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10 liberties/rights projects planned for 2007

For 2007, CLA is planning to undertake a range of new projects with the help of new student members from Australian National University and other unis. Projects include:

1. Coronial inquiries: Examining the current coronial-legal way of learning from disasters and major public incidents in Australia, and proposing an alternative solution, or solutions. Possibly in conjunction with visiting fellow at U. Canberra.

2. Analyse DNA laws, rules and regulations, including DNA sampling, storage and access rights for groups, including children, police and prisoners, in Australia and for selected other countries, such as USA, New Zealand, Canada and UK.

3. Review the outcomes for Aborigines and Australia (successful implementations, failure to implement) of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, 20 years after the Commission started (October 1987).

4. Civil liberties and civil society in Pacific: Research civil liberties/human rights laws and liberties/rights organizations in selected Pacific island nations, PNG and East Timor. With international and local partners.

5. Analyse Codes of Conduct of the Australian Public Service (PS Commission, 10 Departments, 5-6 Agencies) and measure them against civil liberty/human rights standards. Recommend a new, modernised sample code.

6. Governance/Constitutions for Non-Government Organisations: analyse a sample of 5-6 NGO Constitutions (including CLA's), and recommend a model that takes into account emerging new technologies and ways of communicating, decision-making and e-voting.

7. Grow civil liberties in unserved areas: analyse and report on the top 10 candidate cities/towns/areas (at least 1 from each State/Territory) for the creation of new CLA groups of between 10 and 50 members.

8. Develop and trial a radio media model: Research and plan how to communicate civil liberties/human rights issues widely throughout rural/regional Australia on a regular basis using radio (plan, develop, create, distribute 5 minute monthly radio programs, made up of approx. 30-second 'news' grab, 60-second interview on topical issue, 2-3 minutes longer interview on emerging issue).

9. Prepare a CLA simple guide to aged living/dying: Research and analyse medical directives/power of attorney law in Australia, starting with recently passed ACT legislation, and compare/contrast equivalent legislation in other states. If needed, recommend changes to legislation nationally to produce a better system.

10. CLA Guide to protesting outside Australia's Parliament House: Develop a simple guide to the rights of a. individual protestors, b. group protestors, c. media, d. observers and members of the non-protesting public. Guide to cover the rights responsibilities of all these groups, as well as those of Australian Parliament staff (including parliamentary security guards), APF, ACT Policing, ASIO, ADF (if any) and anyone else involved.

If you would like to be involved, please email your interest to: secretary@claact.org.au

THE LAST WORD: Debbie does data in DC

When someone needs money desperately, they'll often go to great lengths to get it. But in Deborah-Jeane's case, 21kg of saleable data was sitting in an archive box.

See story at end of this bulletin...

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Alleged Parliament harassment sparks CLA guide to protesting

CLA was alerted last month by barrister member Jennifer Saunders to alleged harassment by police and security services of a protester outside Parliament House.

The citizen* was holding a placard protesting Hicks' incarceration, which stated 'Bring Hicks Home'.

He was moved on to a 'protest area', then questioned by a police officer, who demanded his name, address and car registration number, as well as to see his driver's licence. The officer stated that failure to comply would constitute an offence of obstructing an officer, resulting in a fine or jail term.

Quizzed, the officer said statistics were kept as to who protests, on what issues, and that these details are sent to Ministers.

When he returned the next day, he was similarly questioned, even though standing in silence in the area he had been told was designated for protest.

Prompted by this case, CLA is planning to develop the 'CLA Guide to Protesting at Australia's Parliament House'. Letters have been sent to the Australian Federal Police, ACT Policing, Australian Protective Service and the Department of Parliament House, asking them to specify in detail what their understanding of the rights and responsibilities of police and security forces are – compared with the rights of protestors – in the Parliament House precinct.

The letters ask what the regulations are for managing individuals and groups of people gathered in the parliamentary precinct:

- What areas are off limits?
- In which areas individuals or groups are permitted to gather?
- Who is authorised to move them on?
- What legislation gives these people this authority?
- Who decides which topics of protest are political?
- On what basis?
- What information are people required to give?
- Who is permitted to seek this information?
- To what use is this information put?
- Is there a record kept of this information?
- Are photos taken of these people?
- Are such photos kept on file?
- For what purpose?

We will keep you informed.

* He subsequently identified himself in a letter to the newspaper as Rowan Ford, a high school teacher.

AGM approves electronic voting, full membership for students

CLA's 2007 AGM confirmed a series of resolutions that allow full electronic voting, ensuring members wherever located have voting rights, even if they cannot get to a physical meeting.

The AGM left it up to the board to finalise voting methodology, provided that ways of moving amendments and commenting on proposals were included for special resolutions and similar major policy decisions.

Students in future will be able to become full voting members of CLA, with a much-reduced subscription. Previously, they had free membership without voting rights.

Now they can enjoy full rights and responsibilities for a fee to be set by the board, likely to be \$5 for 2007.

The AGM also agreed to a board proposal to take 'ACT' out of the organisation's name, which is now formally 'Civil Liberties Australia'. The move came as a response to having a Goulburn branch in NSW making it inappropriate for 'ACT' to be part of the 'parent' name.

As well, the simpler name will help in the aim of creating branches in unserved parts of Australia, particularly in rural and regional areas.

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– from an article by Malcolm Brown in the Sydney Morning Herald, 17 Mar 07

DNA sampling/storing is major liberties issue

Roger Clarke, head of the Australian Privacy Foundation, has warned that a major extension of laws to gather and retain DNA samples signals a possible national system allowing police to establish "social control".

New DNA provisions became law in South Australia last month. If arrested for an offence carrying a possible jail term, South Australians must give a sample for analysis; the minimum age is down from 18 to 16.

Samples will be kept indefinitely, even if the person arrested is not charged, let alone convicted. Victims of crime must also give samples, which is then checked against other files to see whether or not they have committed some other crime, Malcolm Brown reported in the *SMH*.

Extending guidelines for DNA would be an "invitation to further misbehaviour" by police, Mr Clarke said.

Professor Clarke's warning comes on top of a statement by the NSW Premier, Morris Iemma, that his government is "committed to using groundbreaking technology to catch and convict criminals who may have escaped conviction in the past".

A spokesman for the federal Attorney-General, Philip Ruddock, said: "Progress has been slow towards a national DNA database but efforts continue. There is, however, already sharing between some states."

Professor Clarke said an extension of DNA guidelines as initiated in SA was "preposterous". "The proposition that DNA can be taken willy-nilly and stored forever is an absolute invitation to overreact, to build a database for social control," he said.

Details: <http://www.smh.com.au/text/articles/2007/03/16/1173722745015.html>

Widespread calls for supportive whistleblower legislation

It is urgent that Australia gets proper laws to protect whistleblowers who act in the national interest, CLA President Dr Kristine Klugman said last month.

"Such people should be honoured, not convicted. They deserve a medal, not jail," she said.

Dr Klugman was commenting on the conviction of Allan Kessing, whose leaked reports lead to a \$200 million overhaul of Australia's airport security. Kessing is expected to face up to two years in jail for his action in the public good.

CLA has joined the Media and Entertainment and Arts Alliance (MEAA) in writing to Attorney-General Philip Ruddock calling for proper legislative protection of whistleblowers.

"The conviction of Allan Kessing sounds a warning for Australian journalists about the increasing criminalisation of their daily work, and strikes at the very heart of press freedom," says Alliance Federal Secretary Chris Warren. The MEAA letters are at <http://www.alliance.org.au/>

CLA is asking The Government and Opposition to commit to model legislation being readied under an Australian Research Council project led by Prof. A.J. Brown of Griffith University. The legislation is expected to be ready in 2008.

(See stories from Queensland and USA on whistleblower legislation later in this bulletin).

AusCheck aims to tighten port access

The Australian Government last month tightened checking for air and sea ports.

A new agency, AusCheck, aims to help the aviation and maritime industries identify high-risk people who should not be granted a security identification card to enter restricted areas.

"AusCheck will apply a more consistent approach to the statutory requirements set for each scheme and to notifying the relevant bodies of the outcome of background checks," Mr Ruddock said.

AusCheck is due to start on 1 July 2007. It will charge on a cost-recovery basis.

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New proof of identity rules come into force

The proof of identity requirements introduced as a result of last year's amendments to the Commonwealth Electoral Act are about to come into force.

From 16 April 2007, people wishing to enroll or to amend their enrolment details will be required to prove their identity by providing a driving licence number or, in the absence of driving licence, to prove their identity in other ways.

<http://www.aec.gov.au/content/What/publications/tallyboard/0704.pdf>

ID card on hold, but stand by for onslaughts

The Australian Government is delaying introduction the high-tech 'access card' for health and welfare services, which CLA and other critics say is a national identity card in disguise.

The delay follows a Senate inquiry saying it could not assess the bill competently without seeing privacy and governance measures the government said would be included in future legislation.

Committee chairman, Liberal Senator Brett Mason, said all the issues should be considered in a consolidated Bill. "The aims of the access card, I think by all members of the committee were supported, to facilitate access to welfare and to fight fraud," he said.

CLA says that the government is trying to push through repressive legislation in an unseemly manner while it controls the Senate for another 15 months. "We can expect more ill-considered and badly-managed legislative initiatives, with no time for proper committee consideration, particularly through the middle of 2007," CLA President Dr Kristine Klugman said.

Brits plan to sell access to their card database, says report

The British Government planned to sell access to personal information stored on their ID card database to banks and other private companies, for around \$1.45 a time, the UK's Daily Mail has reported.

The access will be granted to finance the scheme, which is expected to run into the billions according to studies by leading economic experts.

"Recently leaked Whitehall documents have shown that ID cards will not be officially made compulsory for more than a decade, under present plans. "Compulsion will be triggered once 80% take-up is achieved in 2019," they state. "It is assumed that, following compulsion, a 100% registration will be achieved two years later.""

The UK ID card will be voluntary...you just won't be able to leave the country, own a house or a car, have a doctor, a bank account, a mobile phone, get an education, own a business, rent a room in a hotel, or have a job., critics say.

For a critique of the UK card: <http://www.infowars.net/articles/march2007/130307ID.htm>

– item supplied by Matthew Small of the Australian Privacy Foundation

– from an article by Karen DeYoung, Washington Post, 25 Mar 07

US database increases fourfold

Each day, thousands of pieces of intelligence information from around the world are added to the USA's central list of terrorists and terrorism suspects.

Called TIDE, for Terrorist Identities Datamart Environment, the storehouse holds data (ranging from hard information through gossip) about individuals that the intelligence community believes might harm the USA.

The database has grown from fewer than 100,000 files in 2003 to about 435,000, creating concerns about secrecy, errors and privacy. The list marks the first time foreigners and US citizens are combined in an intelligence database – and 95% of people on the list are non-Americans. Full story:

<http://www.washingtonpost.com/wp-dyn/content/article/2007/03/24/AR2007032400944.html>

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– from a Jim Dwyer article, NY Times, 25 Mar 07

NY City police spy on churches and peaceniks

For a year before the 2004 Republican National Convention in America, teams of undercover New York City police officers traveled to cities throughout America and the world to covertly observe and report on people who planned to protest at the convention, according to police records and interviews.

Police attended meetings of political groups, posing as sympathizers or fellow activists, the records show. They made friends, shared meals, swapped email messages and then filed daily reports with the police department's Intelligence Division. Other investigators mined Internet sites and chat rooms.

Those targeted included members of street theater companies, church groups and anti-war organizations, as well as environmentalists and people opposed to the death penalty, globalization and other government policies. In at least some cases, intelligence on what appeared to be lawful activity was shared with police departments in other cities.

<http://www.nytimes.com/2007/03/25/nyregion/25infiltrate.html?hp>

Australia signing UN Disabilities Convention

Australia was due to sign the United Nations *Convention on the Rights of Persons with Disabilities* in a formal ceremony opening the Convention for signature to be held on 30 March 2007 at the UN Headquarters in New York.

<http://www.foreignminister.gov.au/releases/index.html>

New legislation

The Native Title Amendment Act 2007 changes the native title system over resolution of claims, native title representative bodies, prescribed bodies corporate and funding to respondents in native title claims.

Attorney-General Philip Ruddock introduced additional legislation late in March under the Native Title Amendment (Technical Amendments) Bill 2007.

Further information: <http://www.ag.gov.au/nativetitlesystemreform>

New privacy bill for WA

An Information Privacy Bill was introduced on 28 March 2007 into the Western Australia Parliament.

Bill:

[http://www.parliament.wa.gov.au/parliament/bills.nsf/B76E4F86BE5ACCADC82572AB002D2C7F/\\$File/Bill+193-1.pdf](http://www.parliament.wa.gov.au/parliament/bills.nsf/B76E4F86BE5ACCADC82572AB002D2C7F/$File/Bill+193-1.pdf)

Explanatory memorandum:

[http://www.parliament.wa.gov.au/parliament/bills.nsf/B76E4F86BE5ACCADC82572AB002D2C7F/\\$File/EM+-+Bill+193-1.pdf](http://www.parliament.wa.gov.au/parliament/bills.nsf/B76E4F86BE5ACCADC82572AB002D2C7F/$File/EM+-+Bill+193-1.pdf)

The bill applies to public sector organisations in relation to personal information and to public and private sector organisations in relation to health information, according to Helen Yoxall, who supplied this information.

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Paper proposes reform of personal property laws

The second discussion paper on the reform of Australia's personal property securities laws is open for public comment.

The paper discusses legal issues arising as part of the proposed reforms, including priorities, conflict of laws, enforcement and insolvency rules.

Comments on the discussion paper are invited by 18 May 2007. Discussion paper:

<http://www.ag.gov.au/pps>

– from an article by Brenda Goodman, NY Times, 22 Mar 07

US States find death penalty costs too much

A high-profile multiple-murder case has drained the budget of Georgia's public defender system of \$1.7m and brought all but a handful of its 72 capital cases to a standstill.

Rape suspect Brian Nichols is accused of escaping from a courthouse in 2005 after overpowering a guard, taking her gun and then killing a judge, a court reporter and two other people before he was recaptured. The evidence against Mr. Nichols, including a videotaped confession, is overwhelming.

But the Georgia public defender system has run out of money. The legislature is considering a request for \$9.5 million to keep the system solvent through this June.

"We've created a system that has no fiscal accountability," State Senator Preston Smith said.

"There's only an incentive to spend as much as you can in a capital case. It's almost unethical not to."

In Colorado, the House Judiciary Committee has voted to abolish the death penalty, replacing it with a sentence of life without parole, and to use the money currently spent on capital punishment to help solve some 1,200 cold-case homicides. The bill's sponsor said it had cost the state \$50 million in three decades to execute one inmate and put two others on death row.

In Arizona, Maricopa County, overwhelmed by a surge in capital cases, may not seek the death penalty in some cases to save money, officials there said.

– from news sources, 22 Mar 07

Whistlers Bill causes Premier to seek Speaker support

The Clerk of the Queensland Parliament, Neil Laurie, has been used by Premier Peter Beattie to signal that recent amendments to Queensland's whistleblower legislation and new guidelines for Members of Parliament would not stifle parliamentary debate.

Premier Beattie said the written advice from the clerk supported the government's assertion that there was no hidden agenda to gag Opposition Members of Parliament.

The Bill is the Whistleblowers Protection (Disclosure to Members of Parliament) Bill 2006, which is said to meet a Government commitment to strengthen the Whistleblowers Act 1994 in light of the Bundaberg Dr Patel affair.

The Bill contains two key reforms, according to the Premier: it amends the Whistleblowers Protection Act 1994 to ensure that a Member of the Legislative Assembly can be an entity to which a 'Public Interest Disclosure' can be made; and the Act will extend coverage to individuals engaged under contracts by public sector entities, such as some casual nurses, IT professionals and engineers, to ensure they are protected if they make a public interest disclosure.

"On the surface, the new legislation appears to be a considerable improvement," CLA CEO Bill Rowlings said. "However, it needs to be measured against the best-practice model being developed by Prof. A.J. Brown of Queensland's Griffith University under an Australian Research Council grant."

The Brown/ARC project is called *Whistle While You Work*. It is about halfway through its three-year term.

Inquiries: Premier Beattie's office (07) 3224 4500.

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US on way to new Whistleblower protection

The US House of Representatives has recently approved a new Whistleblower Protection Enhancement Act to overhaul the USA's federal whistleblower law.

Highlights of the bill include 'no loophole' whistleblower protections for those paid with federal funds, including contractors, national security agency workers, and baggage screeners.

The legislation restores the legal rights and mandate of the Whistleblower Protection Act (WPA), which has been gutted by judicial activism since 1994 when Congress unanimously strengthened it.

For the first time since 1978, government employees also will have due process enforcement teeth if their rights are violated, through normal access to court, including jury trials.

Details: <http://www.govtrack.us/congress/bill.xpd?bill=h110-985>

– from a story by Emma Connors, Australian Financial Review, 12 March 07

Mislaying Australians Department grabs them by the finger

Australia's Department of Immigration and Citizenship – sometimes known as the Mislaying Australians Department, MAD, instead of DIC – has added finger-scanning to facial image capturing as its \$50 million, four-year biometric project is implemented.

Finger scans from inmates of immigration detention centres will join facial images stored in the agency's identity services repository (ISR).

ISR records also include biographical information and scanned identity and travel documents.

The Palmer report on the bungled detention/deportation of Comelia Rau and Vivian Alvarez Solon recommended collecting biometric data from detainees and storing in a national database. The biometric project is part of the department's identity management strategy.

Those applying to migrate to Australia can refuse collection of their biometrics, but such a refusal "may mean a different migration outcome for them", Ms Haughton said.

Asylum seekers locked in detention centres have no right of refusal.

– from Guardian, 23 Mar 07

Zimbabwean archbishop calls for mass protests

The Zimbabwean Roman Catholic archbishop Pius Ncube has called his countrymen "cowards" for failing to stand up to the strong-arm tactics of ageing president, Robert Mugabe.

The archbishop of Bulawayo has urged mass demonstrations to force an end to the 27-year rule of Mr Mugabe. "I am ready to stand in front. We must be ready to stand, even in front of blazing guns," he told a group of clerics, pro-democracy activists and diplomats, most from western countries, in the capital, Harare, last month.

The archbishop has long been an ardent critic of Mr Mugabe, 83, and his ruling Zimbabwe African National Union - Patriotic Front party.

– from an report by Somini Sengupta, NY Times, 25 Mar 07

An editorial in the NY Times, headed *The Disastrous Mr. Mugabe*, says he has spent much of his 26-plus years in power suppressing all opposition, persecuting defenseless minorities and destroying a once-promising economy.

Fewer than one in four Zimbabweans have jobs, and life expectancy, nearly 60 in 1990, has plunged into the 30s.

Zimbabwean rights activists want end to death penalty

Zimbabwean rights activists are campaigning with unprecedented vigour for an end to the death penalty as the country's political and economic crisis deepens.

They argue that the move is essential for an open debate on the nation's future and Zimbabwe's joining the "civilised democracies of the world".

"The government is trying to silence the opposition. If you publicly criticise the state leader, there's a good likelihood that you will be charged with treason. That's a threat to be feared. Treason carries the death penalty," Edson Chiota, the national coordinator of the Zimbabwe Association for Crime prevention and Rehabilitation of Offenders (ZACRO)said.

For more information, see: [//ipsnews.net/news.asp?idnews=36736](http://ipsnews.net/news.asp?idnews=36736)

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– from NY Times, 25 Mar 07

Pakistan's lawyers march and sit for the rule of law

In Pakistan, turmoil over the chief justice's firing began on 9 March when the military ruler, General Pervez Musharraf, summoned the chief Justice, Iftikhar Mohammad Chaudhry, to an army office in the garrison town of Rawalpindi and ordered him to resign or face unspecified charges. The confrontation was broadcast on television — the general in uniform, the judge in his courtroom attire.

"The message I got was this is a frontal assault on the remnants of the independence of the judiciary," said Munir Malik, president of Pakistan's Supreme Court Bar Association. "Henceforth, no judge will be safe."

The judge refused to resign, and shortly afterwards TV images showed Mr. Chaudhry being manhandled and stuffed into a police car. Then came protests by lawyers in suits across the country, and images of baton-wielding police beating them with abandon as they marched in the streets and held sit-down protests, blocking major roads. Full story:

<http://www.nytimes.com/2007/03/25/world/asia/25pakistan.html?hp>

– from Forbes, 20 Mar 07

Privacy starts to bite US companies on the bottom line

The Federal Trade Commission – the main government agency in the US enforcing privacy guidelines among private businesses – in January 2006 announced a huge \$12.4 million penalty and restitution of \$6.2 million against ChoicePoint, a consumer-information reporting company.

ChoicePoint acknowledged it had disclosed financial information on 163,000 consumers to a rogue company not authorized to receive the data under the Fair Credit Reporting Act.

Under a court settlement with the FTC, the company paid the levies and agreed to adapt new security precautions. It promised to make in-person visits to many of the 50,000 companies to which it sells personal data.

http://www.forbes.com/opinions/2007/03/19/ftc-privacy-fines-oped-cx_res_0320privacy.html

25 March 2007

Law profession strong; Lasry wins medal

It was vital the Australian legal profession remained strong, fearless and independent, Law Council President Tim Bugg told the 35th Australian Legal Convention in Sydney last month.

The Australian legal profession was equipped to defend individuals' rights and the rule of law when they were challenged, he said. The institution was willing to raise its voice fearlessly in the interests of both individuals and the institutions of justice.

Melbourne barrister Lex Lasry QC has won the inaugural (Australian) Law Council Presidents Medal for his outstanding contribution to the Australian legal profession.

Mr Lasry was nominated for his pro bono representation of convicted Australian drug trafficker Van Nguyen in 2005, who was hanged by Singapore, and for his role as independent legal observer for the Law Council at the military commission hearings for David Hicks in 2004 and 2005.

Mr Lasry, admitted to practice in 1973 and appointed Queens Counsel in 1990, is a Victorian barrister with more than 30 years experience.

He was counsel assisting in a coronial inquiry into fatal police shootings in Victoria, and was involved in the trial of two Australian National University law students charged with the murder of an ACT man. He was also senior counsel assisting the coroner, Maria Doogan, in relation to the 2003 Canberra bushfire disaster.

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– from Human Rights first email, 9 March 07

Gbay detainees seek Supreme Court help

Lawyers for two groups of detainees held for five years without charges at Guantanamo Bay last month appealed to the Supreme Court to challenge their cases in US courts.

The appeals seek to overturn last month's decision by the US Court of Appeals for the District of Columbia upholding the Military Commissions Act's removal of federal court jurisdiction over detainees' habeas claims.

Detainees claim they are entitled to habeas hearings, based in part on rights provided in the US Constitution and the Geneva Conventions.

Meanwhile, the Defense Department has completed a second round of Administrative Review Boards to determine whether Guantanamo Bay detainees represent security threats.

Now 55 detainees have been recommended for transfer, while indefinite detention continues for another 273.

The 55 to be freed are among those previously described by the US Administration as the "worst of the worst": after five years of 'hell', they have become good enough to be freed without charge.

<http://action.humanrightsfirst.org/ct/e1w9zX61QQ4g/>

Attorney-General appoints new Qcs, magistrate

David Charles Bennett and Thomas Michael Howe have been made Commonwealth Queen's Counsel, Attorney-General Philip Ruddock announced in March.

Mr Bennett is the Deputy Government Solicitor, Constitutional Litigation Unit, with the Australian Government Solicitor. Mr Howe is the Chief Counsel, Litigation, with the Australian Government Solicitor.

Also, Ms Janet Terry has been appointed a federal magistrate, taking up on 10 April based in Darwin. She has been managing her own family law practice, and was previously a partner in Darwin law firm Morgan Buckley, specializing in family law.

She replaces Federal Magistrate Stuart Brown, who has transferred to the Federal Magistrates Court in Adelaide.

Canadians show how to get rid of terror-bill law

The Canadian Parliament has effectively expanded rights for people accused of terrorism by allowing two offences to expire, without renewal.

The measures had allowed police to hold terror suspects for 72 hours without charges and courts to compel witnesses to testify at special hearings. Neither power had been used.

Just a week earlier, Canada's Supreme Court had struck down a measure to hold terror suspects on secret evidence.

<http://www.nytimes.com/2007/02/28/world/americas/28canada.html>

– from the NY Times and The Guardian, 9 March 07

Historic vote may mean all-elected House of Lords

The House of Commons voted 337 to 224 last month to prepare legislation to elect the entire upper house, the House of Lords.

By a narrower margin of 305 to 267, the Commons also approved a reform that would make 80 per cent of the House of Lords elected and the remaining 20 per cent appointed. The House of Lords currently has 744 members.

In another ballot, the Commons voted by 391 to 111 to remove the last remaining 92 hereditary peers — the political descendants of a house that was once dominated by lords given their places by dint of noble birth as members of the aristocracy. In earlier reforms in 1999 some 600 hereditary peers were removed.

<http://www.nytimes.com/2007/03/08/world/europe/08britain.html>

<http://politics.guardian.co.uk/lords/story/0,,2028928,00.html>

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US systems falling apart

The US Government's formal security responses to the threat of terrorism are falling apart as quickly as its Iraq strategy.

In the past few weeks, the US has abandoned its vaunted radio-wave border security system, under which Australia was forced to adopt e-passports.

The USA's 'SecureFlight' system for screening passengers to identify terrorists, due now, is five years late and will be delayed until 2010...at least. Almost certainly, experts say, this system will also be quietly abandoned in a year or two, or will be so watered down as to be next to useless.

And the USA has just introduced a national ID scheme, based on state-run drivers' licences. The States are not United in this case – many are up in arms, and about a dozen have refused to implement the scheme, which is almost totally devoid of data privacy and security safeguards.

USA abandons radio tags in passports

Plans to use radio frequency identification (RFID) technology in the USA's border security system have been abandoned after pilot testing failed, the Department of Homeland Security (DHS) Secretary Michael Chertoff admitted in Congressional testimony on 9 February.

http://www.epic.org/alert/EPIC_Alert_14.05.html

– supplied by Roger Clarke, CLA and head of the Australian Privacy Foundation

SecureFlight five years late,

Implementation of Secure Flight, a US federal passenger-screening program, will be delayed until 2010, at least five years behind schedule, according to the Transportation Security Administration (TSA).

Government Accountability Office, Testimony on Secure Flight on 9 February 2006 (pdf):

<http://www.gao.gov/new.items/d06374t.pdf>

USA chooses flawed national ID system

Two years after the US Congress rushed through passage of the REAL ID Act, the Department of Homeland Security last month announced proposed regulations that would turn state drivers' licences into a national identity card.

The US government says the scheme could cost as \$US23.1 billion (\$Aust 29.6 billion), and admits the national ID system will increase security risks and threats to personal privacy.

http://www.epic.org/alert/EPIC_Alert_14.05.html

US violations report omits US violations

The US State Department has issued its annual review of human rights violations worldwide – without acknowledging many abuses committed by the USA or with American support.

The 2006 Annual Report on Human Rights neglected to mention ongoing investigations into several nations' practice of transferring prisoners to nations that engage in torture.

Recent examples include Italy's indictment of Italian and US officials for their role in the transfer of an Egyptian cleric to Egypt, where he was allegedly tortured, and a German court's investigation into the rendition of a German citizen to Afghanistan.

The report also omits the role of the United States in detaining hundreds of prisoners without due process in Afghanistan and thousands in Iraq.

However, the preamble to the report contains a statement that should be written above the entrance doorway of all civil liberties and similar organizations:

“Human rights defenders and non-governmental organisations are essential to a nation's success. In today's world, the problems confronting states are too complex even for the most powerful to tackle alone.

“The contributions of civil society and the free flow of ideas and information are crucial in addressing a host of domestic and international challenges. Restricting the political space of NGOs and public debate only limits a society's own growth.”

Annual Country Reports on Human Rights Practices – 2006 compiled by the US State Department's Bureau of Democracy, Human Rights, and Labor.

<http://www.state.gov/g/drl/rls/hrrpt/2006/>

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– from UK newspaper reports, 10 March 07

Passport is the way to a new identity

A UK computer expert has hacked into the delivery stream of the new, 'super safe' UK passport and 'stolen' its the electronic information in under four hours.

With the information, creating a new identity for an illegal immigrant or a terrorist would be a breeze.

The hacker did not even need to open the envelope in which the passport was delivered. And anyone can take delivery of the distinctively-wrapped passports on their way to their owners: there is no requirement for the passport holder to sign personally for receipt.

– from UNity, UN Assn of Australia e-newsletter, 9 Mar 07

US not to join UN rights council

The United States will not seek a seat on the UN Human Rights Council, senior officials said in March, asserting the body had lost its credibility with repeated attacks on Israel and a failure to confront other rights abusers.

Undersecretary of State Nicholas Burns linked the decision to remain off the year-old council to the 47-member panel's stance on Israel, which he said had "discredited" the body.

The council was created over the objections of the US, which said there were insufficient safeguards to prevent human rights-abusing nations from dominating the group. Its members are chosen from among UN states each year.

– from an editorial, NY Times, 8 March 07

Denying rights in Nigeria

A poisonous piece of legislation is quickly making its way through the Nigerian National Assembly. Billed as an anti-gay-marriage act, it is a far-reaching assault on basic rights of association, assembly and expression.

Homosexual acts between consenting adults are already illegal in Nigeria under a penal code that dates to the colonial period. This new legislation would impose five-year sentences on same-sex couples who have wedding ceremonies — as well as on those who perform such services and on all who attend. The bill's vague and dangerous prohibition on any public or private show of a "same sex amorous relationship" — which could be construed to cover having dinner with someone of the same sex — would open any known or suspected gay man or lesbian to the threat of arrest at almost any time.

The bill also criminalizes all political organizing on behalf of gay rights. And in a country with a dauntingly high rate of HIV and AIDS, the ban on holding any meetings related to gay rights could make it impossible for medical workers to counsel homosexuals on safe sex practices.

Nigeria is Africa's most populous country and one of the most politically influential. If it passes a law that says human rights are not for every citizen, it will set a treacherous example for the region and the world.

– from Human Rights First email, 15 Mar 07

New secret detention operations emerge in East Africa

Human rights advocates in Kenya have accused the US government of backing allies in East Africa in operations to capture and secretly detain more than 150 people fleeing the recent war in Somalia.

Kenyan authorities captured the prisoners, who include men, women, and babies, as part of a regional campaign against Somalia's Islamist militias. Authorities have since transferred the prisoners to secret prisons in Somalia and Ethiopia, where human rights groups fear the prisoners could be subject to abuses.

The USA has worked closely with East African nations to drive out Islamist groups in Somalia thought to have ties to al Qaeda. In recent months, the United States has provided Ethiopia with intelligence and used air strikes to target terror suspects in Somalia.

Read More: <http://action.humanrightsfirst.org/ct/4pw9zX611BbJ/>

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Children's rights in natural disasters studied

Disasters in Asia have increased threefold since the 1970s, and have included the Asian tsunami in December 2004 and the south Asian earthquake in October 2005.

During and after disasters, children are most affected and vulnerable, but less listened to, a study has reported.

The study aimed to understand the different approaches used by agencies involved in managing disasters in the South Asia region. The retrospective research has analysed and mapped the situation of child rights in disaster preparedness and response programs in south Asia. The publication can be requested from:

[file:///<mailto:nehab@sca.savethechildren.se>nehab@sca.savethechildren.se](mailto:nehab@sca.savethechildren.se)

Dick Tracy meets Animal Farm

Here's a new device aimed at bank tellers, security guards and the like, according to its promoters, an American company called Third Eye Inc.

The Security Alert Tracking System (SATS) unit is a wristwatch-like device that employees can wear to send information continuously and wirelessly to a central monitoring system.

If the heart-rate fluctuates abnormally, it shows up on a central monitoring system. A closed-circuit video camera can then zoom in on the employee.

<http://www.3eyeinc.com/products.htm>

– with thanks to Roger Clarke for being our third eye

How some Americans view the world...

This story shows how Americans on the right see the world:

– from the Washington Post, 28 Feb 07

Europe's runaway prosecutions

By David B. Rivkin Jr. and Lee A. Casey

An Italian court announced this month that it is moving forward with the indictment and trial of 25 CIA agents charged with kidnapping a radical Muslim cleric.

These (Italian court) proceedings may well violate international law, but the case serves as a wake-up call to the United States. Overseas opponents of American foreign policy are

increasingly turning to judicial proceedings against individual American officials as a means of reformulating or frustrating US aims, and action to arrest this development is needed.

http://www.washingtonpost.com/wpdyn/content/article/2007/02/27/AR2007022701160_pf.html

– from UNity, e-Newsletter of the UN Assn of Australia, 16 Mar 07

New law tries to protect Afghani girls

The Supreme Court of Afghanistan has approved a new marriage contract expected to help stop child and forced marriages, IRIN reported (14/3/07).

The new 15-page formal marriage contract, the Nikah Nama, has been welcomed by women's rights NGOs in a country where 60 to 80 per cent of marriages are forced, according to the Afghan Independent Human Rights Commission (AIHRC).

"The new marriage contract is a strong legal instrument that will end child marriages and will empower women's legal status after marriage," said Nibila Wafiq, a women's rights program officer for German NGO Medica Mondiale.

In Afghanistan, the legal age for marriage is 16 for girls and 18 for boys, but human rights groups say every year thousands of Afghan girls are forced to marry at a younger age. According to the United Nations Children's Fund (UNICEF), 57 per cent of marriages in Afghanistan involve girls below the legal age of 16.

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– CLA media release, issued before sentencing of David Hicks

Hicks should receive US military's Calley-style justice

In a media release late last month, Civil Liberties Australia called on the US military authorities to use the example of American soldier Lt William Calley, who served less than four years for his part in 500 murders, in sentencing David Hicks.

"In deciding Hicks' sentence, the US military authorities should be guided by the sentence and time served of Lt William Calley for his actions during the Vietnam War," CLA's Bill Rowlings said.

Calley was convicted in 1971 by a military court of the premeditated murder of women, children, infants and the elderly of My Lai, a village in Vietnam. More than 500 villagers were massacred on the one day; many women were also gang-raped by US soldiers.

Of the 26 US military men initially charged, only Lt Calley was convicted.

Calley served three and a years of house arrest – not jail – in quarters at Fort Benning, Georgia, and was then freed.

Full media release: <http://www.claact.org.au/pages/media07.php>

US news 'bible' criticises Gbay 'justice'

– from an editorial, New York Times, 25 March 2007

'The Bush administration has so badly subverted American norms of justice in handling these (Guantanamo Bay) cases that they would not stand up to scrutiny in a real court of law. It is a clear case of justice denied.'

Resources for MPs: more Australian anomalies

CLA Director June Verrier, writing under the auspices of the Democratic Audit of Australia at ANU, argues that the decision to grant MPs an extra staff member is a boost to the incumbency benefits enjoyed by sitting members.

Parliament will function better if resources are diverted from support for incumbents' campaigns towards areas of benefit to the parliament as a whole, such as parliamentary research services, she says.

http://democratic.audit.anu.edu.au/papers/20070329_verrier_mpresources.pdf

Books, journals, articles your politicians are reading:

From the federal Parliamentary Library – ask your MHR or Senator to get you a copy of anything that interests you.

FREEDOM OF INFORMATION: Bushell-Embling, Dylan. FOI: the international situation. AQ, vol.78, issue 6, November-December 2006: 30-4.

FREEDOM OF SPEECH: Soutphommasane, Tim. Liberalism, harm and the limits of free speech. AQ: Australian Quarterly, vol.78, issue 5, September-October 2006: 33+ (6p.)

RESPONSIBLE GOVERNMENT: Spigelman, Jim. Tolerance, inclusion and cohesion. Australian Bar Review, vol.27, no.2, March 2006: 133-40.

BOOK REVIEWS:

Law and new governance in the EU and the US edited by Gráinne de Búrca and Joanne Scott. Oxford: Hart Publishing, 2006 – reviewed by Evelyn Ellis. Public Law, Winter 2006: 877-8.

Levinson, Sanford. Our undemocratic constitution: where the constitution goes wrong (and how we the people can correct it). New York: Oxford University Press, 2006 – reviewed by Robert Justin Lipkin. Law and Politics Book Review, Vol.17, no.1, January 2007: 33-9.

Wicks, Elizabeth. The evolution of a constitution: eight key moments in British constitutional history. Oxford: Hart Publishing, 2006 – reviewed by David Erdos. Law and Politics Book Review, Vol 17, no.1, January 2007: 48-50.

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DIARY DATES

4 April, Canberra: Launch of the 'new' Human Rights Commission, 4pm, adjacent Pilgrim House/12 Moore St, Civic. Details/RSVP: <mailto:Andrew.Bennett@act.gov.au>

11-13 April, Melbourne: *African Resettlement in Australia* 2007 conference, U. Melbourne. Details: <http://www.union.unimelb.edu.au/conferences/atl/>

11-13 April, Barcelona, Spain: UNA-Spain conference, Role of the Civil Society in the Middle East Conflict and the Chances for a Peaceful Future. Barcelona, supported by the World Federation of UN Associations. Info: wfun@undp.org

12-13 April, Canberra: Climate Law in Australia conference, National Museum of Australia, Canberra. For program and registration see: <http://law.anu.edu.au/ace/events.asp>

14-23 April, Darwin: Human rights training program for Indigenous advocates: for community advocates working for Indigenous rights in Australia and Indigenous peoples and minorities in the Asia-Pacific. Details: <http://www.dtp.unsw.edu.au/>

16-20 April, Sydney: Civil-Military Cooperation (CIMIC) Course, Asia Pacific Centre for Military Law (APCML) at HMAS Penguin, Sydney. Info: csheehan@acfid.asn.au

17-19 May, Windsor (Canada): Citizenship, Identity, and Social Justice conference, Centre for Studies in Social Justice, U. Windsor. Info: <http://www.civics.org/new/media/CitizenshipIdentityandSocialJusticeconference.pdf>

5 June, Canberra and other world cities: March of the Millions for Israeli-Palestinian peace, coordinated by IPCRI (Israel-Palestine Centre for Research and Information). Events in key capital cities such as Jerusalem, Tel Aviv, Ramallah, Nablus, Gaza, Washington, Paris, Berlin, London, Moscow, Rome, Amman, Cairo, Tokyo...and Canberra. Full details: <http://www.june5thinitiative.org/> Canberra-specific details: <http://bram.van-oosterhout.org/twiki/bin/view/Home/InternationalPeaceEvent2007> Judy Bamberger.

5 June, Canberra: Health Rights and Responsibilities workshop, free, 9–noon, organized by the ACT Human Rights Commission

12 June, Canberra: Treaties Committee's inquiry into the Australia Indonesia Security Treaty, also known as the Lombok Treaty, due to report to Parliament. Committee website:
<http://www.aph.gov.au/house/committee/jsct/index.htm>

17-23 June, Australia: Refugee Week will coincide with World Refugee Day, June 20. The national theme for Refugee Week is 'The Voices of Young Refugees.' Details of events for publicity to
info@refugeecouncil.org.au

25-26 June, Melbourne: Fifth National Conference on Human Rights and Mental Health, 383 Albert Street, East Melbourne. Details: Gemma Hogan on **0411 485 442** or gemma.hogan@save.org.au

28-30 June, Canberra: 'Restoring the Rule of Law in International Affairs', conference of A&NZ Society of International Law, National Museum of Australia, host Centre for International and Public Law, ANU. Details: Kavitha Robinson mailto:cipl@law.anu.edu.au

29 June, Canberra: Human Rights Community Forum, organized by the ACT Human Rights Office.

1 July, World: Application deadline for the Rotary World Peace Fellowship and Conflict Studies Program for January 2008 session: pursuing a master's degree in international studies, sustainable development, peace, and conflict resolution at one of the six Rotary university partners: U California, Berkeley; Duke U; U. North Carolina; International Christian U; U Queensland ; U Salvador. For more information:
http://www.rotary.org/foundation/educational/amb_scho/centers/scholars/index.html

2-3 July, Canberra: Workshop, *Connecting the Public with the International: Law's Potential* (with particular reference to the Oil-for-Food questions), National Europe Centre, ANU. <http://law.anu.edu.au/cipl/events.asp>

June 17-23, Australia: Refugee Week 2007. National theme: *Voices of Young Refugees*. Details:
info@refugeecouncil.org.au

June 20, World: World Refugee Day

26 June, World: International Day in Support of Victims of Torture

26-30 August, 2007, Melbourne: Australasian Council of Women and Policing's Fifth Australasian Women and Policing conference, Carlton Crest Hotel, Melbourne. More info: acwap@ozemail.com.au

9-10 November, Canberra: 12th Annual Public Law Weekend: *Death of the Rule of Law?* Visions Theatre, National Museum, Canberra. <http://law.anu.edu.au/cipl/events.asp>

10 December, World: Human Rights Day www.ohchr.org

2010:

10/10/10, World: Target date for the start of the **CLA**-promoted moratorium on the death penalty – **10/10 for Life**.

1 May 07 – application deadline: Civil Society Fellows Programme

The Civil Society Fellows Program provides a select group of leaders from non-profit organisations, international NGOs, foundations, government, socially responsible businesses, and other civil society groups with the opportunity to spend a four-week residential sabbatical at Duke University's Terry Sanford Institute of Public Policy in the USA. The 2007 Fellowship period will begin 1 October 2007. More information: <http://www.pubpol.duke.edu/centers/civil>

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CLA report on activities: March 2007

March went from meetings with key federal Parliamentarians to a public protest with banners, and included CLA's AGM.

MPs: In busy period, CLA met Members of the House of Representatives Petro Georgiou (Liberal, Vic) and Kelvin Thomson (Labor, Vic) and Senator Natasha Stott Despoja (Democrat, SA), as well as having an extensive interchange of opinions with Senator Gary Humphries (Liberal, ACT). As well, meetings took place with Leader of the Opposition in the ACT Legislative Assembly, Bill Stefaniak (Liberal), and the Speaker, Wayne Berry (Labor), both of whom are CLA members.

The federal meetings concentrated on issues such as sedition laws, citizenship legislation, and the danger of ASIO or AFP raids just before the federal election expected later in 2007. Issues discussed at the Territory level included coronial inquiries and the report into the 2003 ACT fires, freedom of information and whistleblower legislation. As well, Speaker Berry agreed to host the CLA cartoon exhibition being prepared for exhibition at Parliament Houses and other venues throughout Australia.

Defence: With the annual CLA Defence lecture coming up, we also met with Brigadier Lyn McDade of the military's prosecution arm, and congratulated her on speaking out courageously for the improper delay in a trial for David Hicks.

Branches: In March, **Goulburn** held a lively meeting, which received a report from Fred Rainger on the public meeting attended by 100 people he organised in that city early in the month in support of Hicks, which was addressed by Professor George Williams. Director Jim Staples attended the Goulburn meeting, along with a Sydney CLA member, Diana Simmons.

Miscellaneous: CLA was represented at a public meeting on the ID/Access card and a community discussion on a new HREOC report, *It's About Time*, into work and life balance. At a function at the Canberra Islamic Centre, we received a substantial donation to help with CLA work. Several meetings on the proposed cartoon exhibition included one with Tuggeranong Arts Centre with a view to linking with arts and cultural centres nationwide.

Legal: CLA met with Registrar of the High Court, Mr Chris Doogan, in relation to facilities and possible cooperation, and with Professor Tetsuya Fujimoto, of the Faculty of Law at Chuo University on prison reform, juvenile justice, bills of rights and anti-terror laws (which Japan is only now thinking about introducing, six years after the 11 September 2001 attacks on America).

Pacific: In discussions with Maree Tait of the Crawford School of Economics and Development at ANU College of Asia and the Pacific we covered human rights and civil liberty groups in the Pacific, and the organizations operating there and best way to communicate over such vast distances.

AGM: About 35 people attended the AGM at the Yarramundi Aboriginal and Torres Strait Islander Cultural Centre, after which Aboriginal genealogy expert Ann Jackson-Nakano spoke about the history of the people and customs of the national capital region.

Student protest: We assisted the ANU Law Students for Social Justice in deciding whether to take out an injunction against Singapore strongman and Minister Mentor, Lee Kuan Yew. Barristers John Purnell and Chris Erskine, in particular, were generous to the students and CLA with their expert counsel, and Douglas Hassall provided advice from Sydney.

Three CLA directors attended the protest, and featured in news and online reports of the demonstration against Mr Lee with a poster which said: *Singapore Swings...* with a hangman stick figure underneath, drawing attention to Singapore's continuing to impose the death penalty.

THE LAST WORD:

Never underestimate the value of data

Deborah J. Palfrey is unhappy. If you know her as 'Jeane', you probably don't want her unhappy. From 1993 to 2006, Palfrey ran Pamela Martin and Associates, a "high-end adult fantasy firm which offered legal sexual and erotic services across the spectrum of adult sexual behavior," in Washington, DC, USA.

She now needs money for a law case against the US Internal Revenue Service (tax office). Her fund-raising method is to sell the entire 21kg of detailed and itemized phone records for the 13-year period, reports *The Politico's* Ryan Grim.

Palfrey released what she said were a sample of the records, which didn't include names, but did feature a number of Washington area exchanges. Her attorney, Montgomery Blair Sibley, said that prices have yet to be set for the data.

“We don’t actually know that yet,” he said, “because we haven’t finished mining the data to identify the individuals. Obviously if Bill Clinton’s on the list, that’s a different matter than, you know, somebody nobody’s ever heard of before.”

But, he said, chances are good that some interesting names will pop up.

“Statistically, if you have 10,000 people, and given the structure of this particular service, these weren’t people beckoning from car windows,” he said.

“The escorts only responded to four and five star hotels or private residences. And so the landlines will show up on the private residences real quickly.”

http://www.politico.com/blogs/anneschroeder/0307/DC_Madame_to_Sell_10000_Phone_Records_of_HighEnd_Washington_Clients.html

– story provided by JJW of the Australian Privacy Foundation

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CLArion welcomes contributions. Please send items by email to <mailto:secretary@claact.org.au> – please include your name and contact details and details of where the story came from so we can credit the original source, if it is not you. Post clippings to Box 7438 Fisher ACT 2611.

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