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**SEE the *Reading List and Events and Opportunities* at bottom**

*...plus a little joke aiming to evince a smile.*

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**ACT's Terror Bill introduced to Legislative Assembly**

The ACT Terrorism (Extraordinary Temporary Powers) Bill 2006 was tabled in the Legislative Assembly on Wednesday, 30 March.

"The ACT Bill draws on the best, fairest and most human rights-compliant provisions in equivalent complementary legislation of the states," ACT Chief Minister, Mr John Stanhope, said.

"The Bill protects our way of life by dealing with the threat of terrorism, and making sure we don't erode the very values of freedom, democracy and human rights which are so fundamental to our society."

CLA's view, expressed in a formal submission and in subsequent hearings, is that the ACT legislation is the best of a bad lot.

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- base report from Media, Arts and Entertainment Alliance newsletter, 31 March 06

**Phone tap laws passed**

New laws passed by the Senate on 30 March give law enforcement agencies power to secretly intercept phone calls, emails and text messages of innocent people.

This extreme surveillance law poses a severe threat to press freedom - journalists can assume their conversations with sources will be intercepted at any time.

The legislation also threatens to record the conversation of lawyers and doctors with clients and patients...and, in fact, anyone at any time.

Australian society is increasingly fitting the traditional description of a 'police state', CLA believes.

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**Goulburn group considers affiliating with CLA**

More than 40 people attended a meeting in Goulburn on Wednesday night, 29 March, to discuss civil liberties with a view to forming a local group.

The enthusiastic meeting occurred at the suggestion of CLA member and Gunning resident, John Parsons; it was organized by Goulburn's James Roxburgh.

CLA secretary Bill Rowlings spoke on the changes occurring in Australia society, and how a move to the right had eroded person liberties over the past 10 years.

He spoke of the challenge of highlighting civil liberties issues, which lacked the colour and movement demanded by today's news entities.

CLA president Dr Kristine Klugman and board director James Staples also attended the meeting, as did Father Parsons.

The talk was followed by extremely lively discussion which included debate on the:

- merits and methods of campaigning for civil liberties;
- problems of indistinguishable major political parties and 'rusted on' voters;
- difficulties of attracting positive media attention against a dominance of right-wing

commentators; and

- the enormous challenge of convincing a contented, share-owning Australian public of the danger to Australia's future society of community complacency.

The meeting also brought to light overwhelming concern for the ongoing plight of Australian David Hicks, still captive but unconvicted in Guantanamo Bay, four years after being captured and categorised by the United States as 'an enemy combatant'.

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### **CLA in talks with AFP: possible role lecturing on civil liberties/human rights**

President Dr Kris Klugman and member Vic Adams met with the Australian Federal Police in March with a possible view to CLA delivering a lecture to police officers about to be deployed overseas.

As the AFP's role changes in various deployments, the skills needed included capability-building in local police forces.

Rather than just policing skills, Australia's police representatives overseas need to be able to teach and coach local police in concepts such as civil liberties.

This calls for a different type of learning on pre-deployment courses.

CLA is developing a lecturing proposal for the AFP to consider.

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### **ALRC sedition Issues Paper is out – but timetable skewed, paper shows bias**

The issues paper which could lead to improving Australia's new sedition laws is now public.

The Australian Law Reform Commission released the community consultation paper, Review of Sedition Laws, ALRC Issues Paper 30, on 20 March.

The public and community groups – volunteers for the most part with full-time other jobs and not paid for the sedition submission work – were given just three weeks to make submissions, by 10 April.

The ALRC – with a paid staff of about 15 working on the sedition project – then has seven weeks to prepare a report, by 30 May.

It is hoped the time allocation is not a reliable indication of the short shrift the community input will receive in final considerations.

In its Issues Paper, under the section *Introduction to the Inquiry*, the ALRC quotes that there were nearly 300 written submissions made to the Senate Legal and Constitutional Legislation Committee in late 2005.

The ALRC Issues Paper goes on to quote from the 300 submissions – quoting from two only of them: the ASIO and Australian Federal Police submissions.

Given that virtually all the other submissions argued against the ASIO and AFP positions, it is at best sloppy in academic and research terms that the ALRC's Issues Paper should exhibit such overwhelming bias in quoting from the Senate inquiry.

It would seem to indicate that the ALRC has its mind well and truly made up before the community rushes to make its severely time-limited submissions.

Professor David Weisbrot, ALRC president, in a media release issued on 20 March, said the Issues Paper asked 24 questions about how best to proceed, and sought answers as part of community feedback.

"The issues paper focuses on whether the new laws are necessary, how clearly they have been expressed, how effectively they will achieve their aims and how they fit with the many other laws dealing with public order and the special problems of counter-terrorism," said Prof Weisbrot.

The issues paper follows a formal reference for a review by the Attorney-General, Mr Philip Ruddock, to the ALRC on 1 March (not 2 March as the ALRC Issues Paper says).

The formal review was promised by the Australian Government following a public outcry over the sedition provisions of the Anti-Terrorism Act (No 2) 2005 passed in haste in December 2005.

Documents are available for downloading from their website:  
<http://www.austlii.edu.au/au/other/alrc/publications/issues/30/>

Alternatively, you can phone (02 8238 6363) or email ([sedition@alrc.gov.au](mailto:sedition@alrc.gov.au)) the ALRC and register to receive hard-copy materials.

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– from NY Times, 16 March 2006

### **UN votes overwhelmingly for new Human Rights Council**

From a report by Warren Hoge

The United Nations in mid-March overwhelmingly approved a new Human Rights Council to replace the widely discredited Human Rights Commission.

The vote in the UN General Assembly was 170 to 4 with 3 abstentions – the USA, Israel, the Marshall Islands and Palau. Belarus, Iran and Venezuela abstained.

The resolution calls for election of new council members on 9 May and a first meeting of the council on 19 June.

The council will have 47 members, as opposed to the commission's 53; the means to make timely interventions in crises; and a year-round presence, with three meetings a year at its Geneva base lasting a total of at least 10 weeks.

Under terms meant to restrict rights abusers from membership, candidates for the council will be voted on individually rather than as a regional group, their rights records will be subject to mandatory periodic review and countries found guilty of abuses can be suspended.

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### **ACT to become State of the Union... but A-G and PM don't want to play**

The Civil Unions Bill 2006, just tabled in the ACT Legislative Assembly, would allow same-sex and opposite-sex couples to enter into a civil union with the same recognition as marriage under ACT law.

Civil unions would not replace marriage, ACT Chief Minister and Attorney-General, Jon Stanhope, said in introducing the bill to Parliament.

However, Attorney-General Philip Ruddock and Prime Minister John Howard are threatening to over-ride ACT legislation to thwart the ACT initiative by preventing federal marriage celebrants being involved.

The ACT is the first jurisdiction in Australia planning to allow for civil unions for same-sex couples.

Tasmania has had a registration scheme in place since 2004. The UK introduced civil unions in December 2005 and New Zealand in 2004. Other countries, including Spain, Belgium, the Netherlands, Denmark, Germany and France, all formally recognize same-sex relationships.

“ACT civil unions, like the registration of births, deaths or marriages that take place in the Territory, would have no residency requirement,” Mr Stanhope said.

Other jurisdictions could recognise an ACT civil union as evidence of a ‘marriage-like relationship’, but new laws would be needed if the union were to be directly recognised in other States or the Northern Territory, or by the Commonwealth.

“This is simply a matter of extending basic rights to a new group of people,” Mr Stanhope said.

“Civil unions will not diminish or erode a right that is already held by the bulk of the population.”

CLA supports the proposed Civil Unions legislation, and said so in its submission during the consultation process.

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**CLA praised by ACT Chief Minister/A-G**

ACT Chief Minister and Attorney-General Jon Stanhope praised CLA’s contribution to new legislation protecting pregnant women last month.

The Crimes (Offences Against Pregnant Women) Amendment Bill 2005, passed on 7 March, makes assault against a pregnant woman an aggravated offence.

The Bill amends the Crimes Act 1900 to create aggravated offences, carrying penalties some 30% higher than those for general offences.

Mr Stanhope said he was pleased that the Government had had such thorough feedback on the laws and welcomed the opportunity to respond to community concerns.

“The degree of collaboration and involvement in the Territory’s law-making process is a vote of confidence in the strength of our democracy,” he said.

“The Government takes its legislative powers seriously and the input of other MLAs, the Scrutiny of Bills Committee and the ACT branch of Civil Liberties Australia has been most welcome.”

CLA, led by Director Anthony Williamson, successfully urged the government to change the original draft legislation to cater for a situation where an assailant did not know, or could not be reasonably expected to have known, that the assaulted woman was pregnant.

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– from UNity, weekly newsletter of the UN Assn of Australia, 31 March 06

**Committee to inquire into ‘electoral awareness’**

Federal Parliament’s Joint Committee on Electoral Matters will examine civics and electoral education in Australia, focusing on the quality of education to young, Indigenous and migrant Australians.

Australians aged 15 to 35 typically have limited knowledge of Australia’s political history and political system, and have little interest in Australian political affairs.

Chairman of the Joint Standing Committee on Electoral Matters, Peter Lindsay, says: “We need to find better ways of inspiring and engaging these groups”.

The committee’s terms of reference for the inquiry are very broad and it is seeking submissions from a diverse range of Australians, including school children, teachers, community leaders, academics and practitioners.

Submissions close on 2 June and will be followed by a series of public hearings. Details of the inquiry will be advertised nationally on 9 April.

For more information: contact the Inquiry Secretary (02) 6277 4453, e-mail [jscem@aph.gov.au](mailto:jscem@aph.gov.au) or visit the Committee’s webpage at <http://www.aph.gov.au/house/committee/em/>

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– report from World Socialist Web ‘*countercurrents*’, 24 March 06, and other sources.

## **Australian Govt shuts down satirical web site; has an Australian Thought Police Commissar been appointed?**

Main coverage from a report by Richard Phillips

The Australian government appears to have forced the shutting down of a satirical web site sending up Prime Minister John Howard and his decision to participate in the US-led war in Iraq.

Authored by Mr Richard Neville, former editor of Oz magazine — the 'johnhowardpm.org' site — was suspended after a high-level intervention by the Department of Prime Minister and Cabinet (PM&C), and federal police.

Neville's site featured an apocryphal 'apology speech' from Mr Howard in which the PM appeared to reverse his support for invading Iraq.

In the 'recanting speech', the PM claimed that he is now 'a troubled citizen' and that all US-led forces should withdraw as soon as possible so that the Iraqi people could 'regain control of their future'.

The site remains blocked, but the speech is available as a pdf at *John Howard's apology: reflections of the situation in Iraq*.

Posted on 13 March, the send-up site received more than 10,500 hits in a little over 24 hours before it encountered unexplained "technical difficulties".

Mr Neville contacted Yahoo!, which maintained for several days that it was looking into 'technical problems'.

On March 16 he phoned Melbourne IT and one of its representatives admitted that Mr Greg Williams from the People, Resources and Communication Division of PM&C had ordered the site's domain name be suspended, effectively shutting down the site.

Mr Williams is reported to have claimed that the site looked like the Prime Minister's own web site and therefore violated its (the Australian Government's) property rights.

Melbourne IT also admitted that the company had received three phone calls from the Australian Federal Police, including from the AFP's Australian Hi-Tech Crime Centre.

PM&C's Mr Williams appears to have been appointed by the Australian Government, without formal notification, as Commisar of the Australian Thought Police, CLA President Dr Kristine Klugman said in commenting on the article.

<http://www.countercurrents.org/aus-phillips240306.htm>

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## **CLA unanimously elects John Marsden as patron at AGM**

John Marsden was elected unanimously as the Patron of CLA at the organisation's annual general meeting on Saturday 25 March 2006.

Mr Marsden is the founder and senior partner of the Marsdens Law Group based in Campbelltown in south-western Sydney.

He graduated from Sydney University in 1966 and immediately started his own practice in the Campbelltown area, where he has always lived.

Mr Marsden has always been extremely community-minded, receiving an AM in 1994 for services to law and the community.

He was a councillor on the NSW Council for Civil Liberties 1975-1988 and 1992-1997, and president of NSWCCCL for two terms, 1984-1986, and 1993-1997.

In 2005, he was honoured with life membership of the NSWCCCL, one of only three living people to be so honoured.

Mr Marsden was also President of the NSW Law Society 1991-1992 and delegate to the Law Council of Australia 1990-93.

He is a former member of the NSW Anti-Discrimination Board and the NSW Police Board and has held a host of other local positions over his three decades in the law. Outside the law, he has served on numerous Campbelltown and region community groups.

At the CLA AGM, president Kristine Klugman, secretary Bill Rowlings, director James Staples and member Jeff Miles spoke about Mr Marsden's deep commitment to justice and civil liberties over a long time, in the legal profession and in the NSW Council for Civil Liberties, and his extensive work in support of his local community and sporting organisations.

Mr Staples described Mr Marsden as "the most courageous man I have every met".

The AGM voted unanimously to endorse the Board's recommendation and confirm Mr Marsden as CLA's Patron.

As 2006 is an 'off' year for CLA's election of office-bearers, no other major business was transacted at the AGM.

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– from (UK) Press Association, reported by The Guardian, 23 March 06

### **UK teacher wins DNA battle with police**

A supply teacher accused of hitting a child twice with a ruler, but not prosecuted, has won her legal battle to have her fingerprints, DNA sample and photograph destroyed within 28 days.

Philippa Jones, from Birmingham will also receive about \$500 damages from the chief constable of West Midlands police, plus her legal costs.

Ms Jones launched a high court action for a declaration that the taking of her fingerprints and DNA, after the Crown Prosecution Service (CPS) decided not to prosecute, was unlawful.

The case ended when the police accepted that Ms Jones was entitled to judicial review.

Mr Justice Wilkie approved a consent order in which the police agreed to destroy the fingerprints, DNA and photograph within 28 days and pay the damages.

A statement before the court said Ms Jones, a supply teacher in the West Midlands area, was arrested on 14 June 2005 and taken to Kings Norton police station following an allegation by an eight-year-old child that she had hit him twice with a ruler.

Ms Jones "strenuously denied" the allegation, and later that day the CPS decided not to prosecute.

Almost half an hour later, despite representations by her solicitor that she ought to be released 'forthwith', the police insisted on taking her photograph, fingerprints and a DNA sample.

According to the statement, the police acted even though Ms Jones's solicitor had told the police their action was 'inappropriate' as the CPS had decided not to prosecute.

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– Agence France Presse, 13 March 06

### **Britain approves three more 'control orders' on security suspects**

Britain has approved three more control orders – a loose form of house arrest on security suspects – in the last three months, Home Secretary Charles Clarke announced in mid-March.

In a written statement to the House of Commons, Clarke said three British nationals were subjected to movement restrictions between 11 December to 10 March.

The new orders, under the Prevention of Terrorism Act 2005 and approved by a judge, mean 11 people are now subject to restrictions, he said.

In total, 20 orders are thought to have been imposed since the law came into effect a year ago.

Nine have lapsed for a number of reasons, including suspects being taken into custody under immigration rules pending deportation.

In February, the British Government's independent reviewer of terrorism laws, Lord Carlile of Berriew, raised concerns about the "potential psychological effects" of control orders.

They echoed those in July last year by Europe's Human Rights Commissioner, who said control orders flouted the presumption of innocence and questioned the independence, fairness and impartiality of the review process.

No similar information is available in Australia

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Editorial, NY Times, 12 March 06

### **Untried, Unjustly**

Authorities in the Indian state of Uttar Pradesh set Jagjivan Ram Yadav free the other day.

Mr Yadav was arrested in 1968 on charges of killing his neighbor's wife.

But the court system lost his file and he spent 38 years awaiting a trial that would never come.

Finally, some journalists learned of his case and, over the protests of a local judge, the Indian Supreme Court set him free on bail.

*(The editorial went on to condemn the systems in many countries where people's trials were long delayed).*

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- from ACLU email, 17 March 06

### **FBI launches spying war on pacifists**

The Federal Bureau of Investigation has investigated a political organisation based solely on its anti-war views.

Documents recently released show the FBI spying on gatherings of the Thomas Merton Center for Peace & Justice – just because the organization opposed the war in Iraq.

In a November 2002 memo, the FBI said that the centre "holds daily leaflet distribution activities in downtown Pittsburgh and is currently focused on its opposition to the potential war on Iraq".

The synopsis of the document is provided to "report results of investigation on Pittsburgh anti-war activities".

The FBI memo points out that the Merton Center "is a left-wing organization advocating, among many political causes, pacifism".

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– from the Kyodo agency, 7 March 06

### **Indonesia toughens stance by ratifying two anti-terrorism conventions**

The Indonesian parliament has ratified two international anti-terrorism conventions in a bid to end its reputation as being soft on terrorists.

They are the 1997 International Convention for the Suppression of the Terrorist Bombings and the 1999 International Convention for the Suppression of the Financing of Terrorism.

Foreign Minister Hassan Wirajuda told parliamentarians the decision to ratify the conventions was made to protect Indonesian citizens from being targeted as perpetrators of terrorism.

Ratification makes it easier to trace the funding of terrorist suspects to overseas bank accounts and to exchange terrorist detainees with other countries which have ratified the conventions, the minister said.

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– *several of the overseas items provided by Christopher Michaelsen, CLA member and Anti-Terrorism Officer, Office for Democratic Institutions and Human Rights (ODIHR), Warsaw*

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- from Associated Press story, 7 March 06

### **French prime minister signs off on terrorism response plan**

PARIS - Prime Minister Dominique de Villepin approved France's terrorism response plan this month.

Villepin did not immediately reveal details of the so-called "white book" on domestic security, but his office said the plan would be made public soon.

It also said France was maintaining its terror alert status at red, the second-highest.

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– from a NY Times report, 15 March 06

### **US reduces demands on Google**

From a report by KATIE HAFNER

The US Justice Department has drastically reduced its request for customer data and information from search engine company, Google, a California court has been told.

The US Government first subpoenaed web customer data from Google last August, as part of its defence of an online pornography law.

US Federal District Court Judge James Ware said that, in supporting the Government's more limited request, he would nonetheless pay attention to Google's concerns about its trade secrets and the privacy of its users.

The US Government is now requesting a sample of 50,000 web site addresses from Google's index instead of 1,000,000 which it was demanding until recently.

And it is asking for just 5,000 search queries, compared with an earlier demand for an entire week of queries, which could amount to billions of search terms.

A US Justice Department lawyer said at the hearing that the government would review just 10,000 Web sites and 1,000 search queries out of those turned over.

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– from Chisaki Watanabe, Associated Press report, 7 March 06

### **Japan endorses fingerprinting of foreigners upon arrival**

TOKYO - Japan's Cabinet endorsed a proposal this month to fingerprint and photograph foreigners 16 or older entering the country to crack down on terrorism.



The Cabinet will submit the legislation to Parliament during the session ending in June.

Japan received 6.6 million foreign entries in 2004, the latest statistics available.

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- from Agence France Presse, 6 March 06

### **House of Lords rejects compulsory ID card bill for the second time**

LONDON -- Britain's House of Lords has voted down, for the second time, government plans to introduce compulsory biometric identity (ID) cards.

A total of 227 Lords insisted the measures remain voluntary, while 166 agreed with the government proposal.

"The rejection focussed on legislative provisions that would make issuing new passports conditional on applicants agreeing to include their fingerprints and other biometric information on the planned National Identity Register," Agence France Presse reported.

"Members of the House of Lords said this was equivalent to introducing compulsory ID cards by stealth.

In February, the lower house of parliament rejected amendments made to the legislation by the Lords.

Britain has never had a mandatory ID card scheme outside wartime, but the idea has picked up speed since last July's deadly suicide bombings in London.

Critics of the scheme argue that it would be next to useless as a weapon in the war against international terrorism and that it infringes on civil liberties.

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- from NY Times, 15 March 06

### **New York Mayor suspends jail chaplain – but defends free speech**

From a report by SEWELL CHAN

New York Mayor Michael Bloomberg suspended the city's Correction Department's top chaplain for two weeks yesterday in connection with remarks he made about the White House being occupied by terrorists.

Mr Bloomberg agreed that the words were "inappropriate and offensive," but he defended the right to free speech.

"Looking across America, it seems that free speech is being attacked by the right under the guise of patriotism and by the left through academic intolerance that stifles necessary debate," he said.

"We should never pander to xenophobia, anti-intellectualism or convention. We must never be afraid of free speech or multiculturalism...and we must never use the war on terror, or political correctness, as the pretext for stifling political speech."

Mayor Bloomberg made his remarks over the case of the chaplain, an imam, who, last April, asserted that "the greatest terrorists in the world occupy the White House" and made a comment about what he called "the Zionists of the media."

The chaplain, Umar Abdul-Jalil, was suspended for two weeks without pay for bringing discredit to the department by failing to make clear that he was speaking only for himself.

The NY mayor said the content of the speech was not the cause of the suspension.

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- from The Independent (reports by Jason Bennetto and Nigel Morris), 7 March 06

### **Britain will allow phone-tap evidence in terrorist cases**

Charles Clarke British Home Secretary Charles Clarke is expected to in future allow transcripts of phone interceptions to be available to courts for the first time, particularly in cases involving terrorism and serious organised crime.

The move comes after the police changed their stance on the acceptability of phone-tap material, and the security agencies MI5 and MI6 adopted a more 'neutral position' on using intercept evidence, The Independent reported.

"Civil rights groups are in favour and argue that the disclosure will make the work of the security services more transparent and accountable," the paper said..

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– from FIDH newsletter, 6 March 06

### **Liberia's Truth and Reconciliation Commission gets under way**

Liberia's Truth and Reconciliation Commission (TRC) was launched in January, in accordance with Article XIII of the Liberian Comprehensive Peace Agreement.

The Liberian TRC is conducting investigations and will publish a report documenting "gross human rights violations, violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts" in Liberia between January 1979 and 14 October 2003.

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– from FIDH email, 1 March 06

### **Algeria's guilty can go free by decree**

A new presidential decree in Algeria creates impunity for crimes under international law and other human rights abuses, and muzzles open debate by criminalising public discussion about the nation's decade-long conflict, four human rights groups have cautioned.

They are Amnesty International, Human Rights Watch, the International Center for Transitional Justice, and the International Federation for Human Rights.

On 27 February, Algeria's full cabinet, with President Abdelaziz Bouteflika presiding, approved the 'Decree Implementing the Charter for Peace and National Reconciliation', bypassing a debate in parliament, which was not in session.

The four HR groups called the law's impunity measures a major setback for human rights in Algeria.

The measures include a blanket amnesty for the security forces and state-armed militias, while widening previous partial amnesties for members of armed groups, all of whom have committed crimes under international law and other grave human rights abuses that so far have not been investigated, the four claim.

Algeria is emerging from a decade of internal conflict in which up to 200,000 people were killed and several thousand more 'disappeared'.

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– from NY Times, 9 March 2006

Reported by ERIC LICHTBLAU

### **US Justice Department report cites violations by FBI on phone taps**

WASHINGTON — The Federal Bureau of Investigation (FBI) found apparent violations of its own phone-tapping and other intelligence-gathering procedures more than 100 times in the past two years, a US Justice Department report has said.

While some were considered technical glitches, the report, from the department's inspector general, characterised others as "significant," including phone taps that were much broader in scope than approved by a court .

Others were allowed to continue for weeks or sometimes months longer than was authorised.

In one instance, the FBI received the full content of 181 telephone calls as part of an intelligence investigation, instead of merely the billing and toll records as authorised, the report found.

In a handful of cases, it said, the bureau conducted physical searches that had not been properly authorised.

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– from NY Times, 8 March 06

### **Patriot Act changes go to US President for signing into law**

From a report by Sheryl Gay Stolberg

The US House of Representatives has passed revisions to the anti-terrorism law known as the USA Patriot Act in mid-March.

The narrow margin – just two votes ensured the mandatory two-thirds majority – cleared the way for President Bush to sign the changes into law, which he subsequently did.

The House action approved amendments to a bill revising the original act; the revised bill passed the House last year and was adopted earlier in March by the US Senate after being bottled up there for months.

Passed after the 11 September 2001 attacks on the Twin Towers in New York and other sites, the Patriot Act greatly expanded the authority to investigate terror suspects.

Critics have said, however, that it infringes on personal privacy by allowing investigators access to information like medical and library records.

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– from The Guardian, 13 March 06

### **Former top judge says US risks edging near to dictatorship**

From a report by Julian Borger

Sandra Day O'Connor, a Republican-appointed judge, has said publicly that the USA is in danger of edging towards dictatorship if the party's right-wingers continue to attack the judiciary.

The former Supreme Court judge, 75, retired last month after 24 years on the court.

In a speech at Georgetown University in Washington, Ms O'Connor, who was nominated by President Ronald Reagan as the first female Supreme Court justice, declared: "We must be ever-vigilant against those who would strong-arm the judiciary."

She said autocracies in the developing world and former Communist countries provided lessons for where interference with the judiciary might lead.

"It takes a lot of degeneration before a country falls into dictatorship, but we should avoid these ends by avoiding these beginnings," she said.

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– from UNity, newsletter of the UN Assn of Australia, 17 March 06

### **Privy Council abolishes mandatory death sentence for Bahamas**

The Judicial Committee of the Privy Council has abolished the mandatory death sentence for anyone convicted of murder in the Bahamas, Amnesty has reported.

The Privy Council, drawn from the British House of Lords and the highest court of appeal for most countries in the English-speaking Caribbean region, ruled that the mandatory death sentence violates the Bahamian Constitution.

Previously in the Bahamas anyone found guilty of murder has been automatically sentenced to death.

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– from a report by Nina Bernstein in the New York Times, 28 February 2006

### **US pays wrongful detainee \$US300,000 for 11 September error**

The US government has agreed to pay \$300,000 to settle a lawsuit brought by an Egyptian who was among dozens of Muslim men swept up in New York after 11 September 2001's aircraft attack on the Twin Towers.

They men were held for months in a federal detention center in Brooklyn and deported after being cleared of links to terrorism.

The settlement is the first the US government has made in a number of lawsuits charging that non-citizens were abused and their constitutional rights violated in detentions after the terror attacks.

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– from UNity, newsletter of the UN Assn of Australia, 24 March 06

### **Keeping up with our politicians: the Reading List**

The Federal Parliamentary Library provides a regular update of published material relevant to political, legislative and judicial issues.

Here is one of the recent updates:

#### **Bill of Rights**

Behrendt, Larissa. A threat to rights. *NewMatilda.com*, 12 October 2005: 2p.

D'Souza, Rohan. The high price of constitutional entrenchment. *IPA Review*, vol.57, no.4, December 2005: 33-4.

Stefaniak, Bill. The need to balance a Bill of Rights. *The Parliamentarian*, vol.86, no.3, 2005: 251-2.

#### **Legislation**

Head, Mike. Australian legal experts condemn Anti-Terrorism Bill. *World Socialist Web Site* [www.wsws.org](http://www.wsws.org), 4 November 2005: 3p.

Socialist Equality Party (Australia). Australia's "Anti-Terrorism" Bill: the framework for a police state. *World Socialist Web Site* [www.wsws.org](http://www.wsws.org), 3 November 2005: 5p.

Emerton, Patrick. Australia's anti-terrorism legislation: a threat to democracy and the rule of law. *Dissent*, Summer 2005/2006: 19-24.

Caine, Emma and Andrew F Christie. A quantitative analysis of Australian intellectual property law and policy-making since federation. *Australian Intellectual Property Journal*, vol.16, no.4, November 2005: 185-209.

Danby, Michael. National security comes before party politics. *Defender*, vol.22, no.4, Summer 2005/06: 25-6.

Wheeler, Fiona. The Legislative Instruments Act 2003. *Public Law Review*, vol.16, no.3, September 2005: 173-8.

#### **Constitution and law**

Gibbons, Thomas. Rethinking the Constitution in crisis. *New Zealand Law Journal*, October 2005: 359-61. (Refers to: 'New Zealand's Constitution in Crisis' by Geoffrey Palmer (1991))

Dingle, Lesley and Bradley Miller. A summary of recent constitutional reform in the United Kingdom. *International Journal of Legal Information*, vol.33, no.1, Spring 2005: 71-102.

Windlesham, Lord. The Constitutional Reform Act 2005: the politics of constitutional reform. *Public Law*, Spring 2006: 35-57.

Nicholson, Alastair. The role of the constitution, justice, the law, the courts, and the legislature in the context of crime, terrorism, human rights and civil liberties. Speech, 4 November 2005: 23p.

### **Democracy and elections**

Gallup International. Voice of the people 2005: trends in democracy: global summary. Document, 19 September 2005: 13p.

Mackerras, Malcolm. Australia [Political data 2004]. European Journal of Political Research, vol.44, no.7-8, December 2005: 929-39.

Kerbel, Matthew R. and Joel David Bloom. Blog for America and civic involvement. Harvard International Journal of Press/Politics, vol.10, no.4, Fall 2005: 3-27.

Chong, Derek, Sinclair Davidson and Tim Fry. It's an evil thing to oblige people to vote. Policy, vol.21, no.4, Summer 2005-06: 10-7.

Ellery, Sue. One vote, one value in Western Australia. The Parliamentarian, vol.86, no.3, 2005: 223-4.

### **Freedom of speech:**

Aprhys, Alison. The silent summer. Eureka Street, vol.16, no.1, January-February 2006: 2p. (In an atmosphere of fear, governments in Australia and around the world are passing laws that could force the press to keep quiet on some issues.)

Griffith, Gareth. Sedition, incitement and vilification: issues in the current debate. Briefing Paper (New South Wales. Parliamentary Library) no.1/2006: 86p.

Hassan, Syed Atiq ul. Abusing freedom of expression. Online Opinion, 10 February 2006: 2p.

Henderson, Gerard. Free speech muffled in cartoon row. West Australian, 14 February 2006: 19.

Walker, Bret and Peter Roney. Memorandum of advice: re: The Anti-Terrorism Bill 2005 (No.2) and the preventive detention, prohibited contact and control order provisions. Document, 4 November 2005: 12p.

High Court judgments; judiciary

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### **Law reform**

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### **Privacy**

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### **Copyright:**

Turner, Sarah. Under the carriage service provider liability yoke: copyright on the Internet. Law Institute Journal, vol.79, no.10, October 2005: 46-9.

### **Events and Opportunities:**

**7 April, Sydney:** free seminar on developments in citizenship law, including potential human rights implications of the Australian Citizenship Bill 2005: 1-2:30pm, Human Rights and Equal Opportunity Commission, Level 8, 133 Castlereagh Street. Reservations essential, email Gina Sanna [legal@humanrights.gov.au](mailto:legal@humanrights.gov.au)

**10-12 April 2006, Sydney:** Australasian Law Reform Agencies Conference (ALRAC) 10-12 April 2006. Details: <http://www.alrc.gov.au/events/events/alrac/index.html>

**15 April, World:** Nominations close for 2006 Robert F. Kennedy HRAward. Info: [www.rfkmemorial.org/legacyinaction/selectionprocess/](http://www.rfkmemorial.org/legacyinaction/selectionprocess/)

**19-22 April, Melbourne:** Community Development in a 'Global Risk Society' conference [www.deakin.edu.au/cchr/cd](http://www.deakin.edu.au/cchr/cd) or contact Anne OKeefe, Centre for Citizenship and Human Rights, Deakin U. 03 5227 2113 or email: [anne.okeefe@deakin.edu.au](mailto:anne.okeefe@deakin.edu.au)

**23 April, World:** World Book and Copyright Day [www.unesco.org](http://www.unesco.org)

**1 May, Canberra:** Professor Paul Hunt, the UN Special Rapporteur on the Right to Health and member of the UN Economic, Social and Cultural Rights Committee, will speak at a forum organised by the HR Office in Canberra.

**3 May, World:** World Press Freedom Day [www.unesco.org](http://www.unesco.org)

**9 May, World:** New Human Rights Council – consisting of 47 nations – to be elected from the General Assembly of the UN.

**10 May, Canberra:** Free HR Office workshop on a general understanding of purpose and operation of the Discrimination and Human Rights Acts and the main differences between them. 9.30am–1.30pm. To book email: [human.rights@act.gov.au](mailto:human.rights@act.gov.au)

**29 May, Canberra:** CLA lectures to ADFA cadets on civil liberties/human rights

**19 June, World:** New Human Rights Council to meet for the first time

**June 20** World Refugee Day and announcement of AUSTCARE's Humanitarian Awards. Info Michelle Godwin [mgodwin@austcare.org.au](mailto:mgodwin@austcare.org.au) or [www.austcare.org.au](http://www.austcare.org.au) or 02 9565 9111

**21 June, Canberra:** Conference on Australian Bills of Rights - recent developments in the ACT and other jurisdictions. See website for details: <http://acthra.anu.edu>

**23 June, World:** UN Public Service Day [www.unpa.org](http://www.unpa.org)

**26 June, World:** International Day in Support of Victims of Torture [www.un.org/rights](http://www.un.org/rights)

**10 December, World:** Human Rights Day [www.ohchr.org](http://www.ohchr.org)

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### **...and the little joke:**

A school teacher has been arrested at an international airport trying to board a flight carrying a ruler, protractor, set square, slide rule and calculator.

Commissioner Mick Keelty said the AFP believe the person is a member of the notorious Al Gebra movement.

The teacher has been charged with carrying weapons of math instruction.

"Al Gebra is a group which desire solutions by means and extremes, and sometimes go off at tangents in a search for absolute value.

"They use secret code names like 'x' and 'y' and refer to 'unknowns'.

However, we believe they belong to a common denominator of the axis of medieval, with coordinates in every country."

Prime Minister Howard said: "If God had wanted us to have more math instruction, he would have made all marriages much more gay affairs. I'm going to take this issue up with the Civil Union.

– with thanks to CLA member Ann Turner

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**ENDS #### ENDS #### ENDS ####**

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