chances are you are looking for someone of an Asian appearance".

However, he denied his officers had sharply increased incidents of stop and search against ethnic minorities.

UK PM Tony Blair, warning of the continuing high threat posed by Al-Qaeda, said in an interview for *Whitehall and Westminster World*, a civil servants' journal: "This is not a world war two 'show me your papers' style procedure, this is just one element of the debate to find the balance on civil liberties and protection. The greatest human right is not to be blown to pieces."

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- from Time, 25 April 2005

Extending the no-fly list raises foreign hackles

Reported by Brian Bennett

The US no-fly list, which singles out passengers who are potential terrorist threats, has expanded dramatically.

Aviation sources say the list has grown to more than 31,000, up from 19,000 in September 2004.

An incident on 8 April, involving a KLM 747 flight from Amsterdam to Mexico City, may result in the list being used even more aggressively.

American authorities refused to allow the aircraft to enter US airspace because the Department of Homeland Security discovered after the flight had taken off that two of its passengers were on the no-fly list.

US government sources said the two were Saudi men who had undergone pilot training with 11 September 2001 hijacker Hani Hanjour.

The flight turned back and landed in London, where Dutch authorities questioned the two men and allowed them to go because they were not on any Dutch watch list.

In the wake of the KLM incident, the US Transportation Security Administration is seeking to expand the use of the no-fly list, proposing that all foreign airlines – even those not flying to a US destination – check their manifests against the list if they are flying over US airspace.

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– from UNity, cited above

Nepal: Amnesty International, Human Rights Watch and the International Commission of Jurists have welcomed the signing of a Memorandum of Understanding between the Government of Nepal and the UN High Commissioner for Human Rights providing for deployment of an international human rights presence to Nepal.

The agreement calls for UN offices to be established in Kathmandu and in regional centres to help establish accountability for rights abuses and prevent further violations by both government forces and Maoist rebels, who have been locked in a civil war since 1996.

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- from Washington Post, 26 April 2005

Florida widens leeway for using guns in self-defense

Reported by Manuel Roig-Franzia

MIAMI – Florida's Republican Governor Jeb Bush has signed into law a new bill to allow Floridians to "meet force with force," erasing the "duty to retreat" when they fear for their lives.

The Florida measure says any person "has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm."

Florida law previously let residents defend themselves against attackers if they could prove they could not have escaped.

The new law would allow them to use deadly force even if they could have fled.

Florida has 17 million people, and the State has issued more than 1 million permits to carry guns.

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– from Human Rights First, 30 March 05

Russian HR activist branded terrorist sympathiser for Chechnya support

Russian human rights advocate Oksana Chelysheva has received death threats.

The threats are just the latest in a succession of efforts to intimidate and obstruct her human rights organization in the media and through application of repressive laws.

On 14 March 2005, Ms Chelysheva, deputy director of the Society for Russian-Chechen Friendship in Nizhny Novgorod, found on her doorstep a disturbing flyer.

The flyer, which had been distributed throughout her town, called her "shameful and contemptible," a "beast," and a "supporter of terrorists."

The flyer also included her home address and called on fellow citizens to join in a fight against her.

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- from The Times, 12 April 2005

Civil liberty doubts over database of DNA in England and Wales

The England and Wales National DNA database (NDNAD) has revolutionised policing but could pose a serious threat to civil liberties, *New Scientist* says in its 9 April edition.

The database holds the DNA profiles of nearly 3 million people, and in the past decade it has matched almost 600,000 suspects with crimes.

However, some experts are worried that the database is not subject to public scrutiny, despite its gradual expansion.

When NDNAD was set up in 1995, samples and profiles were destroyed if suspects were acquitted.

After a series of changes to the law, NDNAD is now allowed to keep the profiles and samples of anyone who is arrested, whether or not they were charged, and those of people who volunteer samples during a police sweep.

Police statistics show that hanging on to the DNA profiles of acquitted suspects can solve crimes: since 2001, more than 7,000 of the 175,000 profiles in this category have been connected with crimes.

On the other hand, says the magazine's editorial, a database built on profiles of people who have been arrested at some point is "a haphazard, discriminatory system".

For example, NDNAD contains the DNA of 8 per cent of adult white men, and 32 per cent of adult black men.

"Does this reflect the real balance of criminals in the UK, or merely who the police think commits crimes," NS asks.

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- from The Independent (UK), 25 April 05

'Untruthful' Blair may win, but scandal storm gathers

British Prime Minister Tony Blair is coming under increasing criticism as he looks likely to steer Labour to another election victory early this month.

The Independent in particular has swung against a man who originally made his reputation and won office on plain, simple and truthful speech.

And Blair's alleged lack of respect for civil liberties is one of the reasons for the paper's attack on him:

"As we race towards election day, the Prime Minister, Tony Blair, is ever more clearly exposed for what he really is," Andreas Whittam Smith reported in The Independent last week

"Thus far, we have learnt that he is untruthful (see the the Prime Minister's admission that he named {suiciding scientific adviser} Dr David Kelly in the interview with Jeremy Paxman on BBC 1).

"He has no regard for civil liberties (see the anti-terrorism legislation passed in the final days of the last Parliament).

"He has opened the door to torture of terrorist suspects (see the report by the Foreign Affairs Committee of the House of Commons published this month)."

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– from NY Times, 23 April 2005

US city rejects FBI, pulls out of anti-terrorism task force

Reported by Sarah Kershaw and Janine Robben

Citing irreconcilable differences with how the FBI operates in a post-11 September 2001 world, city officials of Portland, Oregon, in the US have announced they will pull their police officers out of an FBI-run anti-terrorism task force.

Federal officials said no other city had taken such an action.

Mayor Tom Potter, a Democrat and former Portland police chief, along with several city commissioners, said they expected the City Council to approve the move in late April.

Mr Potter said that several sticking points in negotiations with the FBI over how investigations are conducted and who has "top secret" security clearance had prompted his decision to remove two city police officers, now detailed to

the anti-terrorism task force, from under the auspices of the FBI.

The move by Mayor Potter is not the first time that Portland, which has often shown an independent streak, has clashed with the FBI.

In November 2001, the Portland Police Department announced that its officers would not cooperate with the government's efforts to interview thousands of Muslim men in the wake of the 11 September terror attacks.

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– from ACLU email, 26 April 2005

Patriot Act needs 'carefully calibrated changes' to protect freedom

In a rare public oversight hearing on the Patriot Act last week, the American Civil Liberties Union (ACLU) renewed its call for changes to the 2001 anti-terrorism measure to bring it back in line with the US Constitution.

"Carefully calibrated changes to the Patriot Act are needed to protect our freedoms," Gregory T. Nojeim, associate director of the ACLU Washington Legislative Office, told the US Senate Select Committee on Intelligence.

Several key provisions of the Patriot Act are set to expire at the end of the year, and both US chambers of Congress are holding hearings to examine the Patriot Act.

The ACLU has led the national call for review and reform of the Patriot Act to ensure that law enforcement tools needed to prevent terrorism do not sweep up personal information about innocent Americans.

"Security and liberty are not mutually exclusive," said Nojeim.

"We hope that Congress can cut through the secrecy and see that the Patriot Act went too far, too fast, and must be amended to protect freedom."

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– from ACLU email, 26 April 2005

Government can't use 'secrecy' claim to avoid whistleblower lawsuit

An FBI language specialist fired after reporting serious security breaches should be able to go ahead with her case against the government, the ACLU has argued before the District of Columbia (DC) Circuit Court of Appeals.

The ACLU challenged the government's "radical theory" that every aspect of Sibel Edmonds' case involved state secrets and so could not go forward.

Edmonds, a former Middle Eastern language specialist hired by the FBI shortly after (the 11 September 2001 Twin Towers aircraft attack) was fired in 2002 after repeatedly reporting serious security breaches and misconduct.

Edmonds challenged her retaliatory dismissal by filing a lawsuit in federal court, but her case was dismissed last July after then US Attorney General John Ashcroft invoked the so-called "state secrets privilege," and retroactively classified briefings to Congress related to her case.

A long-awaited summary of the Inspector General's investigation into Edmond's termination concluded that Edmonds' whistleblower allegations were "the most significant factor" in the FBI's decision to terminate her.

"The Justice Department's own Inspector General has now concluded publicly that the FBI fired Edmonds for reporting agency misconduct," said Ann Beeson, associate legal director of the ACLU.

"Clearly the FBI is using secrecy not to protect national security but to avoid accountability for its own mistakes."

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– from NY Times, 25 April 2005

Numbers in US jails increase 2.3 per cent in 12 months

Reported by The Associated Press
WASHINGTON – America's prisons and jails held 2.1 million people in mid-2004, 2.3 per cent more than the year before, according to the US Bureau of Justice.

The inmate population increased by 48,000 from mid-2003 to mid-2004, a growth of about 900 inmates a week.

While the crime rate has fallen over the last decade, the number of people going to prison and jail is outpacing the number of inmates released, said an author of the report, Paige Harrison.

Ms Harrison said the increase was largely due to get-tough policies enacted in the 1980s and 1990s.

Among them are mandatory sentences for drug crimes, "three strikes and you're out" laws for repeat offenders and "truth in sentencing" laws that restrict early releases.

The Justice Policy Institute, which advocates leniency rather than jail, said the US had the highest rate of incarceration in the world, followed by Britain, China, France, Japan and Nigeria.

In 2004, nearly 60 per cent of prison and jail inmates were racial or ethnic minorities, the report said.

An estimated 12.6 percent of all black men age 25 to 29 were in jails or prisons, compared with 3.6 percent of Hispanic men and 1.7 percent of white men in that age group, the report said.

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– from Human Rights first, 30 March 05

Harassment and death threats against Buddhist monk Thich Thien Minh

The World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) have expressed deep concern about acts of harassment and death threats against Buddhist monk Thich Thien Minh.

Reports say Thich Thien Minh, a member of the Unified Buddhist Church of Vietnam (UBCV), has been subjected to continuous harassments by security police since he was released in a government amnesty after 26 years in re-education camp.

In particular, he has received repeated phone calls threatening him with death if he did not cease all contacts with overseas human rights organisations and if he did not stop denouncing Vietnam's human rights and religious freedom violations in the foreign media.

Security police allegedly maintained his house under 24-hour surveillance, followed him everywhere and questioned all his visitors.

Recently, security agents placed a jamming machine in a nearby house to prevent him using a mobile phone. All his correspondence was confiscated.

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– from FIDH email, 31 March 2004

Precis of a report to the recent 61st session of the Human Rights Commission, sitting in Geneva.

Human rights violations occur throughout the world – no state has a perfect human rights record.

However FIDH expressed particular concern about the human rights situations in the following countries:

Myanmar: Systematic violations of human rights. More than 1300 political prisoners still in prison in Myanmar.

Nepal: Under a State of Urgency declared in February 2005, human rights defenders, journalists and political opponents are systematically harassed and subject to arbitrary detention. Freedoms of expression, information, movement and of peaceful assembly are massively infringed upon.

China: Chinese authorities continue to repress all dissenting voices and crack down on pro-democracy activists, cyber-dissidents, journalists, workers, lawyers, underground churches, and religious practitioners such as the Falun Gong.

Iran: In 2004, the judiciary increasingly curtailed freedom of expression of human rights defenders, journalists, writers and students expressing critical view regarding the government's policy. Although progress was made in law to ban resort to torture, the practice remains.

Guatemala: Threats and harassment continue to multiply against human rights defenders (campaigning for) respect of trade union rights and the right to land.

Cuba: Prisoners of conscience still linger in jails. There is concern for the situation

of human rights defenders, journalists and political opponents.

Russia: There has been a serious rollback of the rule of law and human rights throughout Russian territory. FIDH is asking for an international mission to gather information on violations of human rights on Chechnya and report on that matter to the Commission on Human Rights and the General Assembly of the UN.

Belarus: In 2004 the human rights situation in Belarus significantly deteriorated. Repression against political opponents increased, new discriminatory laws were adopted, freedom of expression was curtailed and violations of freedom of association and peaceful assembly continued.

Sudan: There are continuing violations of human rights and international humanitarian law in Darfur. The conflict, described by the United Nations as one of the "world's worst humanitarian crises", has resulted in the death of an estimated 70,000 people, for the most part civilians, and displaced 1.65 million others.

United States of America: There is concern over the conditions of detention and the use of torture in prisons under the jurisdiction of the United States of America in Guantanamo, Iraq and Afghanistan.

Iraq: There are grave concerns over the general human rights situation in Iraq and a need to urge all parties to:

- ensure effective respect of the right to life, physical integrity and security in accordance with international human rights law
- ensure the right to a fair trial for the accused and the right to access for victims to the Iraqi Special Tribunal; and
- ratify all relevant instruments for the protection of human rights.

Cote d'Ivoire: Three mass graves with one hundred corpses were discovered in August 2004 in Korhogo, an area under the control of rebels in Northern Cote d'Ivoire. Fighting resumed on 4 November 2004 between the Governmental forces and the rebels

leading to anti-French riots in Abidjan carried out by 'Young Patriots' but also a disproportionate reaction by the French Army, costing dozens of lives among the Ivorian civilian population.

Togo: In Togo, a coup d'état attempt resulted in numerous massive violations of human rights committed by police forces against political opponents and civilians. Brutal and deadly repression of various peaceful demonstrations caused the death of at least 9 civilians. As well, there were allegations of rape and sexual assaults during the same demonstrations, plus arrest of students and citizens, and closure for several days of independent private media.

DRC: In Democratic Republic of Congo, mass violations of human rights are still committed by armed militia, sometimes supported by foreign countries, in the Eastern part of the country, in particular in Ituri and Kivu. The civilian population, subject to murder and rape, are forced to flee their homes to escape the combat zones, and endure very precarious living conditions.

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– ACLU email, 05 April 2005

US Congressmen plan to wind back Patriot Act excesses

Members of the US Congress are introducing bipartisan legislation to fix problems in the Patriot Act without weakening the new authority it provided to fight terrorism, according to Matt Howes, the national internet organizer for ACLU.

The new legislation -- the Security and Freedom Ensured (SAFE) Act -- would surgically add key checks and balances, like court review, on some of the Patriot Act provisions most prone to abuse.

"The Patriot Act was passed 45 days after the 11 September attacks with virtually no debate or discussion," Howe said.

"Now, thanks to this act and other Bush Administration actions, the government has significant new powers to conduct secret searches and gather information without proper judicial review."

In 2003, for the first time in history, the American government used more secret intelligence wiretaps – which have fewer checks against potential abuse – than criminal wiretaps.

Concerned that the government is using its secret intelligence powers to circumvent the constitution, several Members of Congress are planning to introduce the SAFE Act to help ensure that the government does not abuse its counter-terrorism powers.

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– from NY times, 5 April 2005

Judges fail to rise to the bait on drug-sniffing dogs

Reported by LINDA GREENHOUSE

WASHINGTON – The US Supreme Court decided last month to not take on a case from Texas that posed this question: can the police bring a trained dog to stand outside a private home and sniff for drugs?

American law is clear on some points: US police need a warrant before aiming a heat-detecting device at a private home in an effort to find out whether marijuana is growing inside under high-intensity lights.

But police do not need a warrant before permitting a trained dog to sniff a car, or a piece of luggage at an airport, in order to detect drugs.

The US Supreme Court offered no explanation for declining to hear an appeal from David G. Smith of Houston, whose supply of methamphetamine in his garage was detected by a trained dog.

After the dog was walked up Mr Smith's driveway and signaled the presence of drugs behind the lower corner of the garage door, the Harris County Sheriff's Department obtained a search warrant and found the drugs and other criminal evidence.

A state appeals court rejected Mr Smith's appeal, upholding his conviction and his sentence to 37 years in prison.

The US constitutional question in all such cases is whether the canine sniff is,

under the circumstances, a search within the meaning of the Fourth Amendment; if so, it requires probable cause or a warrant.

The US Supreme Court has never categorically held that a sniff is not a search, and although the judges last month made no law, the case itself offered a window into the growing use of trained dogs and some of the legal issues the practice raises.

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- from Time, 25 April 2005

Female rights flower among desert Arabs

Reported by JULIE RAWE

In a country where women are not allowed to drive or vote, Saudi Arabia's top religious leader took a step towards equality last month when he banned forcing women to marry against their will.

Calling such coercion "un-Islamic" and "a major injustice," the kingdom's Grand Mufti, Sheik Abdul Aziz al-Asheik, proclaimed that fathers and male guardians who try to force their daughters into wedlock should be thrown in jail until the men change their minds.

He made it clear that forced marriages originated as a pre-Islamic custom and are antithetical to Sharia law, which stipulates that a woman must consent to a marriage or else it is not considered valid.

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- from UNity, email newsletter of the UN Assn of Australia, 29 April 2005

Woman stoned to death in Afghanistan

Discrimination against women in Afghanistan would continue to have grave consequences until the government took concrete steps to end it, said Amnesty International following the killing by stoning of a 29 year-old woman accused of adultery.

The killing late last month is alleged to be the first incident of the execution of a woman for committing adultery since the removal of the Taliban regime in late 2001.

According to eyewitnesses, the 29-year old, named only as Amina, was dragged out of her parent's house in Urgu District, Badakhan province, by her husband and local officials before being publicly stoned to death.

The man accused of committing adultery with her is alleged to have been whipped 100 times and freed.

According to reports, Amina was condemned to death by local court and then killed less than 48 hours later.

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– from NY Times, 27 April 2005

Bowing to critics, US will alter design of electronic passports

Reported by Eric Lipton

WASHINGTON – Responding to fears raised by privacy advocates that new electronic passports might be vulnerable to high-tech snooping, the US State Department will modify the design so that an embedded radio chip holding a digitized photograph and biographical information is more secure.

The move comes after protests by groups as diverse as the American Civil Liberties Union and the Association of Corporate Travel Executives.

They argued that the proposed new electronic passports, which would 'broadcast' personal information to speed processing of travelers, would have served as a virtual bull's-eye for terrorists or others who wanted to harm Americans.

Frank E. Moss, deputy assistant secretary of state for passport services, said in an interview yesterday that government tests confirmed privacy advocates' suspicions that the electronic passport might be vulnerable to so-called skimming from a greater distance (1 metre) than officials had previously said (just a few centimetres).

To prevent that, the special electronic passport readers used by Customs officials in the USA and their counterparts around the world would use data printed on the new passport to effectively unlock the radio chip before it

would transmit the personal electronic information it holds, Mr Moss said.

The personal data flowing to the passport reader would also be encrypted, so that someone trying to use an unauthorized electronic reader in the area could not intercept and decipher the identity of the passport holder, he said.

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– from NY Times, 6 April 2005

White House restricts oversight of CIA's senior Al Qaeda detentions

Reported by Douglas Jehl

WASHINGTON – The US White House is maintaining extraordinary restrictions on information about the detention of high-level terror suspects, permitting only a small number of members of Congress to be briefed on how and where the prisoners are being held and interrogated, the NY Times reported senior US government officials as saying.

Some opposition Democratic members of Congress say the restrictions are impeding effective oversight of the secret program, run by the Central Intelligence Agency (CIA) and believed to involve about three dozen senior Qaeda leaders at secret sites around the world.

By law, the White House is required to notify the US House and Senate Intelligence Committees of all intelligence-gathering activities.

But the White House has taken the stance that the secret detention program is too sensitive to be described to any members other than the top Republican and Democrat on each panel.

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– from UNity, newsletter of the UN Assn of Australia, 8 April 2005, No 414

Death penalty: 3797 executed in 2004

Amnesty International (AI) reports that during 2004 more than 3797 people were executed in 25 countries and at least 7395 were sentenced to death in 64 countries.

Releasing its annual worldwide statistics on the use of capital punishment, AI

called on the UN Commission on Human Rights to condemn the death penalty as a violation of fundamental human rights.

A few countries accounted for most of the 2004 executions.

China executed at least 3400 people, but sources inside the country have estimated the number to be near 10,000.

Iran executed at least 159, and Viet Nam at least 64. There were 59 executions in the USA, down from 65 in 2003.

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– from UNity, cited above

Annan calls for overhaul of UN's Human Rights Commission

The UN must scrap its current, much-criticised human rights agency and start fresh with a new one in order to restore credibility and effectively promote rights worldwide, UN Secretary-General Kofi Annan told the UN Human Rights Commission in Geneva, on 8 April, according to the UNity email newsletter.

Mr Annan said it had failed to protect human rights, especially in Sudan's war-torn Darfur region, and that it should be replaced with a new council that can meet human rights challenges as they arise.

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– from UNity, 29 April 2005-04-30

Australia gives aid money to help protect human rights

The Australian Government has announced aid grants to several places, including for protection of human rights.

Among the grants was one for the Asia Pacific Region: \$270,000 to the United Nations Office of the High Commissioner for Human Rights (OHCHR) to protect human rights, with \$150,000 going to establish a new Pacific office of OHCHR in Suva; the balance going to the OHCHR National Institutions Unit to support existing independent human rights bodies in Asia and the Pacific.

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– from Human Rights First email, 21 April 2005

Chechen HR group faces closure as leader faces court appearance

The Chechen Committee for National Salvation (CCNS), a Russian human rights organization, once again faces closure under a counterterrorism law passed soon after the New York Twin Towers aircraft attacks on 11 September 2001.

On 27 April 2005, the organization's chairman, Ruslan Badalov, will go to court to face accusations that CCNS violated the law 'On Countering Extremism' by issuing press releases describing government violations of human rights.

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– from NY Times reviews by William Safire, 10 April 2005

No Place To Hide by Robert O'Harrow Jr, 348pp, The Free Press, \$US 26;

CHATTER: Dispatches from the Secret World of Global

Eavesdropping by Patrick Radden Keefe, 300pp, Random House, \$US 24.95

These two books lift the lid on how individual privacy is almost an entirely lost cause in the data-driven United States....and, in fact, worldwide.

It is likely that much of what is said in them about the USA applies in almost exactly the same way in Australia.

No Place To Hide is apparently a well-researched, soberly-presented analysis of everything that is threatened by the ability of computers to link data such as purchases, web sites accessed, emails sent and received and bank transactions.

William Safire of the NY Times described O'Harrow's book as "eye-opening" and said "(the book) might just do for privacy protection what Rachel Carson's '*Silent Spring*' did for environmental protection nearly a half-century ago".

Safire was less complimentary towards the other book, but the book does pose the question of what to do about 'Echelon', the top secret surveillance network created in 1948 and conducted

by the USA and Australia, the UK, Canada and New Zealand

'Echelon' and its successors have probably grown dramatically in power and influence since the Twin Tower plane crashes in New York on 11 September 2001...but how do we know how big 'Echelon' is, how much it has expanded, and what it now can do, and what it now does?

Does 'Echelon' spy on individuals, privately? There are web sites which suggest a number of presidents and prime ministers have used 'Echelon' inappropriately for very political or just plain private reasons.

(see, for example, <http://fly.hiwaay.net/~pspoole/echelon.html>)

– Bill Rowlings

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UPCOMING:

25 MAY: Memorial Alice Tay Lecture in Human Rights and Law, by Professor Jim Ife on *A Culture of Human Rights and Responsibilities*.

He is the Haruhisa Handa Professor of Human Rights Education and Head of the Centre for Human Rights Education at the Curtin University of Technology, WA.

The lecture is co-sponsored by the Herbert and Valmae Freilich Foundation and by the Human Rights and Equal Opportunity Commission.

Venue: Theatre, Parliament House, Canberra at 6.30pm. RSVP: Dr Benjamin Penny, Executive Officer, Freilich Foundation, phone 02 6125 5527 or fax 02 6248 0054 or to Jan Payne, Human Rights and Equal Opportunity Commission E-mail: janpayne@humanrights.gov.au

25 MAY: Address by former UN Ambassador and Secretary of DFAT, Richard Woolcott, on the 60th Anniversary year of the founding of the UN. Venue: ACT Legislative Assembly. Info: ACT Division of United Nations Association of Australia. Ph: (02) 6247 4499 or (02) 6232 7653.

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SPECIAL FEATURE:

– précis, from NY Times, 10 April 2005

EDITORIAL (what the NY Times says)

Revising the Patriot Act

When Attorney General Alberto Gonzales, who is not exactly a renowned civil libertarian, says the Patriot Act may need some adjustments, it clearly has serious problems.

The act, which was rushed through the US Congress after the 11 September (2001) attacks, gives government too much power to invade the privacy of ordinary Americans and otherwise trample on their rights.

Congress, which is now reviewing the act, should rewrite the parts that violate civil liberties. But it is important to realize that most of the worst post-11 September abuses did not stem from the Patriot Act.

If Congress wants to restore the civil liberties Americans have lost in the last three and a half years, it must also look more broadly at the problems that have emerged from the war on terror.

After 11 September, Congress was in such a rush to pass the Patriot Act that, disturbingly, many members did not even read it before they voted for it.

Fortunately, Congress made some of the most controversial provisions expire by the end of 2005. (In early April), it began a series of hearings on the act, focusing on the parts that need to be reauthorized.

The debate over the Patriot Act is too often conducted in bumper stickers, in part because the details are so arcane. Parts of the law are reasonable law enforcement measures that have generated little controversy.

But other parts unquestionably go too far, and invite the FBI, the CIA and the White House to spy on Americans, and suppress political dissent, in unacceptable ways.

Libraries and Medical Records

Section 215, often called the "library provision," is one of the most criticized parts of the act, with good reason.

It allows the government to demand library, medical, and other records, and makes it a crime for the record holders to reveal that the request was made.

Section 215 is written far too broadly. It lets the government seize an entire database - all the medical records of a hospital, all of the files of an immigration group - when it is investigating a single person.

It also is far too invasive; it is hard to believe the FBI needs to monitor library book circulation.

The "gag rule" that makes it illegal for the record holder to talk publicly about the search also is disturbing, because it prevents the public from knowing if the government is abusing these sweeping powers.

Secret Searches Section 213, the "sneak and peek" provision, lets the government search a person's home and delay telling him about it.

These delayed-notification searches fly in the face of the strong American tradition that the government must announce when it is entering a home.

Secret searches are an area where focusing only on the Patriot Act misses the larger picture of civil liberties violations.

There is another law, the Foreign Intelligence Surveillance Act, that allows a worse kind of secret search - one in which, unlike the delayed notification of Section 213, the subject may never be told about the search at all.

Information Sharing Giving different units of government more power to share information about suspected terrorists is a laudable goal, but the Patriot Act's approach is flawed. It authorizes the FBI, the CIA, and even the White House sweeping access to confidential information gathered about Americans, including telephone and e-mail intercepts.

The access is not limited to officials working on terrorism. And it sweeps in information, like confidential material acquired by grand juries, that has always been closely guarded.

There is a real danger that the new regime established by the act could produce a massive database on Americans, freely available to all units of government.

The Patriot Act makes the same mistake the FBI and CIA have long made: favoring information quantity over quality.

Beyond the Patriot Act A coalition of Republicans and Democrats in Congress, backed by such unlikely allies as the American Civil Liberties Union and the American Conservative Union, is pushing for changes. In the coming weeks, there will be more hearings on how the act can be improved.

These hearings should look beyond the Patriot Act, to the larger picture of civil liberties and the war on terror.

After 11 September, the government rounded up illegal immigrants, and put hundreds with no ties to terrorism behind bars for months, often in deplorable conditions.

In conducting this roundup, the Bush administration gave itself far more power than the Patriot Act does. Nor did the Bush administration rely on the Patriot Act for its lawless "enemy combatant" doctrine, the basis for holding American citizens suspected of terrorism indefinitely, without access to family members or lawyers.

And the administration now claims that the CIA has the right to secretly transfer suspected terrorists to foreign countries for interrogation.

Critics of the process, known as rendition, say it is being used to subject these suspects to torture.

The authority for rendition comes not from the Patriot Act, but from a classified directive that President Bush signed shortly after 11 September.

If Congress becomes too bogged down in the minutiae of the Patriot Act in coming weeks, it will be in danger of missing the larger picture.

Revising the law should be the start, not the end, of its work.

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