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May was busy for CLA, with a lecture to Defence trainees, a forum on the death penalty, initiatives on comedy and cartoons, the second meeting of Goulburn branch, discussions on the smart/access (fraud) card, and preparing a submission on civics education. This month's highlights include:

- First lecture delivered to future Defence officers
- CLA to follow up four resolutions on death penalty
- Links formed with Liberal MHR Peter Lindsay
- CEO resigns, deputy departs, Minister deserves yellow card
- *I Spied* and cartoons make for laughs in troubled times
- Goulburn Group discusses 'smartcard' and Hicks anguish
- Give sedition the chop, ALRC's draft report proposes

**THE LAST WORD:** *Free speakers bar free speech*

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**Left-Rights-Left is the cadence for Defence's future officers**

CLA President Dr Kristine Klugman and Director Vic Adams delivered the inaugural CLA lecture to Australian Defence Force Academy students this past month.

The 30-minute, thought-provoking lecture, followed by a lively question and answer sessions, covered civil liberties and human rights.

It included a run-through on the International Convention on Civil and Political Rights (ICCPR), highlighting its limitations on torture and cruel and inhuman punishment.

The Defence students – Australia's future officers – were reminded that, under international law ratified by Australia, they do not have to obey an order to carry out torture.

They were also prodded to check out their rights to free speech in and out of Australian Defence Force uniform, and to consider whether or not aspects of the ACT Human Rights Act applied to them as Canberra residents.

After the formal presentation, more than 100 cadets from the Army, Navy and Air Force engaged in a lively question and answer session for about 20 minutes.

The session was organized by Politics lecturer Dr Linda Botterill, after CLA approached Prof Carl Thayer nine months ago with a suggestion for regular CL/HR lectures on the University of NSW campus to ADFA students and others.

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### **CLA to act on four death penalty resolutions from forum**

A public forum in Canberra last month called on the Australian Government to back its stated anti-death penalty stance with action, nationally and internationally.

The 22 May 2006 forum, organised by Civil Liberties Australia and sponsored by ACT Legislative Assembly Speaker, Mr Wayne Berry, passed four motions, to:

- ask the government to legislate so no Australian State could reintroduce the death penalty;
- ask the government to campaign internationally against pro-death penalty countries, consistently and with adequate financial resources;
- insist that the government and the Australian Federal Police, together, amend international treaties and national instructions and guidelines for data sharing so that no-one can be executed as a result of Australian-supplied information; and
- petition the new international Human Rights Council to institute a moratorium on the death penalty worldwide from 10 October 2010, with a view to eventual total abolition.

CLA calls the international campaign '*10/10 for Life*'.

CLA will be following up the forum with letters, presentations and contacts locally, nationally and internationally.

For further information: Bill Rowlings on (02) 6288 6137 or <http://www.claact.org.au/>

The forum was an initiative of CLA Director Vic Adams, and was organized by him and President Kris Klugman with help from member Jeff Miles. Mr Miles worked with ACT Young Lawyers Golden Gavel winner, Emma Herde of Phillips Fox, who was one of the keynote speakers along with Mr Adams and CLA Secretary Bill Rowlings.

CLA is grateful for the support of Speaker Wayne Berry and his helpful staff, Peter Lee of the ACT Young Lawyers and CLA members Mary Bennett and Rosemary Brissenden, who looked after catering.

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### **Liberal MHR helps with civil unions, data protection legislation**

Liberal MHR, Peter Lindsay called for a freeing up of the Commonwealth Government's attitude to same-sex civil unions after a meeting with CLA.

CLA President Dr Kristine Klugman and secretary Bill Rowlings met Mr Lindsay on 25 May, the day before Mr Lindsay's public statement was reported by the ABC.

<http://www.abc.net.au/news/newsitems/200605/s1647796.htm>

In other developments, CLA will prepare a submission to the civics education inquiry that Mr Lindsay is heading, and he will help CLA outline a case to the Liberal Government's party room on the need for data protection legislation to accompany introduction of the proposed new smart/access card.

A photo of Mr Lindsay and President Kris Klugman is on the CLA website:

<http://www.claact.org.au/>

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## **CEO resigns and deputy departs – Minister deserves yellow card**

James Kelaher, the Chief Executive Officer of the Inter-Departmental Committee which has worked for years to prepare for introduction of the Australian 'smartcard', resigned suddenly last month.

In media reports, he outlined why he had resigned, saying that reasons included that the Human Services Minister, Mr Joe Hockey, was refusing to appoint a meaningful advisory committee to undertake a robust consultation process, and would not bring in the needed external IT expertise.

Mr Kelaher's deputy, Suzanne Roche, also subsequently resigned, reportedly following an angry phone call from the Minister, who was upset at the Kelaher resignation.

The Hockey outburst is not likely to encourage a wide field of people to be keen to replace Mr Kelaher and Ms Roche. In fact, Mr Hockey should receive a yellow card from the Prime Minister for illiberal behaviour.

After Mr Hockey's Tiberian telephonics, he appointed Mr Alan Fels and Mr Chris Puplick to the Access Card Consumer and Privacy Taskforce.

This unlikely double act is meant to consult Australia-wide on all aspects of the proposed card...which has already had a name change, even though it is publicly less than a month old.

Launched as the 'smart' card, someone in the government – probably an irascible joe – obviously thought it wasn't smart to call it a 'smart' card, so it has become an 'access' card.

Of course, it is really an identity – or ID – card designed to crack down on welfare fraud, which is the government's main aim, and to replace the ageing Medicare card, long past its 'best before' date.

The new card has also been designed to work across all government departments and agencies, and to integrate with state and local government and the private sector, particularly the banks.

The new card would facilitate, legitimize and even extend (the government hopes) the widespread data matching which already occurs across departments and with the banking sector.

The trouble is, from the government perspective, that this current data matching system is inefficient...it would be super-efficient and instantly effective under the proposed 'fraud' card. There could be real-time nabbing of welfare cheats, right in Centrelink offices.

Mr Hockey, whose office misplaced several CLA letters on the card issue and ignored emails and phone follow-ups for many months until just after the public launch, may need to change his attitude toward getting the public on side.

He will need to learn new manners, and the importance of proper consultation, if he is to deliver the fraud card and impress his political masters, which appears to be a driving motivation.

Reports indicate the Sydneysider is hoping for a major portfolio when Prime Minister Howard moves on. However, his performance and behaviour so far on the fraud card has not been particularly impressive.

CLA is repeating its long-standing call for a permanent advisory body to be set up, which includes representatives of liberties, rights and privacy organizations, to monitor the 'fraud' card before and after introduction.

As well, CLA wants a full review of Australia's extraordinarily weak data protection laws, and entirely new data safeguards legislation to protect Australians and their data, and Australia and its data intelligence.

It is surprising that the Attorney-General is not more active in wanting to protect Australia's data 'intelligence' – he should be the first to want to rewrite data protection

legislation in a time of terrorism and of interference with data holdings by some countries.

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### ***I SPIED!* and cartoons provide laughs in troubled times**

A dozen members of CLA enjoyed a night of laughing out loud at ASIO in early May as comedian David Callan performed his one-man show, *I SPIED!*, at the Tuggeranong Arts Centre.

Callan, a Canberran by birth and an ASIO employee by mistake in the 90s, has parlayed an initial poor career choice into more than an hour of genuine humour, poking fun at the importance of being earnest in ASIO.

His performance was so good that CLA asked him to become our roving ambassador. He has knocked back that position, but may become a CLA double agent. We will keep you in the dark as to what is happening.

Separately, but joined in mirth, cartoonist Geoff Pryor has given CLA approval to use on our website any of his brilliantly-penned black-and-white cartoons relating to civil liberties or human rights.

His approval adds to our excellent relationship with the generous Ian Sharpe, fellow Canberra Times cartoonist, who has donated several of his coloured gems for auction/sale and/or website use.

We are extremely grateful to both of them. You can see examples of their work at <http://www.claact.org.au/pages/cartoon.html>

And in another stroke of cartooning good fortune, Australia's doyen of cartoonists, Bruce Petty, is also – along with Geoff Pryor – backing another initiative of CLA to produce a cartoon exhibition. More details later.

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### **Goulburn Group discusses 'smartcard' and Hicks anguish**

The Goulburn Group (GG) of CLA held its second meeting this month, and has formed a small sub-committee to plan for a major community event – possibly a street march – later this year.

At the GG meeting, the recently-announced Australian 'smartcard' was the core topic, with CLA secretary Bill Rowlings outlining the history of the card publicly and behind the scenes.

The meeting, hosted at Sasso pizza bar by the Roxburgh family, also heard from CLA director Vic Adams, who gave a brief preview of a death penalty forum scheduled for the following Monday night.

Four of the five CLA directors attended the Goulburn meeting, as did Gunning Catholic parish priest John Parsons who, with James Roxburgh, was responsible for the initiative which created the GG.

After lively debate that ranged from age issues to apathy angst, the meeting focused on the ongoing – now more than 4 1/2 years – imprisonment without trial of David Hicks in Guantanamo Bay.

GG members felt strongly that regional and rural Australia had to stand up, as did the cities, and tell the government that it was unacceptable for an Australian citizen to be locked up for so long without active, intense and public action by the government to have him released.

If he had committed no offence punishable in Australia, and no recognized, legitimate international or American offence, then he should not be locked up in an American jail on Cuban land that the US Government claimed was 'terra nullius'.

The Hicks situation will be one of the main focuses of the sub-committee planning future events.

The Goulburn branch has now been formed officially, with 15 members signing on. This gives Goulburn a member/population ratio of about 0.06...about double that of the ACT group's community penetration!

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### **Give sedition the chop, ALRC's draft report proposes**

'Sedition' should be cut from our law, the Australian Law Reform Commission (ALRC) proposes.

Offences urging force or violence against the government or community groups should be redrafted.

There should be a clear line between freedom of expression — even when exercised in a confronting or unpopular manner — and the reach of the criminal law.

The ALRC's draft proposals are in a Discussion Paper (DP 71) responding to a request by Attorney-General Phillip Ruddock to consider whether the existing sedition laws, made more draconian in the Anti-Terrorism Act 2005 (Cth), effectively address issues of 'intentionally urging others to use force or violence' and whether 'sedition' is the appropriate term to describe these offences.

Other proposals in the draft paper include:

- amending offences re 'assisting' an enemy at war with Australia or engaged in armed hostilities against the ADF to clarify that this refers to material assistance — such as arms, funds, personnel or strategic information — rather than criticism of government policy;
- repeal of provisions in the Crimes Act concerning 'unlawful associations', which are superseded by recent laws on terrorist organisations; and
- ruling out a UK-style offence of 'glorification of terrorism'.

The ALRC wants community input on their proposals by 3 July 2006 before finalizing their report to the A-G. Copies of DP 71 are available from <http://www.alrc.gov.au/>

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– from UNity, UN Assn of Australia weekly e-newsletter, 26 May 06

### **Australia fails David Hicks, Amnesty says in its annual report**

Amnesty International criticised Australia's record on violence in Indigenous communities, its stance on the death penalty, and its failure to acknowledge that David Hicks, imprisoned without trial for four years by the US at Guantanamo Bay, was facing a military commission process that was unfair and failed to meet international standards.

Acknowledging that the Government had introduced a range of positive reforms on the treatment of refugees, including its decision to free all children from detention, Amnesty found that the introduction of offshore processing for all asylum seekers arriving by boat would tarnish what had been a good recent record on refugees.

The report said violence against women in Australia was unacceptably high and criticised the government's failure to provide budget funding for programs to address the problem, with almost half of all women seeking shelter from violence being turned away because of lack of resources.

The report also criticised Australia's new anti-terror laws, including preventative detention in secret for 14 days without charge or trial, and renewable control orders for up to 12 months.

To access *Amnesty International Report 2006: the state of the world's human rights*, go to <http://www.amnesty.org.au/>

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– from UNity, UN Assn of Australia e-newsletter, 18 May 06

### **Delay all Hicks's fault, PM says from Washington**

During his visit to Washington, Prime Minister John Howard discussed with US Defence Secretary Rumsfeld the continued imprisonment of David Hicks and international criticism of Guantanamo Bay camp which has held Mr Hicks for 4 1/2 years.

Speaking after the Rumsfeld meeting, Mr Howard blamed Mr Hicks for delays in hearing charges against him before a US military commission.

The PM said: "We talked about the Hicks, about Hicks's position. And the problem or, should I say, the circumstance which is delaying his trial before a military commission is a legal action in the American courts, of which he is part.

"And until that is resolved, the military commission trial can't go ahead. And that's not our fault, it's not the fault of the Secretary of Defence for the United States; it's not the fault of the American Administration.

"We've made our position very clear. We believe he should be tried before the military commission. And what's holding that up is an action challenging the military commission launched on his and others' behalves. And until that is resolved, his military commission trial can't go ahead.

"We do not want him to come back to Australia until he's been tried before the military commission, and that can't go ahead until the court process which he started here [in the US] is resolved."

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Sept 06 (Date TBC): 6pm, National Library of Australia (with ISAA).

**CLA** Forum: **Sedition**. Keynote speaker (TBC). All invited.

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– from United News of Bangladesh, 29 May 06

### **Bangladesh to put seven to death**

Jhalakati, Bangladesh – Seven top JMB\* leaders, including its chief Shaikh Abdur Rahman and second-in-command Siddiquil Islam (alias Bangla Bhai), were sentenced to death in late-May for killing two judges in November 2005.

Judge Reza Tariq Ahmed pronounced the verdict amid tight security with only journalists and officials allowed in court besides the accused.

The other JMB militants sentenced to death are Aatur Rahman Sunny, Amjad alias Khaled Saifullah, Abdul Awal, Iftekhar Hasan Al Mamun, and Asadul alias Arif of Barguna (tried in absentia).

The court, however, acquitted another accused in the case -- Sultan Hossain Khan of Krishnakati, who helped in renting a house for the JMB leaders at Jhalakati.

Senior Assistant Judges Sohel Ahmed and Jagannath Pandey were killed in a bomb blast set off by JMB suicide squad member Iftekhar Hasan Al Mamun on 14 November 2005.

\* According to the South Asia Terrorism Portal (<http://www.satp.org/>), the Jama'atul Mujahideen Bangladesh (Party of the Mujahideen) aims at establishing the rule of Islam in Bangladesh through an armed struggle. JMB is opposed to democracy and wants government under Islamic law.

The Bangladeshi Government proscribed JMB on 23 February 2005. JMB is not listed by the Australian Government as a terrorist organisation.

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– from New York Times article, 23 May 06 by David Stout and Tom Zeller Jr.

### **26.5m records of US war veterans go missing**

In a salutary lesson for the proposed whole-of-government 'smartcard' in Australia, personal information on about 26.5 million American war veterans, including Social Security numbers and birth dates, has gone missing.

The data was stolen in a burglary from the home of a US Department of Veterans Affairs employee who took the records home without authorization, a practice that had been done for years apparently.

The US Veterans Affairs Department seems to have taken its time to tell people about the problem. They learned about the theft shortly after it occurred, on 3 May 2006, but waited two weeks before telling law enforcement agencies, officials said.

In a separate incident, in June 2005 at CardSystems Solutions, a US payment processor, the accounts of 40 million credit card holders were compromised in a

hacking incident. But then, any exposure could be addressed by simply canceling the accounts.

In the latest incident, three crucial keys to unlocking a person's financial life in the USA — name, Social Security number and date of birth — have been let loose.

That data cannot be canceled. A clever thief could use the data to begin trying to open new accounts, secure loans, buy property and otherwise wreak havoc on the victim's credit history.

<http://www.nytimes.com/2006/05/23/washington/23identity.html>

NOTE: The Department of Veterans Affairs in Australia will be one of the prime users of the proposed Australian fraud card. The department has always been closely involved in inter-departmental consultations on use of card technology.

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– from The Guardian (UK), 23 May 06

### **Wanadoo in customer data security breach**

From a report by Bobbie Johnson, technology correspondent

In a security breach at a major UK internet service provider, thousands of customers' private details have been made public.

Wanadoo, with 2m internet subscribers in Britain, admitted a technical mistake led to extensive customer account information – including real names and passwords – being published online.

A spokesman said that the leak was fixed as soon as technicians became aware of the problem, but admitted that they had no idea how long it had existed.

Some customers speculated the loophole, apparently from Portugal, may have lain undiscovered for as long as two years.

Around 20,000 customers are believed to have been affected directly, although red-faced officials refused to confirm exact numbers.

It is believed that affected customers had their real name, email address, user name and password all put online.

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– from Amnesty's *Human Rights Defender*, July/July 2006

### **Stun guns are 'A shocking risk to life', says Amnesty**

More than 150 people have died in the USA since 2001 after being struck by Taser stun guns – 61 in 2005 alone, Amnesty says in its current magazine being distributed in Australia.

Amnesty's research revealed that most were unarmed men who did not appear to pose a threat of death or serious injury to the people who 'stunned' them.

The Amnesty report comes hard on the heels of CLA asking the ACT Government and ACT Policing to not use Tasers until proper research ordered by the US Government is completed in about 18 months.

Most police agencies quote 'research' conducted by the Taser organisation itself as declaring the weapons safe; the Taser research was carried out on a few pigs and dogs by a researcher who became the Taser company's medical director.

CLA's internet research showed deaths occurred in America at least three times in every 200 uses.

Amnesty says it is concerned that, in the USA, Taser stun guns are used routinely rather than as a weapon of last resort, and believes their use can constitute cruel, inhuman or degrading treatment.

The organisation is urging police departments in Australia not to introduce Tasers until it is proven, through thorough and impartial research, that these so-called 'non-lethal' weapons do not put lives at risk.

However, Amnesty's call appears to be too late: virtually all Australian jurisdictions have approved the weapons or are trialing them.

As well, the Australian Federal Police are using the weapons, in Canberra and elsewhere in Australia. ACT Policing have not released a report, due in February this year, on their 14-month trial of the Taser stun gun in the ACT.

The trial was meant to end in January...but the weapons are apparently still in use by officers in the ACT.

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### **Lawyers Alliance to hold annual conference**

A human rights forum will be included when the ACT's plaintiff lawyers hold their annual branch conference at the Hyatt Hotel on Friday 23 June.

ACT Chief Justice Terry Higgins, Shadow Federal Attorney-General Nicola Roxon and the former Shadow ACT Attorney-General, now Opposition Leader, Bill Stefaniak, will be among the keynote speakers at the HR forum.

Chief Minister John Stanhope will give the keynote address at the Australian Lawyers Alliance conference, which will be opened by ALA national president Richard Faulks.

There will also be updates on legislation and discussion on issues associated with subjective and objective assessments and negotiation and settlement. A conference dinner will be held in the evening.

<http://www.apla.com/events.php?loc=act&id=68>

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– from a report by the Press Association (UK), 24 May 2006

### **Eight held in raids by 500 police**

Police in England have arrested eight people in a nationwide operation.

A reported 500 police officers – 60 for each person arrested – raided several locations at 3am.

The individuals arrested were suspected of "facilitating terrorism abroad", police said.

One man was arrested in the Liverpool area and the rest in Manchester. Police refused to give any further details.

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### **New HR Council is formed...with plenty of killing nations on board**

Composition of the new Human Rights Council was decided in May when 47 nations were elected from 63 candidates.

The **Western** bloc elected seven members: Britain, Canada, Finland, France, Germany, Netherlands and Switzerland.

**Latin America** and the **Caribbean** chose eight: Argentina, Brazil, Cuba, Ecuador, Guatemala, Mexico, Peru and Uruguay.

There were 13 candidates for six seats in the **Eastern Europe** group. After a second round of voting, the winners were Azerbaijan, Czech Republic, Poland, Romania, Russia and Ukraine.

The 13 **African** winners were Algeria, Cameroon, Djibouti, Gabon, Ghana, Mali, Mauritius, Morocco, Nigeria, Senegal, South Africa, Tunisia and Zambia.

**Asia** elected 13 to the council: Bangladesh, Bahrain, China, India, Indonesia, Japan, Jordan, Malaysia, Pakistan, Philippines, South Korea, Saudi Arabia and Sri Lanka.

The council was created on 15 March in a 170 to 4 vote with only the USA, Israel, Palau and the Marshall Islands opposing.

The HR Council replaces the Human Rights Commission, long devalued because of the ongoing and escalating human rights abuses of many of its members.

"The first observation about the new membership list is that it contains plenty of countries who believe that the death penalty is human rights-compatible," CLA secretary Bill Rowlings said.

“For example, Saudi Arabia carries out monthly beheadings in the town square in Riyadh. Nigeria stones women to death. Japan, Jordan and Pakistan, among others, still hang people. China shoots more than 3,000 – some accounts say 9,000 – people a year.

“Perhaps the new Human Rights Council could begin by declaring a worldwide moratorium on capital punishment from 10/10/10,” Mr Rowlings said.

“That’s the name – *10/10 for Life* – of our new campaign to eliminate the death penalty from the world.”

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– from Amnesty media release

### **Amnesty says world pays heavy price for bad governments**

Amnesty’s Secretary-General Irene Khan last month said that the security agenda of the powerful and privileged had hijacked the energy and attention of the world from serious human rights crises elsewhere.

She was speaking at the release of Amnesty’s annual report.

"Governments collectively and individually paralysed international institutions and squandered public resources in pursuit of narrow security interests, sacrificed principles in the name of the ‘war on terror’ and turned a blind eye to massive human rights violations.

“As a result, the world has paid a heavy price, in terms of erosion of fundamental principles and in the enormous damage done to the lives and livelihoods of ordinary people.

"When the UK government remains muted on arbitrary detention and ill-treatment in Guantánamo, when the US ignores the absolute prohibition on torture, when European governments are mute about their record on renditions, racism or refugees, they undermine their own moral authority to champion human rights elsewhere in the world," Ms Khan said.

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– from Media, Entertainment and Arts Alliance (MEAA) e-newsletter, 19 May 06

### **Journalist jailed for 12 years in China**

In an attack on the Chinese media, freelance writer Yang Tianshui was sentenced to 12 years prison in May.

The New York Times researcher has been in custody since 2004 accused of posting articles on foreign websites, receiving money from abroad, and helping a would-be opposition party.

[http://www.boston.com/news/world/asia/articles/2006/05/17/amid\\_media\\_crackdown\\_china\\_sentences\\_journalist\\_to\\_12\\_years/](http://www.boston.com/news/world/asia/articles/2006/05/17/amid_media_crackdown_china_sentences_journalist_to_12_years/)

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– from a NY Times report, 27 May 2006, by Laurie J. Flynn

### **Internet ‘reporters’ ruled to have benefit of confidentiality**

A California appeals court has decided that the same confidentiality laws that protect traditional journalists also protect online reporters.

The decision has thwarted efforts by Apple Computer to identify people who leaked confidential company data.

The three-judge panel overturned a court ruling last year that to protect its trade secrets, Apple was entitled to know the source of leaked data published online.

The appeals court also ruled that a subpoena issued by Apple to obtain electronic communications and materials from an Internet service provider was unenforceable.

In its ruling, the appeals court said online and offline journalists are equally protected under the US Constitution’s First Amendment.

"We can think of no workable test or principle that would distinguish 'legitimate' from 'illegitimate' news," the opinion states. "Any attempt by courts to draw such a distinction would imperil a fundamental purpose of the First Amendment."

<http://www.nytimes.com/2006/05/27/technology/27apple.html>

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– from New York Times, 1 May 2006

### **Egypt extends 25-year-old emergency detention law**

From a report by MICHAEL SLACKMAN

CAIRO: Egyptian President Hosni Mubarak has pushed through Parliament a further two-year extension of an emergency law which allows the state to detain prisoners indefinitely without charge.

Prime Minister Ahmed Nazif said the emergency law would eventually be replaced with a provision focusing exclusively on terrorism.

"We will never use the emergency law against the Egyptian people," he said to the crowded parliamentary chamber. "We will use it only to protect the citizens," the PM said.

The political opposition, human rights groups and Cairo people disagreed with the analysis, saying the extension proved more about the government protecting itself, rather than protecting the people.

Mr Mubarak won re-election last year with more than 88 per cent of votes cast.

Since then, according to the New York Times report, his Government has used its military forces to beat and shoot voters trying to cast ballots in parliamentary elections for opposition candidates; sentenced an opposition political leader, Ayman Nour, to five years in prison; delayed local elections for two years; sought to punish judges who reported fraud at the polls during past elections; and denied requests to create new political parties.

The emergency law was first passed in 1981 in response to the assassination of President Anwar el-Sadat, and at its height was used to detain more than 30,000 prisoners indefinitely without charge.

Mr. Mubarak has had the law renewed every three years since — and human rights groups estimate that there are now about 15,000 prisoners who have not been charged in Egypt's jails.

The law allows authorities to hold a person for up to six months without charge or trial. But in practice, legal experts said, the government technically releases prisoners after six months and then rearrests them, without ever having actually let them go, Michael Slackman's report in the NY Times said.

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### **CLA's patron, John Marsden, dies**

John Marsden – patron of CLA – died on 17 May.

Mr Marsden LL.M, AM had been 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. He was also President of the NSW Law Society 1991-1992 and delegate to the Law Council of Australia 1990-93.

Also a former member of the NSW Anti-Discrimination Board and the NSW Police Board, he had held a host of other positions in community organizations in Campbelltown and around that region of NSW. We extend our sympathies to his family.

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– from The Guardian (UK), 19 May 06

### **UK Government plans to enlist public service 'spies'**

From a report by Patrick Wintour and Hugh Muir

Neighbourhood parking police, community support officers, park and gardens staff, housing officers and other frontline local government staff should get access to police intelligence to help clamp down on anti-social behaviour and low-level crime in Britain.

So says the UK Government in new plans under development.

The strategy is to develop more effective neighbourhood policing teams throughout England by 2008.

Government Ministers, according to a report in The Guardian, believe an army of frontline PS workers could provide information on criminals if given access to police intelligence.

The proposals come after disputed Police Federation claims that ministers and chief police officers are willing to cut total police numbers by as many as 25,000 as the number of cheaper police community support officers increases.

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– from Spiked online magazine, by Brendan O'Neill

### **The truth about London's 7/7 bomb nightmare: it was meaningless**

The UK government's 'narrative' on the London bombings shows how empty and pointless the attacks were. Why do so many people try to read meaning into them?

This is the question posed by Spiked's deputy editor Brendan O'Neill after a thorough reading of the official UK Government report on London's July bombings, in which 52 innocent people and four 'terrorists' died.

"The myth of contemporary terrorism is that it is a new and ruthless war against Western values by a network of radical Islamists; the reality is something more akin to the (USA) Columbine school massacre, where usually respectable young men either born or educated in the West decide for various different reasons, or none that we can work out, to kill themselves and scores of civilians," O'Neill writes.

"Where the Columbine killers calmly played that all-American sport ten-pin bowling before killing their fellow students, the 7/7 bombers played the quintessential English sport, cricket, the night before blowing up London.

"Mostly (the bombers) seem to have been motivated by a burning desire to become martyrs, which is effectively the radical Islamist equivalent of becoming an overnight celebrity."

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### **Afghan HR body releases rights report**

The Afghanistan Independent Human Rights Commission has completed the first comprehensive assessment of economic and social rights in Afghanistan.

The report Economic and Social Rights in Afghanistan is the result of a joint study by AIHRC and UNHCR conducted between April and December 2005 throughout the country.

Interviews were held with almost 8000 people to identify the main problems experience with respect to basic rights such as water, health, housing and education.

The right to property and access to justice were also assessed.

[http://www.aihrc.org.af/pre\\_1\\_may\\_2006.htm](http://www.aihrc.org.af/pre_1_may_2006.htm)

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### **Liberty Victoria turns 70 with formal dinner**

Liberty Victoria will celebrate its 70<sup>th</sup> anniversary with a dinner on 8 July.

The function will also honour Brian Fitzpatrick, founder of the civil liberties movement in Australia, who would now be 101 if still alive.

A Melbourne-based Council for Civil Liberties was formed on 6 May 1936. The direct descendant of that body is now called Liberty Victoria.

Information and bookings: <http://www.libertyvictoria.org.au/>

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**EVENTS:**

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

**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.au/>

**23 June, Canberra:** Australian Lawyers Alliance ACT branch annual one-day conference and dinner, Hyatt Hotel. Details: <http://www.lawyersalliance.com.au/>

**31 July – 3 Aug, Suva, Fiji:** 11th annual meeting Asia Pacific Forum of National Human Rights Institutions, hosted by Fiji Human Rights Commission

**September (Date TBC), Canberra:** 6pm, National Library of Australia (with ISAA).

**CLA Forum: Sedition.** Keynote speaker (TBC). All invited.

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

**10/10/10 World:** Target date for a moratorium on the death penalty.

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**THE LAST WORD:**

***What do you do when a bar is put on free speech...by the free speakers?***

– from a NY Times report, by Stephanie Strom, 24 May 2006

**ACLU moves to gag its own board**

The American Civil Liberties Union is considering a proposal to bar its board members from publicly criticizing the organization's policies and internal administration.

"Where an individual director disagrees with a board position on matters of civil liberties policy, the director should refrain from publicly highlighting the fact of such disagreement," the committee that compiled the standards has written.

"Directors should remember that there is always a material prospect that public airing of the disagreement will affect the ACLU adversely in terms of public support and fund-raising," the proposals state.

Some current and former board members are shocked by the proposals, which are yet to go to a full board meeting.

<http://www.nytimes.com/2006/05/24/us/24aclu.html?>

*NOTE: CLA positively encourages criticism and input – please put it them writing in bite-size chunks so that we can use them in the next newsletter!*

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Some highlights from the Federal Parliamentary Library's most recent list of articles are mentioned below: your MP or Senator might be able to obtain the article for you.

**ADMINISTRATIVE LAW:** Kirby, Michael. *Public funds and public power beget public accountability*. Paper presented at Dinner, High Court of Australia, Canberra, 9 March 2006, Speech: 14p.

**BILL OF RIGHTS:** Stott Despoja, Natasha. *Bill of Rights now? It's a balancing act*. New Matilda, 18 January 2006: 1-4.

Tobin, John. *What's wrong with the Charter of Rights?* Law Institute Journal, vol.79, no.9, September 2005: 41-3.

**CENSORSHIP:** Harris, Bede. *Censorship: a comparative approach offering a new theoretical basis for classification in Australia*. Canberra Law Review, vol.8, 2005: 25-58.

**LAW REFORM:** Kirby, Michael. *Law reform & human rights: Scarman's great legacy*. Paper presented at The Law Commission of England and Wales, Gray's Inn, London, Speech, 20 February 2006: 61p.

**PARLIAMENTARY SCRUTINY:** Evans, Harry. *Senate Estimates hearings and the government majority in the Senate*. Speech, National Press Club, 11 April 2006: 5p.

**PRIVACY:** *The Anti-Terrorism Act: privacy commissioners raise concerns*. Privacy Law Bulletin, vol.2, no.7, December 2005: 94-8.

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

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