

- email newsletter of Civil Liberties Australia
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**Australian CL groups to hold
'national' meeting this month**

For the first time in a decade, the Queensland, Victorian, South Australian, NSW and ACT civil liberties organizations will meet this month.

Among other important issues, they will discuss a possible campaign for an Australian Bill of Rights.

The meeting is being hosted by the NSW Council for Civil Liberties at Glebe, in Sydney, on Saturday and Sunday, 25 and 26 June.

The meeting stems from an initiative of the ACT's Civil Liberties Australia (CLA).

CLA President Kris Klugman will chair the meeting. CLA secretary Bill Rowlings, who has been the link person for organisation, will act as secretary.

The two main issues on the agenda are better cross-border cooperation, and an Australian Bill of Rights.

However, at the request of Australian Council for Civil Liberties President, Terry O'Gorman of Queensland, questions about the status and nature of a national body will also be addressed.

He will provide a paper as the basis for discussion on the topic.

O'Gorman has apologised for the meeting, as he will be overseas, but has indicated his strong support for it.

The agenda includes, on the Saturday:

Mechanical or operational issues:

- exchange of media releases/media responses and issue intelligence?
- exchange of submissions, issue papers and discussion papers?
- broadening contributions to CLArion monthly email newsletter?
- exchange of articles for state-based printed newsletters, websites?

- establishing/maintaining national CL website?

Philosophical or strategic issues:

- Australian CL: discussion of paper from Terry O'Gorman
- annual (or other) conference on CL topics open to public?
- establishing a CL trust for national fund-raising and larger bequests?
- consistency in naming of State bodies?
- cooperation/links with other Australian organisations, particularly human rights bodies?

There will also be discussion on possible international cooperation, communication and coordination.

"We will be questioning whether this should occur and, if so, in what forms and by whom," Klugman said last week.

"We'll also discuss which international organisations it might be appropriate to link to."

On the Sunday morning, the group will discuss national, or Commonwealth, issues such as:

- Terrorism legislation (sunset, June 2006);
- Identity issues (ID card, data matching);
- Refugee/detainee issues;
- Citizenship rights/laws (including passports);
- Public Service issues (also applies to States); and
- Stun guns

There will also be a session where States outline their major current concerns so that experience and intelligence can be shared, to avoid reinventing the wheel in some cases.

For example, NSW wants to discuss the death penalty.

Victoria has major issues at the moment with a possible state Bill of Rights, and with police shootings.

The ACT has listed the territory's new Bill of Rights one year on, a pedophile register, mandatory sentencing, Public Service issues and intellectual property as matters for discussion.

Those attending the 2005 'national' meeting include the presidents from each state, as well as some additional council members. Attendees will be:

Victoria: Greg Connellan (president), Adam Pickvance, Lucie O'Brien;

SA: George Mancini (president)

Queensland: Michael Cope (president)

NSW: Cameron Murphy (president), Stephen Blanks, and others

ACT: Kris Klugman (president), Bill Rowlings, Anthony Williamson

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Have your say on future of ACT Human Rights Act

CLA (ACT) President Kris Klugman has been invited to participate in the Second Community Rights Forum: Review of the Human Rights Act, 1 July 2005.

CLA members are asked to put forward any ideas that they would like discussed.

ACT Human Rights and Discrimination Commissioner Dr Helen Watchirs extended the invitation after a meeting with CLA.

Dr Klugman and Bill Rowlings requested the meeting to exchange information on her office's role and on CLA.

"For the forum, we are seeking the views of members so we can accurately report your opinions," Dr Klugman said.

A review of the first year's operation of the HR Act must specifically include consideration of whether economic, social and cultural rights, and environment-related human rights, should be incorporated in the Act. The Attorney General is required to report to the Legislative Assembly by 1 July 2006.

Participants in the forum come from a wide range of legal and welfare organizations, so that the forum provides an opportunity of CLA to become known and involved in this network.

The August CLArion will carry a report from the forum.

"Beyond that ACT initiative, members views are sought on the possible model which should be followed for a national bill of rights," Dr Klugman said.

"A national Bill of Rights will be a major topic at the upcoming interstate meeting 25 and 26 June in Sydney."

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FEATURE ARTICLE

ASIO's extraordinary powers should be repealed

...says Christopher Michaelsen, CLA member, who is reading for a PhD in Law, focusing on terrorism, at ANU

23 June 2005 will mark the second anniversary of the enactment of the controversial ASIO Legislation Amendment (Terrorism) Act 2003 (Cth).

The Act allows ASIO to detain any Australian without judicial warrant for up to seven days and interrogate them for up to 24 hours within that seven-day period.

Persons detained do not need to be suspected of any offence and can be taken into custody without charges being laid or even the possibility that they might be laid at a later stage.

During interrogation detainees are required to answer all questions and provide any material or face up to five years imprisonment.

The person detained and questioned bears the burden of proof to establish that he/she does not have the information sought.

While a detainee may ask for a lawyer of his/her choice, counsel is not allowed to intervene in the questioning process and cannot challenge any aspect of the detention warrant in a court of law.

In effect, these provisions abandon several fundamental principles of the rule of law:

- they dilute the prohibition of arbitrary detention,
- they obliterate the right to habeas corpus,
- they remove the right to silence, and
- they reverse the onus of proof.

So far, ASIO has used its powers sparingly.

Only eight people have been questioned and none detained since the Act came into effect. This demonstrates a commendable prudence by ASIO in not using powers that might have been extensively applied to many Australians, particularly Muslims.

On the other hand, as Professor George Williams has pointed out correctly, this may also suggest that such powers are not needed and that the better way of dealing with terrorism is through the ordinary criminal process and the existing powers of the police.

The questioning and detention provisions of the ASIO Act are currently being reviewed by the Parliamentary Joint Committee on ASIO, ASIS and DSD.

The Committee will report in early 2006 and its findings are likely to form the basis on which Parliament will decide whether or not to re-enact the legislation after it expires (due to a three-year sunset clause) in June 2006.

Attorney-General Philip Ruddock and ASIO Director-General Dennis Richardson have already indicated that they would like to see the extraordinary laws "set in stone".

In the next 12 months it is thus vital to raise public awareness about the intrusive character of the ASIO Act.

Too many citizens still do not know about the extraordinary powers that have been vested in an intelligence agency which is subject to relatively little parliamentary oversight.

Also it is imperative to make clear that when fighting terrorism we should not sacrifice the very liberal democratic principles and values we are trying to defend in the first place.

Parliament should therefore not re-enact the ASIO Act in 2006 in its current form.

Further Reading:

Set ASIO terrorist powers in stone, says outgoing head
<http://www.smh.com.au/articles/2005/05/19/1116361678127.html>

Spying an opportunity to entrench power

<http://www.smh.com.au/articles/2005/05/22/1116700591968.html>

Parliamentary Joint Committee on ASIO, ASIS and DSD, Review of Division 3 Part III of the ASIO Act 1979 - Questioning and Detention Powers
http://www.aph.gov.au/house/committee/pjcaad/asio_ques_detention/index.htm

Christopher Michaelson, "International Human Rights on Trial – The United Kingdom's and Australia's Legal Response to 9/11," *Sydney Law Review* Vol. 25, No. 3 (2003) pp. 275-303;
<http://www.law.usyd.edu.au/~slr/backissu.htm>

ASIO: Australian Security Intelligence Organisation;

ASIS: Australian Secret Intelligence Service;

DSD: Defence Signals Directorate

ENDS FEATURE ARTICLE

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– from UNITY, email newsletter of the UN Assn of Australia, 27 May 2005

More ASIO hearings scheduled

Two more public hearings relating to the current parliamentary review of ASIO's questioning and detention powers will be held in Sydney on 6 June and in Melbourne on 7 June.

ASIO, the Attorney-General's Department and Australian Federal Police gave evidence at the May 19 public hearings into ASIO's questioning and detention powers by the Parliamentary Joint Committee on ASIO, ASIS and DSD (PJCAAD) in Canberra.

The Inspector-General of Intelligence and Security, Human Rights and Equal Opportunity Commission, Professor George Williams of the Gilbert-Tobin Centre of Public Law and law academic Dr Greg Carne appeared on the second day of public hearings on May 20.

Transcripts of evidence are on the PJCAAD's website at
www.aph.gov.au/house/committee/pjcaad

For more information, contact the committee secretary Margaret Swieringa on 02 6277 4650

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– from UNity, No 417, 29 April 2005

Senate Scrutiny Committee acts in 'Bill of Rights' safeguard role

The behind-the-scenes work of arguably one of the most important parliamentary committees – the Senate Standing Committee for the Scrutiny of Bills – is continuing in the latest session of the Australian Parliament.

In the absence of a Bill of Rights, the work of the Scrutiny of Bills Committee assumes its greatest importance in protecting the rights of citizens and Parliament itself against the incursions of the executive.

At the start of each Parliament, the committee is appointed to report, in relation to bills introduced into the Senate and on Acts of Parliament, whether by express words or otherwise, the bills or Acts:

- trespass unduly on personal rights and liberties;
- make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
- make rights, liberties or obligations unduly dependent on non-reviewable powers;
- inappropriately delegate legislative powers; or
- insufficiently subject the exercise of legislative power to parliamentary scrutiny.

The committee may consider any proposed law or other document or information available to it, even if that information has not been presented to the Senate.

The terms of reference give the committee wide scope to “seek advice” from ministers and private members on the proposed legislation.

The committee publishes its work in two publications: *Alert Digest* which outlines its questions and comments to ministers; and its occasional *Reports*, which detail replies from ministers and others in response to the committee’s questions.

Any area on which the committee cannot agree (or if an issue is considered of

major importance) is referred to the Senate as a whole.

Membership of the committee is: chair - Senator Robert Ray (ALP); deputy chair – Senator Brett Mason (Lib); Senator Guy Barnett (Lib); Senator David Johnston (Lib); Senator Gavin Marshall (ALP); and Senator Andrew Murray (Dem.)

More on the Scrutiny of Bills Committee: www.aph.gov.au/senate/committee – click on Scrutiny of Bills. Information available includes material

- about the committee
- *Alert Digests* and *Reports*
- current inquiries, completed inquiries and other reports;
- 10 years of scrutiny;
- how to make a submission
- related publications

For further information, contact Richard Pye, Committee Secretary, Senate Scrutiny of Bills Committee Ph: 02 6277 3050 or email: scrutiny_sen@aph.gov.au

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– as cited above

Retrospective legislation ‘can be unfair’, says Senate committee

In its *Alert Digest no 3* of 2005, the Senate Standing Committee for the Scrutiny of Bills commented on the Building and Construction Industry Improvement Bill 2005.

The committee, noting that this bill commenced operation retrospectively on March 9, comments: “As a matter of practice this Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people.”

It says that industrial action which is currently lawful, or which currently falls within the definition of ‘protected action’, may be rendered unlawful by the bill and those taking part in such action retrospectively subjected to the ‘sanctions and greater penalties’ in the bill.

The Committee also “considers that, in principle, legislation which changes the

nature of people's rights should commence after it is finally passed by the Parliament, rather than on the date of its introduction."

It argues that making legislation operative from the date of a press release is unsatisfactory and "when it adversely affects personal rights, unfair."

It goes on: "The Committee has previously noted that this approach 'carries with it the assumption that citizens should arrange their affairs in accordance with announcements made by the Executive rather than in accordance with laws passed by the Parliament.'

The uncertainty this creates is compounded by the possibility that the Parliament may – quite properly – pass the legislation in an amended form.

"The bill is therefore retrospective in operation and the Committee considers that it may be regarded as trespassing on personal rights and liberties.

"The Committee leaves for the Senate as a whole the question of whether it trespasses on those rights *unduly*."

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– from Liberty (UK) website, 26 April 05

Law Lords to rule on use of torture evidence

In an appeal brought by 10 foreign nationals interned without charge or trial, the House of Lords has agreed to hear the submissions of 14 human rights organisations who believe that under no circumstances should torture evidence ever be admissible.

Commenting on the decision to hear the submissions Shami Chakrabarti, Director of Liberty, said:

"Liberty is confident that the House of Lords will endorse the overwhelming consensus of decent British people who do not wish to see our government complicit in acts of torture anywhere.

"Secret intelligence gained by torture is unreliable, counter-productive and brings shame on what should be one of the worlds leading democracies."

BACKGROUND:

On 11 August 2004 the Court of Appeal ruled that 'evidence' obtained by torture is admissible in the UK. The Court of Appeal dismissed the appeals of 10 foreign nationals interned without charge or trial under the Anti-terrorism, Crime and Security Act 2001 (ATCSA).

The Law Lords will hear the arguments between 17 and 20 October 2005.

The 14 organisations involved in this intervention are:

Liberty, the AIRE centre (Advice on Individual Rights in Europe), Amnesty International, the Association for the Prevention of Torture, British Irish Rights Watch, the Committee on the Administration of Justice, Doctors for Human Rights, Human Rights Watch, the International Federation of Human Rights, INTERIGHTS, the Law Society, the Medical Foundation for the Care of Victims of Torture, REDRESS and the World Organisation Against Torture.

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– from NY Times, 19 May 2005

Plan to broaden FBI's terror role, secretly`

Reported by ERIC LICHTBLAU

WASHINGTON - The Bush administration is planning to significantly expand the FBI's power to demand business records in terror investigations without judicial approval.

The proposals include allowing the FBI to subpoena records from businesses and institutions without a judge's sign-off if the FBI declares that the material was needed as part of a foreign intelligence investigation.

It is part of a broader plan to extend anti-terrorism powers under the USA Patriot Act.

The proposals would also give the FBI broad authority to track the mail of people in terror investigations.

The US Postal Service has raised privacy concerns if this happens.

The proposal, to the closed Senate Intelligence Committee, would allow the bureau to direct postal inspectors to turn over the names, addresses and all other

material appearing on the outside of letters sent to or from people connected to foreign intelligence investigations.

The plan would eliminate postal discretion in deciding when so-called mail covers are needed and give sole authority to the FBI, if it determines that the material is "relevant to an authorized investigation to obtain foreign intelligence."

The proposal would not allow the bureau to open mail or review its content. Such a move would require a search warrant, officials said.

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– from HR First email, 18 May 2005

Carter Center and HR First co-sponsor June policy forum

Leading human rights defenders from 13 nations are gathering in Atlanta, Georgia, on 6 and 7 June 2005.

The theme of the 2005 Human Rights Defenders Policy Forum will be 'Human Rights Defenders on the Frontlines of Freedom: Advancing Security and Rule of Law'.

The forum will be co-chaired by former US President Jimmy Carter and the UN High Commissioner for Human Rights Louise Arbour.

The forum will provide defenders regular opportunities to present their concerns and recommendations directly to major international news organizations and senior US policy makers, according to HR First.

The HR Defenders Policy Forum project grew out of a November 2003 conference convened by the Carter Center that sought to examine the protection of human rights in the context of the 'war on terror'.

"It is envisaged that every year the forum will address new topics of concern to human rights activists around the world," says HR First.

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– from HR First email, 26 May 2005

Colombian HR activist receives bloodied, headless doll as threat

On May 13, 2005, Colombian human rights defender Soraya Gutierrez Arguello, received a package containing a decapitated doll whose body had been quartered, burnt in several areas, and covered in red nail polish to make it appear bloodied.

An attached handwritten note read: "You have a lovely family. Look after them, don't sacrifice them."

Ms Gutierrez Arguello is president of the Colombian human rights organization, Corporacion Colectivo de Abogados, 'Jose Alvear Restrepo,' (Jose Alvear Restrepo Lawyers Collective).

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– from NY Times, 9 May 2005

Labour camps operate outside the Chinese rule of law

Reported by Jim Yardley

ZIBO, China - The Chinese government regularly promises its citizens a society governed by the rule of law, but the case of Mr Li is a reminder of how tens upon tens of thousands can sink beneath the justice radar.

Mr Li, 40, spent two years in a prison called Shandong No 2 Labor Re-education Camp in eastern China along with other followers of the banned spiritual group Falun Gong, all locked up despite never having a lawyer or a trial - rights granted under China's criminal law.

Shandong No 2 is part of a vast penal system separate from the Chinese judicial system. Falun Gong members are not the only inmates.

Locked inside more than 300 special prisons are an estimated 300,000 prostitutes, drug users, petty criminals and political prisoners stripped of legal rights.

Unlike releasing a political prisoner, which is a common Chinese good-will gesture, changing the labor re-education system could force the Communist Party to give up a major tool used to maintain its hold on power.

The crackdown on Falun Gong is a case in point. The government paid sporadic

attention to Falun Gong until April 1999, when 10,000 followers held an unannounced protest and surrounded the leadership compound in Beijing.

Quickly a crackdown was ordered. The existence of labor re-education meant police could sweep up masses of people without the complications of court trials.

"If they wanted to imprison these tens of thousands of followers through normal judicial processes, it would have been impossible because what these people were doing was not a crime," said Gao Zhisheng, a Beijing lawyer who advocates of changing the legal system.

In fact the government did not approve an anti-cult law aimed at the group until months after the crackdown began.

Chen Xingliang, deputy dean of the Beijing University Law School, said advocates wanted to transform labor re-education into a misdemeanor system where detainees would have a right to a lawyer and a trial before a judge. Sentences, which can now reach a maximum of four years, would be limited to about 18 months.

Most significantly, authority would shift from the police to China's judicial branch.

Conditions and treatment in the more than 300 prisons in the system are said to vary. All inmates are expected to do some type of factory work or manual labor.

Some imprisoned intellectuals have described fairly mild conditions, while other people have reported much harsher treatment.

Specialists say political prisoners constitute 5 to 10 per cent of the total labor re-education inmate population, while as much as 40 per cent of inmates are drug offenders. Drug users are expected to kick their habits while in the camps.

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– Human Rights First email, 12 May 05

Darfur HR advocate is arrested for third time

Sudanese human rights advocate Dr Mudawi Ibrahim Adam was re-arrested on 8 May for the third time in 18 months.

Released from arrest since only 3 March 2005, he was this time arrested in apparent reprisal for human rights work in Darfur.

Mudawi is chairperson of the Sudan Social Development Organization (SUDO), which is actively monitoring human rights violations in Darfur.

Mudawi was released on 16 May, but has been charged under Articles 53 and 57 of the 1991 Criminal Code for "espionage against the country" and "photographing military areas."

The charges carry a potential death sentence.

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- NY Times, 12 May 2005

Terror suspects sent to Egypt by the dozens, panel reports

Reported by David Johnston

WASHINGTON – The US and other countries have forcibly sent dozens of terror suspects to Egypt, according to a report by Human Rights Watch.

The rights group and the US State Department have both said Egypt regularly uses extreme interrogation methods on detainees.

The group said it had documented 63 cases since 1994 in which suspected Islamic militants were sent to Egypt for detention and interrogation. The figures do not include people seized after the attacks of September 2001.

The report said the total number sent to Egypt since the 11 September attacks could be as high as 200.

Although torture is forbidden under Egyptian law, the country has long been criticized by the US State Department for a poor human rights record, most recently in a 28 February annual report by the agency that concluded: "Torture and abuse of detainees by police, security forces and prison guards remained common and persistent."

The Egyptian Organization for Human Rights, a nongovernmental group, reported in May 2004 that it had uncovered 292 cases of torture between 1993 and 2003, of which 120 led to death.

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– from HR First email, 18 May 2005

Roundup of latest HR status

Cuba: Hector Palacios continues to serve a 25-year sentence.

Indonesia: The fact-finding team investigating the poisoning death on a Garuda flight to Amsterdam of HR activist Munir has been allowed to interview officials of the State Intelligence Agency. The agency is rumored to have links to an airline pilot named as a suspect. On 11 May, the team met with Indonesian President Bambang Sudyono who pledged his support. Interviews with intelligence officials are continuing.

Iran: Roya Toloui continues her activities promoting women's rights in Iran's Kordestan province. Blogger and human rights defender Arash Sigarchi remains in prison in Iran serving a 14-year sentence for "espionage and insulting the country's leaders."

Russia: No resolution reached in an investigation into threats against Oksana Chelysheva of the Russian Chechen Friendship Society. As part of a mounting campaign against the human rights organization, prosecutors are likely to file criminal charges against the organization's chairman in the next few weeks. The second trial under extremism laws against Ruslan Badalov, chairman of the Chechen Committee for National Salvation, is continuing.

Sudan: On March 31, the UN Security Council - with the US abstaining - decided to refer the situation in Darfur to the ICC. The referral authorizes the ICC to hold accountable those responsible for grave crimes in the region.

Thailand: Hearings were held in the case against five policemen charged in the disappearance of Somchai Neelaphaijit in March 2004, and the

Prime Minister assigned two deputies to follow the case. The trial, set for August, is based on lesser charges of robbery and coercion, rather than kidnapping or murder. The UN Working Group on Enforced or Involuntary Disappearances was expected to consider the case when it meets in Bangkok late in May this month.

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– from NY Times, 6 April 2005

Op-ed, adapted from a contribution by Eric Schlosser

A side order of human rights

Monterey, California — The Coalition of Immokalee Workers, a group that represents farm workers in southern Florida, has announced that it was ending a four-year boycott of fast-food chain, Taco Bell.

The most remarkable thing about the announcement was the reason behind it: Taco Bell had acceded to all of the coalition's demands.

These include that Taco Bell pay suppliers a 'penny a pound' of picked tomatoes, which suppliers are to pass directly to their farm workers. (*A penny a pound is about 3 cents a kilo – the payment will nearly double the workers' incomes*).

At a time of declining union membership, failed organizing drives and public apathy about poverty, a group of immigrant tomato pickers had persuaded an enormous fast food company – Yum Brands, which in addition to Taco Bell owns KFC, Pizza Hut, A&W All American Food Restaurants and Long John Silver's – to increase the wages of migrant workers and impose a tough code of conduct on Florida tomato suppliers.

"Human rights are universal," said Jonathan Blum, a senior vice president of Yum, adding that under Taco Bell's new labor rules "indentured servitude by suppliers is strictly forbidden".

The need for a corporate edict against slavery in the US reveals just how bad things have become for farm workers, according to Schlosser.

“But it also suggests that the fast food companies now sitting atop America's food system can prevent the sort of abuses that state and federal officials seem unwilling to address.”

WHAT is the equivalent relationship in Australia between fast-food companies, food retailing supermarkets and our own rural workers? – Ed.

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– from NY Times, 17 May 2005

Kuwait grants women right to vote, stand for Parliament

Reported by Hassan M. Fattah

Kuwait's Parliament has voted to give full political rights to women, making way for them to vote and run for office in parliamentary and local elections for the first time in the country's history.

The surprise amendment to Kuwait's election law ends a decades-long struggle by women's rights campaigners for full suffrage, and promises to redefine the city-state's political landscape.

Legislators passed an amendment that removes the word "men" from Article 1 of the elections law, with 35 voting in favor and 23 against. But Islamist legislators, apparently trying to appease their conservative voting base, included a requirement that "females abide by Islamic law." The implications of that clause were not immediately clear.

Although women can now run in all elections, the legislation was passed too late for them to run in council elections next month. The soonest they will be able to run in any election is 2007, when parliamentary elections are scheduled.

Previously, the country's election law barred women, along with men in the police and military, from voting.

That limited the voting base to only 15 per cent of the total population of 950,000 Kuwaitis.

Giving women the vote would about double the voting percentage of the population, possibly causing a radical power shift.

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– from HR First email, 4 May 05

Tunisian lawyer sentenced for campaigning against torture

Lawyer and human rights activist Mohamed Abbou was sentenced to three and a half years of imprisonment by a Tunis criminal court in April for publishing statements "likely to disturb public order" and for "defaming the judicial process".

The charges related to an article he wrote in August 2004 comparing the torture and ill-treatment endured by political prisoners in Tunisia with that suffered by US detainees at Abu Ghraib prison in Iraq.

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– from ACLU email, 14 May 2005

US Govt: 'releasing torture photos would violate Geneva Conventions'

In a stunning act of hypocrisy and chutzpah, the US Government has claimed that turning over Iraq torture photos would violate the Geneva Conventions.

Until now, the Bush Administration has shown only contempt for the Geneva Conventions, and it has built its policies on dismissing the application of international humanitarian law.

"The Geneva Conventions were intended to protect prisoners, not to provide governments with a basis for withholding evidence that prisoners have been maltreated," said American Civil Liberties Union attorney Jameel Jaffer.

"It's disgraceful that the Defense Department is attempting to contort the Conventions in this way."

Through a Freedom of Information Act lawsuit, the ACLU and the New York CLU have sought the release of photographs and videotapes, in addition to documents, that would shed light on the systemic abuse of detainees held by the US overseas.

The Defense Department has refused, stating that it would violate the government's obligations under the Geneva Conventions.

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– from ACLU email 14 May 2005

New Washington law protects peoples' protest rights

The (Washington) DC City Council in the US has approved a new law that strengthens the First Amendment rights of peaceful protesters and limits police use of "protest pens" and mass arrests.

The "First Amendment Rights and Police Practices Act of 2004" declares that people have a right to demonstrate "near the object of their protest so they may be seen and heard," and makes clear that people do not need police permission to exercise their constitutional right to freedom of speech.

The law also prohibits police from arresting an entire assembly when only a few people are breaking the law, requires police to display visible identification when handling demonstrations, restricts the use of police lines to entrap demonstrators who have not broken any law, and prohibits the use of tear gas and pepper spray on peaceful protesters.

To read the full press release, go to:
<http://www.aclu.org/FreeSpeech/FreeSpeech.cfm?ID=18164&c=86>

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– from NY Times, 30 May 2005

In rising numbers, lawyers head for Guantanamo Bay

From a report by Neil A. Lewis
WASHINGTON – In the past few months, the small commercial air service to the naval base at Guantánamo Bay, Cuba, has been carrying American lawyers in increasing numbers.

They are providing more than a third of about 530 remaining detainees with representation in the US federal court.

A meeting earlier in May at a NY law firm drew dozens of new volunteer lawyers to hear from other lawyers who have been through the rigorous process of getting the government to allow them access to Guantánamo.

Last June when the Supreme Court ruled against the Bush administration and said the prisoners there were entitled to

challenge their detentions in federal courts.

"In the beginning, just after 11 September 2001, we couldn't get anybody," said Michael Ratner, president of the Center for Constitutional Rights, a NY group coordinating the assigning of lawyers to prisoners.

But recently some of America's largest and most prominent firms have enlisted in the effort and devoted considerable resources to it.

The influx of defense lawyers at Guantánamo Bay also seems to have had some impact on the character of the detention facility.

Some lawyers say that it was likely a factor in the authorities' decision to end most of the interrogations in recent months.

In addition, some lawyers and human rights officials say that the lawyers' presence has reduced reports of abusive treatment by guards and interrogators that previously were the subject of complaints from the Red Cross and the FBI.

The arrival of lawyers at Guantánamo is an irreversible disruption to the prisoners' isolation.

Lawyers represent the detainees' access not only to federal courts but also to the international news media.

The lawyers' efforts at Guantánamo Bay have not yet resulted in any detainee gaining freedom, but the prisoners' cases are moving slowly through the courts.

– *contributed by Robert Briggs*

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– Op-Ed piece, by Bill Rowlings, 050520

Australia: Where patriots act

As Australians, we're as free or not free as our laws and our society allow.

Our national and state security laws swing like a pendulum over decades, depending on circumstances in Australia and globally.

Currently, after the September 2001 attack by aircraft on the New York Twin

Towers, by any measure the freedom pendulum is out towards the far right, or over-restricted, end of the civil liberty/repression swing.

Laws enacted in Australia in 2002 and 2003, giving extensive additional powers to security and police forces, were clearly well out of kilter with the traditional way Australian society operated in the preceding decades.

We should therefore weigh carefully departing Australian Security and Intelligence Organisation (ASIO) Director-General Dennis Richardson's call for extended special powers to question and detain people because of the threat of terrorism.

Richardson leaves Australia soon to become Australia's ambassador to the USA, so his advocacy for 'setting in stone' what was brought in as emergency legislation is academic to him.

It isn't academic for the rest of us, the other 20 million Australians, because we all live under an extended threat of police and security action, right or wrong.

Our security laws since mid-2003 have had more fascist than freedom overtones; over the same period, our national government has backpedaled rapidly on what we thought were our birthrights.

- If your home or workplace can be raided secretly by security forces at any time of day or night, you are not enjoying traditional Australian freedom.
- If you can be detained and questioned for seven days without being charged, you live in a country where police and security forces are dominant.
- When you can be guilty by association, through a business or social contact, with someone merely suspected of being a terrorist, you're not getting what Australians call a 'fair go'.
- If you're a citizen detained or imprisoned overseas, and Australia doesn't go in to bat for you, then you're not receiving the traditional Australian support of standing up for a mate.

- When you can be deported from Australia, even though you are an Australian, this is not the country it once was.

- If you are an Australian under surveillance, or detained, just because you have an 'unusual' name, you're not living in the country our diggers fought for.

They fought for freedom, not for an authority-dominated state. In fact, their hallmark was being anti-authority.

If we now allow the Government to extend excessive laws and actions, then 'terrorism' is not a threat, it's an internal reality in Australia, better described as repression.

It's not unpatriotic to say 'stop' to authoritarians seeking more secret, centralised powers. Patriotism is wanting the Australian flag to really stand for something, like it used to.

Can you imagine what the Light Horsemen, or the Tobruk diggers, would think of what we're allowing their legacy to become?

The trend – the pendulum swing – is towards more repression, towards setting the repressive laws in stone.

It's time for Australian patriots to act, to stand up for what were our rights just a few years ago. Perhaps it is also time to lock in our inheritance in a Bill of Rights, before our traditional rights are further whittled away.

You can see the effects of terrorist bombs that kill or maim dozens or hundreds or thousands of people, but you don't notice when liberty is being millimetred away from millions.

Australia's police and security forces were given enormously extended powers after the September 2001 attacks in New York.

Based on the ASIO and police record of charging and convicting terrorists over the past three years, those powers can now be reduced because they are demonstrably unnecessary.

The Australian Government should rewrite the legislation to take out the

more repressive aspects. And we should have a sunset clause of no more than two years forward for most of what remains.

Terrorists are people who would take our freedoms away.

Our secret security agencies, police authorities and our national government have combined assiduously to take freedoms – and rights – away from us over the past few years.

It is past time for the pendulum in Australia to start to swing back towards the centre balance point.

– Bill Rowlings, Secretary
Civil Liberties Australia

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EVENTS:

Naomi Chazan on ‘HR in the Age of Global Terrorism’

The former deputy speaker of the Israeli Parliament will speak at 8pm on Wednesday 1 June at the National Jewish Memorial Centre, Forrest, ACT.

The event is the annual oration of the B’nai B’rith Anti-Defamation Commission.

Email actadmin@actjewish.org.au or phone 6295 1052.

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JOHN LANGMORE ON THE MILLENNIUM GOALS

In 2000 the world agreed to eight goals to fight poverty and improve the environment.

Nations are reviewing their progress. How does Australia measure up?

Mr Langmore was Federal Member for Fraser 1984 to 1996. He was Director of the Division for Social Policy and Development at the UN 1997 to 2001 and then represented the ILO at the UN for two years.

He is currently a Professorial Fellow in the Political Science Department at the University of Melbourne.

WHEN: Thursday June 2
WHERE: ACT Legislative Assembly
Function Room, London Circuit, Civic

TIME: 6.00pm for Mulled Wine and Quiche, Tea and Coffee

Further information contact organisers:
ACT Greens MLA Deb Foskey's office
6205 0161or
Foskey@parliament.act.gov.au
or Kay Reardon 6286 1697

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September 8-9 National Conference on Mental Health and Human Rights, Parliament House, Canberra. Hosted by SAVE Australia. Info:
<http://www.save.org.au/>
Maqsood Alshams – 0422 085 222 and Louise Pratt MLC – 0417 099 625

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

CLArion welcomes contributions:

We particualry welcome news from interstate CL bodies.

But also, please send us by email any snippets that take your fancy.

Just make sure you add the attribution to the source or sources (say, newspaper and bylined author), plus the date of happening and/or publication...and your name and membership details (eg, NSW CCL, or Qld CCL, or whatever).