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## Meetings make progress with youth agenda, cartoon exhibition

Several key meetings during April progressed the youth agenda of CLA, in which the strategic aim is to have much more involvement by younger people in shaping the Australian civil liberties (CL) and human rights (HR) agenda, and speaking out in public.

In combination with the Law Students for Social Justice, CLA held a law students meeting on the Australian National University (ANU) campus where four new projects were launched:

**Pacific Project**, to analyse and recommend on CL/HR rights of island nations;

**Parliament House Protest Project**, to define the rules and regulations for people and groups protesting at Australia's centre of democracy;

**Aboriginal Deaths in Custody Review**, which will analyse the Royal Commission of 20 years ago and its aftermath, and project forward the CL/HR needs of Indigenous people for the next 20 years:

**Radio and Media Project**, which aims to increase the knowledge and contribution of rural and regional Australians to national CL/HR debates; and

**DNA Project**, to analyse the legal - and societal - considerations occurring at rapid pace around development in DNA technology and use.

The projects will be mainly led by young lawyers, such as Sarah Bassiuni and Shreeya Muthusamy, with teams of 6-10 ANU law students doing the research and analysis under the leaders' mentoring. Older members of CLA with specialist expertise will also assist, such as Asmi Wood and Ernst Willheim on the Indigenous project.

In another youth development, CLA has refreshed links with the Young Lawyers movement, where Farhan Islam will take over as the prime conduit person from Peter Lee, who is moving to the Gold Coast to establish his own migration law business.

Meanwhile Director June Verrier is driving the cartoon exhibition project, with official opening set down for 8 and 9 October at the ACT's Parliament House by Speaker Wayne Berry. Negotiations are continuing with the Speakers of State Parliaments for the exhibition to tour Australia.

Sixteen of Australia's top cartoonists are contributing their works on CL/HR issues...as well as their typical representations of Prime Minister Howard and Opposition Leader Rudd.

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## **LAST WORD:**            *Keeping lawyers off the streets*

There's a brawl under way in Japan about who's entitled to call himself or herself a 'lawyer'. The Japanese Bar is trying to ban 'street lawyers' from using the word.

*Read all about it at the end of this bulletin.*

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## CLA features in Fin Review on Lombok treaty

CLA's submission to the Joint Standing Committee on Treaties (JSCOT) inquiry into the Indonesia-Australia Treaty featured in an analysis piece by Geoffrey Barker on Friday 27 April in the Australian Financial Review (AFR).

He commented on CLA's opposition to the treaty because it did not protect people from the death penalty due to Australian-supplied police and security intelligence.

The treaty is known as the 'Lombok Treaty' because it was on that island, adjacent to Bali, where the Foreign Ministers of the two countries initialed the document. However, it is yet to receive JSCOT endorsement before formal passage by the Australian Parliament.

The AFR article also highlighted – and seemed to agree with – CLA's critique of the Department of Foreign Affairs and Trade's situational analysis as 'shoddy' and 'derisory'.

\*\*\*\*\* [Top of CLArion](#)

## Shadow A-G 's comments cause for concern

During April, CLA met with the Shadow Attorney-General Senator Joe Ludwig to discuss the Labor approach to key civil liberties issues, such as sedition provisions, the terror bill legislation overturning the rule of law in Australia, Australia's police being permitted to export the death penalty, the need for better public interest disclosure legislation and calls for an Australian bill of rights.

At the meeting, the Shadow Minister appeared unwilling to commit Labor to definitive positions for improving CL/HR rights in Australia.

As there were no commitments at the CLA meeting, we turned to his writings in the Victorian Human Rights Law Resource Centre's May 2007 bulletin, where Senator Ludwig said:

"In government, Labor will hold a full public inquiry into how best to protect the civil and political rights and freedoms of Australians. This represents a significant departure from the unfortunate 'Charter of Citizenship and Aspirations' that featured in the 2004 (Labor Party) platform.

"It is our view that this (a Bill of Rights, BoR) is an important question for the Australian people themselves – and ownership of the process must reside with them – rather than being determined by just one political party.

"In my view, we Australians are a naturally cautious people, who like to be fully informed and comfortable about a decision before throwing in our lot... The lesson to learn from this experience (previous Labor-sponsored rights referendums of 1944 and 1988) is that we must move with greater caution in the future."

It appears that 'greater caution' might describe Senator Ludwig's general approach.

Saying that Labor would pass new legislation on homosexual rights relating to issues such as tax, superannuation and welfare rights, he also said: "... this move does not extend to any changes that might alter the meaning of marriage under Australian law."

In other words, the Shadow Attorney-General will continue to permit the 300,000 residents of the ACT to be disenfranchised and 'cuckolded' over its their desired civil unions legislation by the undemocratic, regal ruling of a Governor-General who answers to nobody.

Senator Ludwig closed his comments by saying: "Federal Labor has never been as ready or keen to step up to the plate..."

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## Board issues set to shape directions for rest of 2007

May's key activities include meetings with the Democrats' Senators Andrew Bartlett and Andrew Murray, Shadow Homeland Security Minister Arch Bevis and chair of the Legal and Constitutional Committee, Senator Marise Payne.

A board meeting in early May will set the strategic direction for several important initiatives, including a timetabled approach to expansion into unserved parts of Australia, concentrating on rural and regional areas particularly.

The board will also discuss issues such as:

- submissions on Legal Privilege and Extended Detention, managed by Director Anthony Williamson;
- web site development and improvements by Webmaster/Director Lance Williamson;
- initiatives by the new Treasurer, Kevin Popple;
- a rural/regional cities proposal for November, run by Director Vic Adams;
- additional articles for the website, questioning critical rule-of-law and democratic issues in Australia, such as the way the nation declares war, with Director James Staples being lead author;
- links to universities outside the traditional inner urban area of capital cities, under the leadership of Director Amanda Alford; and

- confirmation of a new student membership, with full rights, for a small annual contribution (possibly \$10, subject to board vote).

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## **Censorship, control and consolidation dominate: Alliance**

*Official Spin*, the 2007 Media Entertainment and Arts Alliance (MEAA, or the Alliance) report into press freedom in Australia, was released late in April.

The report catalogues 12 months of threats to the Australian media. For an electronic copy: <http://www.alliance.org.au/>

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## **ID theft to attract up to five years jail**

Abusing identity information will be a crime under proposed new laws, with penalties of up to five years jail for a range of offences.

There is also a proposal that victims of identity theft be provided with court-issued certificates to help them reverse financial damage and restore lost credit ratings.

Justice Minister David Johnston said the model laws, produced by the Standing Committee of Attorneys-General (SCAG), were available for public comment until 12 June.

The code would let law enforcement bodies prosecute identity crime before an associated crime, such as fraud, theft or forgery, occurs. Now only Queensland and South Australia have offences that target potential misuse of someone else's identity.

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## **ID card issue is becoming muddier**

One year after the Government's announcement of an access card for "health and welfare services", much remains unclear about the proposal, according to the Australian Democrats.

"A year on, with more than \$1.1 billion allocated to the scheme, there is little to show for the Government's proposal," Democrats' Attorney-General's spokesperson Senator Natasha Stott Despoja said.

"Tenders closed in March, but we still don't know the successful tenderer, and important design features of the card like whether or not to have a photograph, signature and unique identifier on the card's surface have not been settled.

"A project which has timeline and budget slippages before it even gets off the ground is a project to be viewed with suspicion," she said.

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## **Ellison cuts time for card debate**

Services Minister Chris Ellison has cut the time for the public to debate Australian Government legislation to introduce a social services access – the national ID – card before it's tabled in Parliament.

News of the cut came from an article by Karen Dearne of The Australian's IT Section; Dearne has been possibly the most relentless and accurate reporter on the ID card.

"Senator Ellison said that the Access Card Bill would be tabled in Parliament on 12 June," she wrote. The Senator later 'clarified' that this allowed the July recess for a Senate committee: in that time, the committee has to:

- draw up terms of reference
- advertise
- allow time for people to prepare submissions

- receive submissions
- hold hearings, and
- prepare a report to Parliament.

“Senator Ellison is now contributing actively to government manipulation of the democratic rights of Australians: he is faking time for public debate, but so truncating it that ‘consultation’ is ephemeral, meaningless and effectively killed off,” Civil Liberties Australia CEO Bill Rowlings said.

“This has been a tactic since the Government gained control of the Senate.

“Senator Ellison is the same man who, as Justice Minister, stood by and watched as the Australian Federal Police doctored in nine Australians to Indonesia’s rough justice – six Australians are now on death row in Bali,” Mr Rowlings said.

<http://australianit.news.com.au/articles/0,7204,21474150^15319^nbv^15306,00.html>

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## **New Bill aims to protect Australians in overseas jails**

The federal government would be forced to demand return of Australians on death row overseas under a proposed Australian Democrats’ Private Members Bill, their leader Senator Lyn Allison said last month.

“It is outrageous that the Howard Government left an Australian citizen languishing in a foreign jail tortured and abused while paying only lip service to any suggestion his rights should be protected,” she said. “There are many more in foreign jails still living the nightmare.”

The Democrats are calling for cross-party support for the Repatriation of Citizens Bill 2007 which would require an Australian government to forcefully seek the return of Australian citizens facing the death penalty, in cruel or inhumane detention conditions or who face an unfair trial not according with international standards.

Details, Nicole Chvastek, 0417 613 610.

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## **Howard, Downer ‘throw asylum seekers overboard’**

The Australian Government’s formal agreement with the USA for ‘mutual assistance’ over resettling people in need of international protection is possibly the most bizarre decision yet of a government either frayed after 11 years in office, or rattled by a resurgent Opposition.

It has been described as “Australia’s most shameful agreement’ by CLA President Dr Kristine Klugman, in a media release issued in April.

Under the Mutual Assistance Arrangement, the US will consider taking people who arrive in Australia’s ‘excised’ offshore locations and are parked in Nauru-style facilities for processing.

In turn, Australia will consider resettling asylum seekers intercepted by the USA, expected to be mostly Cubans but possibly Mexicans, Canadians, West Indians and South Americans (from a range of countries), Afghanis and Iraqis.

The extraordinary agreement:

- flies in the face of Australia’s international human rights responsibilities, and how it has traditionally discharged them;
- equates Australia with America as a ‘renditioning’ – or detaining and relocating – nation;
- has overtones of Guantanamo Bay-style ‘parking’ of problems out of sight and therefore, the governments hope, out of mind;
- overtly aims to thwart the desires of individuals for a sanctuary of their choice;

- potentially makes Australia complicit in the USA's abysmal record of how it handles people in 'detention' (recall Abu Ghraib atrocities, Gbay torture, etc).

"Australia is descending to the level of dishonour of the United States by playing chess with the lives of the poor, frightened and dislocated people of the world," CLA President Dr Kristine Klugman said.

"Apparently, to Prime Minister Howard and Immigration Minister Andrews, people are pawns to be moved around the world at ministerial whim.

"I can think of no other agreement signed by an Australian Government that has made me so ashamed as this one. It is the equivalent of Australian Government Ministers throwing people overboard."

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## Email query to A-G over re-appointment of IGIS chief

To the Attorney-General:

Would you please advise whether Mr (Ian) Carnell's re-appointment as head of IGIS (that is, as the Inspector General of Intelligence and Security) was announced anywhere other than as a 15-word aside in this media release:

### **075/2007 - 26 April 2007 - Reappointment of Part-time Administrative Review Member:**

Mr Ian Carnell has been reappointed as a part-time member of the Administrative Review Council, Attorney-General Philip Ruddock said today.

– Thank you, Bill Rowlings, CEO, Civil Liberties Australia

**Note:** On 27 April 2007, the IGIS re-appointment (was not mentioned) on the IGIS website, even though the initial appointment of Mr Carnell in 2004 is announced there. Is there any reason why this re-appointment is being kept from normal public attention?

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## Would you vote for a Senator who allows Sunday polling?

Be prepared for Sunday phone calls from now until the next federal election asking 'Who ya gonna vote for?' You could be besieged...even if you're listed on the 'Do Not Call' register.

Communications Minister Senator Coonan wants the Australian Communications and Media Authority to drop a ban on pollsters calling voters on Sundays.

If the authority accepts Senator Coonan's proposed changes, pollsters and market researchers would be permitted to call householders between 9am and 5pm on Sundays. This open Sunday slather would even include homes who put their names down for the Do Not Call register.

If you'd like to tell the Senator what you think of her idea, email: <mailto:senator.coonan@aph.gov.au> or write to GPO Box 3513 Sydney NSW 2001 or phone: (02) 9223 4388 or fax: (02) 9223 4399.

If CLA finds out her home phone number, we'll publish it...and our members can phone on a Sunday and take a push-poll of what she thinks of Sunday polling.

*(Push polling is the technique of pretending to take a poll, but actually trying to get a political message across).*

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## Victoria to set up same-sex register

Victoria would set up a same-sex register by the end of 2007, Premier Steve Bracks told Southern Cross radio on 24 April.

The register would allow improved legal recognition of gay couples and also those in de facto and long-term care giving relationships. "It operates in Tasmania already...a register system



where you apply through births, deaths and marriages with a statutory declaration for a register for your relationship," Mr Bracks said.

He said several municipal councils supported the move: Melbourne City Council had already introduced its own register. A discussion paper would be released ahead of the proposed changes to state law.

Tasmania and Victoria will be the only states in Australia with legislation for a register.

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## **Australia to test 'cyber security'**

Australia will join the USA, the UK, New Zealand and Canada in *Exercise Cyber Storm II* in March 2008 in an exercise simulating attacks on communications through the internet.

"Vital services, such as energy, water, banking, food supply, transport, health and emergency services are all underpinned by a complex network of inter-related IT systems. We must know how to defend ourselves from, and respond to, a cyber attack on these essentials of daily life," Attorney-General Philip Ruddock said last month.

The exercise will be held over five days in conjunction with the US Department of Homeland Security National Cyber Security Division, the UK's Centre for the Protection of National Infrastructure, Public Safety and Emergency Preparedness Canada and New Zealand's Centre for Critical Infrastructure Protection.

More information, email: <mailto:cip@ag.gov.au>

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## **McDonald appointed Australia's 'chief censor'**

Attorney-General Philip Ruddock has appointed Donald McDonald AC, 68, as director of the Classification Board from 1 May, effectively Australia's head censor.

The Classification Board approves or censors films, computer games and some publications under the National Classification Scheme.

Mr McDonald chaired the ABC from 1996 to 2006, and was chief executive of Opera Australia from 1987 to 1996 and general manager of the Sydney Theatre Company from 1980 to 1986.

He is a close friend of the Prime Minister, Mr Howard.

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## **Chief of ACT Police found dead at luxury Barrier Reef resort**

Chief Police Officer of the ACT, Assistant Australian Federal Police Commissioner Audrey Fagan, died in unusual circumstances last month – her body was found in a luxury holiday apartment in Queensland.

Ms Fagan was taking a short break at the Hayman Island Resort with her husband Christopher Rowell, *The Canberra Times* reported. She is survived by Mr Rowell, a daughter and two stepchildren.

AC Fagan was given the Australian Police Medal in 2004 for work coordinating counter terrorism and promoting the role of policewomen.

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## **Electronic transfer code under review: danger of weakening**

The Australian Securities and Investments Commission is reviewing the Electronic Funds Transfer Code of Conduct.

Business wants to significantly reduce consumer protections in the Code.

A submission co-authored by CLA member Professor Roger Clarke and Alana Maurushat counters the arguments of business interests. The submission argues that consumer devices are inherently insecure, and incapable of being made secure, and that it is therefore not appropriate to impose liabilities on people who use them to conduct financial transactions.

You can read a precis of paper on the CLA website at:

<http://www.claact.org.au/pages/articles.php> Professor Clarke asks you to write to ASIC if you too are concerned about weakening of the consumer protections.

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## Uni's law classes ready to go through the roof

Sydney University's Law School has introduced staff changes that students fear will cause class sizes to increase dramatically. Seminar numbers are likely to rise from about 55 now up to 90 in some subjects, students claim. The original target was closer to 40 students.

The school's dean Ron McCallum says the problems are an inability to find quality staff, funding issues and a lack of classroom space.

<http://www.smh.com.au/news/national/its-unjust-mlud-law-classes-too-big/2007/04/21/1176697161118.html>

– Hannah Edwards, writing for Fairfax online, 22 Apr 07

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## Murray to strengthen whistleblower bill

The Democrats' Sentaor Andrew Murray says Australia's federal whistleblower laws are completely inadequate.

"S16 of the Public Service Act is a very poor whistleblowing provision," he said.

"The Coalition Government's weak public sector whistleblowing legislation needs to be completely overhauled. They are the weakest laws in the country.

"My private Senator's Bill, the Public Interest Disclosure (Protection of Whistleblowers) Bill 2002, would significantly strengthen federal public sector whistleblower laws for those who feel compelled to speak out against fraud, corruption, impropriety and waste...and I intend to strengthen it further," Senator Murray said.

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## Queensland moving to facial recognition licences

The Queensland Government plans to introduce facial recognition systems for drivers.

In the tender section of The Australian in early April was this listing:

*Facial Recognition Software and associated Services - As part of the New Queensland Driver Licence project (NQDL), Queensland Transport (QT) seeks Expressions of Interest for the supply of Facial Recognition software and associated services.*

– from Roger Clarke, Aust'n Privacy Fndtn

On 30 April, Victoria announced it would allocate \$3.5m in the 2007-8 budget for a facial recognition system for its police force.

They had been trialling "iFace" since June 2006, according to info in *Police Life June 2006*, available from <http://www.police.vic.gov.au/>

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## Rapporteur has harsh words for 'killer' countries

Philip Alston, the Australian independent human rights expert for the UN on extrajudicial killings, has called for action in response to reported incidents in the USA, Iran, the Russian Federation, Bangladesh, Nigeria and Indonesia.



"The US has consistently argued that the UN Human Rights Council, and all other international human rights accountability mechanisms, have no legitimate role to play when individuals are intentionally killed, so long as it is claimed that the actions were part of the 'war on terror,'" said Mr Alston, the UN's Special Rapporteur on extrajudicial, summary or arbitrary executions.

"While this argument is convenient because it enables the US to effectively exempt itself from scrutiny, if accepted it would constitute a huge step backwards in the struggle to promote human rights."

**Iran:** He urged it to stop executing juvenile offenders and called for "immediately commut(ing) all death sentences imposed for crimes individuals committed before the age of 18".

**Russia:** Mr Alston called for an end to extrajudicial killings of journalists, and of failing to prosecute those responsible.

**Egypt:** Police must stop using firearms to disperse crowds, and shooting at demonstrators.

**Bangladesh:** He said the government must stop the Rapid Action Battalion and other elite security forces "... using murder as a policing technique."

**Nigeria:** He also called on Nigeria to "make good on its commitment to end extra-judicial executions by the police".

**Indonesia:** Mr Alston said Indonesia should investigate all people implicated by the report into the murder – by poisoning on a Garuda flight to Amsterdam – of Munir Said Thalib, the leading human rights activist.

– from UNity, the UN Assn of Australia's e-newsletter, 30 Mar 07

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## Australia signs on to online treaties

Australia is joining two international treaties aimed at boosting copyright protection for material on the Internet.

Australia will accede to the World Intellectual Property Organisation Copyright Treaty and the World Intellectual Property Organisation Performances and Phonograms Treaty, otherwise known as the WIPO Internet Treaties, according to Attorney-General Philip Ruddock.

The main feature of the treaties is the protection of copyright works, sound recordings and performances fixed in sound recordings online.

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## Greenies told to can the spam

Is lobbying government ministers via email illegal spam?

The NSW National Parks Association (NPA) email address was blacklisted by the office of the NSW Premier, Morris lemma, last month

The environmental lobby group's executive officer Andrew Cox accused the Government of "infringing on the public's ability to participate in the democratic process using email".

A form on the NPA website allowed people to easily write to Mr lemma, 20 of his Cabinet Ministers, five Independents and four Green parliamentary members, supporting the NPA's position on administrative changes to the environment ministry.

But, after receiving 1700 messages in two days, the NSW Government emailed to Mr Cox accusing him of breaking the law. All emails sent by the NPA to the Premier's office and his ministers were being blocked.

However, the Spam Act, only applies to "commercial electronic messages". The NPA is a non-profit organisation. Further, Section 44 of the legislation reads: "This Act does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication."

– story by Asher Moses, 27 Apr 07

<http://www.smh.com.au/news/technology/greenies-told-to-can-the-spam/2007/04/27/1177459944516.html>

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## **Just checking...can body searches be far away?**

– By Suzanne Carbone and Lawrence Money, writing in *The Age* 26 Apr 07

How long has Sarah Benson been working for Senator Lyn Allison? Longer than anyone else. For years, the ministerial parliamentary services department has been paying Benson's wages into her bank account, passing on her instalments to the tax fiends, crediting superannuation.

This week the same department asked for proof of her identity!

"We're pretty sure Sarah is not an underworld figure or international spy," snickered one insider. "She's been diligently researching for the good senator, more recently digging up dirt on the proposed Access Card (read identity card). But it turns out that under the terms of the new collective agreement, staff who've been around for years suddenly have to prove they are who they say they are."

DNA tests can't be far away. Not to mention body-cavity searches.

<http://www.theage.com.au/news/entertainment/dodgy-foodmonger-is-eating-for-two/2007/04/25/1177459786289.html>

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## **Police to run checks on Parliament journalists**

Federal press gallery journalists will have to undergo a police check before being granted a press pass under a proposed government crackdown.

If they refuse to submit to the check or fail it, they will be declined access to most of Parliament House.

"This is yet another blow to press freedom by a government determined to control who reports on them, and what they can say," Alliance federal secretary Christopher Warren said.

The Media, Entertainment and Arts Alliance is seeking comment for a submission on the proposal. Email [amy.coopes@alliance.org.au](mailto:amy.coopes@alliance.org.au)

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## **Campaign for elected assembly – world parliament – launched**

Some 541 politicians, academics and business leaders from throughout the world have signed an appeal for the creation of a United Nations (UN) parliamentary assembly to overcome the "democratic deficit" in global affairs and give citizens a bigger voice.

The appeal recommends a gradual implementation of democratic participation and representation on the global level. More

[information:http://news.independent.co.uk/world/politics/article2474470.ece](http://news.independent.co.uk/world/politics/article2474470.ece)

– from e-Civicus, 25 Apr 07

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## **Second Gbay detainee is charged**

The US military filed charges late last month against the second Guantanamo Bay detainee to face prosecution under new military commission rules.

Canadian citizen Omar Khadr, held as an "enemy combatant" since being captured five years ago at age 15, is charged with murder and other crimes.

He is accused of killing an American Army medic with a grenade and wounding another soldier during fighting in Afghanistan in 2002.

The news comes a month after Australian detainee David Hicks received a nine-month sentence after pleading guilty as part of a plea bargain.

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## **Rights groups slam truth body**

Human rights monitoring groups have accused the recently-completed second phase of Indonesia-Timor Leste Commission of Truth and Friendship (CTF) hearings of having distorted facts regarding human rights violations that occurred during Timor Leste's 1999 referendum.

The groups claim the CTF has strayed from its original mission of disclosing the truth of human rights violations during the 1999 referendum. The second phase of hearings was completed late in March.

– TL Judicial System Monitoring Programme (JSMP) <http://www.jsmp.minihub.org/>

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## **Indonesian police claim to be closing in on Munir killers**

Indonesian police said late last month they were closing in on the masterminds of the murder of respected rights activist, Munir Said Thalib, who died from arsenic poisoning on a Garuda flight between Jakarta and Amsterdam.

Police say they know who carried out the killing of Munir, whose drink was laced in 2004 during a stopover at Singapore's Changi airport, as well as the motive.

"We know the motive behind the murder and we are now investigating who was the mastermind behind it," national police spokesman Sisno Adiwinto said.

Police reopened the Munir investigation after the murder conviction of Garuda airlines pilot Pollycarpus Priyanto, the only person charged over his death, was quashed by the Supreme Court last year.

Adiwinto said new evidence would soon be submitted to the attorney general to support a judicial review of the case. Earlier last month, the former head of the national carrier and another former Garuda executive were arrested for questioning over the falsification of documents that allowed off-duty Priyanto to travel on Munir's flight.

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## **Editor of *Playboy Indonesia* acquitted**

The editor-in-chief of Playboy Indonesia was acquitted early last month of charges that he violated the Muslim nation's indecency laws by publishing pictures of scantily clothed women.

Erwin Arnada had faced a maximum punishment of nearly three years in prison in a case closely watched by strict Muslims, who have protested loudly since the toned-down version of the American magazine hit Indonesian news-stands a year ago.

Efran Basyuning, presiding judge of the South Jakarta District Court, said pictures of scantily-dressed women, some in underwear with their breasts partially exposed, could not be categorized as pornography under the country's criminal law. Arnada called the ruling a victory for free speech.

– from AP report in the NY Times, 5 Apr 07

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## **Frail Myanmar poet in prison for 18 years**

The UN has appealed to the Myanmar Government to release the distinguished poet and journalist U Win Tin, who at 18 years is the country's longest serving political prisoner.

U Win Tin, who last month spent his 77th birthday in a Yangon prison cell, is a Laureate of the UN Educational, Scientific and Cultural Organisation (UNESCO) World Press Freedom Award, among other international accolades.

Imprisoned in 1989, he has been sentenced three times, each time while behind bars. Currently, he is serving seven years for a letter he wrote to the UN about the ill treatment and poor conditions of political prisoners.

There are over 1,200 political prisoners in Myanmar, according to observers.

– from UNity, the UN Assn of Australia's e-newsletter, 30 Mar 07

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## **Vietnam cracks down on democracy and religious activists**

The Vietnamese government appears to be continuing its crackdown on democracy and religious activists.

For example, on 30 March, Father Thadeus Nguyen Van Ly – who has spent 14 of the past 24 years in prison – was sentenced to eight years jail after a court found him guilty of "extremely serious violations against national security" and "having distributed materials intended to undermine the government."

The judge imposed a five-year surveillance order, which in Vietnam usually means house arrest after time served in prison.

Four of his associates, who helped him produce a dissident publication called *Tu do Ngôn luan (Free Speech)*, were also sentenced. The court found them guilty of "propaganda against the Socialist Republic of Vietnam." Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao and Le Thi Hang received jail terms ranging from 18 months to six years.

The four defendants acknowledged being members of the Progression Party of Vietnam, founded last year. Nguyen Phong, who received a six-year sentence, reportedly told the judge: "I will continue to fight for the values of freedom and democracy on behalf of the Vietnamese nation."

Details: <http://www.rafto.no/DesktopModules/ViewAnnouncement.aspx?ItemID=281&Mid=42>

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## **Germany says 'no' to prosecuting Rumsfeld, Gonzales**

Germany's Federal Prosecutor announced late last month she would not proceed with an investigation against Donald Rumsfeld, Alberto Gonzales and other high-ranking US officials for torture and other war crimes committed in Iraq, Afghanistan and Guantánamo.

The 400-page complaint was filed on 14 November 2006, by Berlin attorney Wolfgang Kaleck on behalf of the Center for Constitutional Rights (CCR), the International Federation for Human Rights (FIDH), 42 other international and national human rights groups, 12 Iraqi citizens who were held in Abu Ghraib, and one Saudi citizen still held at Guantánamo.

[http://www.fidh.org/article.php3?id\\_article=4232](http://www.fidh.org/article.php3?id_article=4232)

\*\*\*\*\* [Top of CLArion](#)

## **Court frees two suspects due to torture risk**

Two allegedly dangerous Libyan terror suspects are to be freed early in May after judges ruled they could not be sent back to Colonel Gadafy's Libyan regime because of the risk they would face torture and a show trial.

The Special Immigration Appeals Commission (SIAC) decision affects a further eight of 23 foreign terror suspects detained in Long Lartin maximum security prison for more than 18

months pending deportation after the July 2005 London bombings. The freed men will probably be held on conditions similar to a control order with a 12-hour curfew and a ban on using mobile phones and laptops.

– from an article by Alan Travis, home affairs editor, The Guardian, 28 Apr 07

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## **NGOs latest to suffer as Zimbabwe disintegrates**

Zimbabwe has deregistered all Non-Governmental Organisations and told them to submit new applications to try to weed out groups it says are trying to oust President Robert Mugabe, state radio reported in mid-April.

Mr Mugabe, sole ruler since independence in 1980, has accused NGOs and aid groups of supporting the main opposition Movement for Democratic Change (MDC) and has imposed tight restrictions on food aid distribution in the country.

Minister of Information and Publicity Sikhanyiso Ndlovu said Harare was targeting NGOs because some were using relief activities as a cover for a MDC-led campaign to overthrow the government, state radio reported according to Reuters.

More information: <http://www.alertnet.org/thenews/newsdesk/L17383666.htm>

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## **Eritrea bans female circumcision**

ASMARA - Eritrea has banned female circumcision, a cultural tradition that aid groups say afflicts 90 per cent of the country's women.

A brief statement posted on a government web site in early April said anyone who requests, takes part in or promotes the practice faces a fine or jail sentence.

“Female circumcision is a procedure that seriously endangers the health of women, causes them considerable pain and suffering besides threatening their lives,” it said. “Whosoever requests, incites or promotes female circumcision ... shall be punishable with a fine and imprisonment.” The ban took effect from 1 April, it said, but gave no other details.

Female circumcision, also called female genital mutilation (FGM), is widespread in the Horn of Africa and involves cutting off the clitoris and other parts of the female genitalia. Up to 140 million women and girls worldwide are estimated to have suffered FGM, and UN agencies estimate that another three million a year are subjected to the practice.

– from stories by Reuters and the NY Times, 5 April 07

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## **Execution by lethal injection may mean conscious suffocation**

Execution by lethal injection may cause death by asphyxiation, and prisoners being executed may be conscious and may experience pain.

So claim the authors of a new study published late in April in the magazine, *PLoS Medicine*. Leonidas Koniaris and colleagues from the University of Miami concluded that in the current regimen thiopental might not be fatal and might even be insufficient to induce surgical anesthesia for the duration of the execution, and that the doses of potassium chloride used did not reliably induce cardiac arrest. Hence, potentially aware inmates are likely to die through asphyxiation induced by the muscle paralysis caused by pancuronium.

The authors conclude that even if lethal injection is administered without technical error, those executed may suffocate, and therefore “the conventional view of lethal injection as an invariably peaceful and painless death is questionable.”

Overview: [http://www.eurekalert.org/pub\\_releases/2007-04/plos-deb041907.php](http://www.eurekalert.org/pub_releases/2007-04/plos-deb041907.php)

Full article: <http://medicine.plosjournals.org/perlserv/?request=get-document&doi=10.1371/journal.pmed.0040171>

## **DRC village chief signs over rainforest for peanuts**

In 2005, the chief of a village in the Democratic Republic of Congo, who received no legal aid, signed away the village's rights to its virgin rainforest to a logging company.

In exchange for giving the timber firm potentially extremely profitable 25-year rights to chop down such rare trees as Afromosia and sapele, the village will get relatively little compensation in the form of three small schools and pharmacies, as well as 20 sacks of sugar, 200 bags of salt, some machetes and a few hoes.

– from London Guardian, 11 Apr 07, as reported in UNity, the UN Assn of Australia newsletter

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## **UN urges Nepal to protect children**

Nepal should ensure that its children are not politically indoctrinated and must protect them from violence, UNICEF and the Office of the High Commissioner for Human Rights urged last month.

Nepal's 10-year conflict between the government and rebels, which ended with a peace deal in 2006, involved systemic indoctrination and other abuse of children, the UN agencies said.

– from *Bloomberg News*, 5 Apr 07, as reported in UNity, the UN e-newsletter

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## **Global internal displacement crisis worsening: survey**

The number of people newly displaced within their own countries by conflict has sharply increased, with the Middle East particularly hard hit by new displacements, according to a global survey released by the Internal Displacement Monitoring Centre of the Norwegian Refugee Council.

“Some four million people were internally displaced during 2006 as a result of armed conflict, more than twice as many as in the previous year”, said Tomas Colin Archer, Secretary General of the Norwegian Refugee Council.

Details: <http://www.flyktninghjelpen.no/?aid=9072603>

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## **Unjustly labeled terrorists can't buy their rights in USA**

Businesses checking customers' names against a US terrorist watch list sometimes deny services to innocent people, according to civil rights lawyers.

The 250-page list of 6,000 names, posted publicly on a US Treasury Department web site, is used by credit bureaus, health insurers and car dealerships, as well as employers and landlords, according to the Lawyers Committee for Civil Rights of the San Francisco Bay Area

The list includes some of the world's most common names, such as Gonzalez, Lopez, Ali, Hussein, Abdul, Lucas and Gibson, and companies are often unsure how to root out mismatches. Some turn consumers away rather than risk penalties of up to \$10 million and 30 years in prison for doing business with someone on the list, the group said.

The list is managed by the Treasury Department's Office of Foreign Assets Control (OFAC) and includes people, companies or groups accused of supporting or financing terrorism. Most are foreigners. Their assets may be frozen by U.S. banks, and Americans are forbidden from doing business with them.

[http://news.findlaw.com/scripts/printer\\_friendly.pl?page=/ap/o/632/03-28-2007/cddf0018f1c7358d.html](http://news.findlaw.com/scripts/printer_friendly.pl?page=/ap/o/632/03-28-2007/cddf0018f1c7358d.html)

– from an AP report by Juliana Barbassa, at FindLaw, 27 Mar 07

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## Chairman questions CIA's interrogation program

Senator Jay Rockefeller has announced he will lead an inquiry into the future of the CIA's secret prisons. He also questioned the need for a CIA interrogation program separate from longstanding FBI and military interrogations.

CIA interrogations are bound by US Defense Department guidelines, which apply Geneva Conventions protections to detainees and prohibit abusive techniques including waterboarding and using dogs to intimidate prisoners. However, former prisoners claim the guidelines are ignored.

For the NY Times coverage, go to: <http://action.humanrightsfirst.org/ct/qdw9zX61Ia5P/>

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## Guantanamo damages US more than Al Queda – rights group

The US Congress was told recently that Guantanamo had become the "laboratory for a policy of torture" that "fueled jihadist recruitment and did immense damage to the honor and reputation of the US, undermining its ability to lead."

That was how Human Rights First's Washington Director, Elisa Massimino, introduced her testimony before the House Armed Services Committee. She argued that the prison at Guantanamo should be shut down as well because it was viewed as a "legal black hole."

She said current US policy -- treating terrorists as combatants in a war against the USA but rejecting the rules that govern how captives in war must be treated -- "has had the doubly pernicious effects of degrading the laws of war while conferring on suspected terrorists the elevated status of combatants."

By taking the strategic metaphor of a "war on terror" literally, the US Government had unwittingly allowed al Qaeda to project themselves "as warriors rather than criminals."

Details: <http://action.humanrightsfirst.org/ct/U7w9zX61Iaba/>

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## US quizzes African detainees

CIA and FBI officials were in April interrogating detainees among a group of terrorism suspects captured mostly in Kenya and Somalia and held in secret Ethiopian prisons without charge or access to lawyers or their families.

Experts have raised concerns that the detainees could suffer mistreatment in custody in Ethiopia, which is known to engage in torture. The detainees include women and children.

An FBI spokesman acknowledged the agency had questioned the detainees but said that they were never in US custody.

– from Human Rights First, 6 Apr 07

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## UK benefit claimants to face lie detector tests

Benefit claimants will be subjected to lie detector tests in a bid to crack down on fraud, the UK Government announced last month.

Voice analysis picks up changes in a caller's voice – which can be signs of stress when telling lies – and has been used by insurance companies for years to weed out false claims.

John Hutton, the Work and Pensions Secretary (minister), said that the technology would be piloted in north London before being rolled out across the country to curb fraud worth an estimated \$1,700m.

–from an article by Helene Mulholland, The Guardian, 5 Apr 07

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## UK to trial 'Megan's Law' pedophile register

The UK will trial a watered-down version of 'Megan's Law', giving parents the right to know whether paedophiles are living in their area.

Parents will be told how many pedophiles are living in high-risk areas, such as close to schools or parks, and lone parents will be able to check whether potential partners are sex offenders.

The move follows years of campaigning by British parents for a version of Megan's Law.

Megan Kanka, 7, was raped and murdered by a convicted paedophile in New Jersey USA in 1994. The outcry that followed spawned legislation adopted in across 50 states. The laws allow public access to information on the history and whereabouts of high-risk offenders.

– from Matthew Taylor article, Guardian, 10 Apr 07

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## Iran victimizes Bahai children

Bahai students in primary and secondary schools throughout Iran are increasingly being harassed, vilified, and held up to abuse, according to recent reports.

In a one-month period, some 150 incidents of insults, mistreatment and even physical violence by school authorities against Bahai students were reported in 10 Iranian cities.

In 2007, at least 94 college-age Bahai students have been expelled from institutions of higher education, up from the total of 70 reported in late February.

Since the Islamic Republic of Iran was established in 1979, the 300,000-member Iranian Bahai community has faced ongoing and systematic persecution. In the early 1980s, more than 200 Bahais were killed, hundreds were imprisoned, and thousands were deprived of jobs and education.

Further info: <http://news.bahai.org/>

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### DIARY DATES:

**1-3 June, Adelaide:** The Institute of Arbitrators and Mediators Australia national conference in Adelaide in June. Email [nmailto:ational@iama.org.au](mailto:national@iama.org.au) or visit <http://www.iama.org.au/>

**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, 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/Responsibilities workshop, free, 9–noon, ACT HR 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>

**14-15 June, Canberra:** 2007 National Administrative Law Forum, Australian Insitute of Sport, see <http://law.anu.edu.au/aial/ForthcomingEvents/FEIndex.html>

**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](mailto:info@refugeecouncil.org.au)

**June 20, World:** World Refugee Day

**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](mailto:gemma.hogan@save.org.au)

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

**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](mailto: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](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>

**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](mailto:acwap@ozemail.com.au)

**8-9 September, Sydney:** APEC Economic Leaders meeting.

**9-13 Sept, Kenya:** 2007 Commonwealth Law Conference, Nairobi. <http://www.commonwealthlaw2007.com/>

**25 September, Melbourne:** 2007 Protecting Human Rights Conference, to discuss developments in the protection of Human rights by Australian charters and human rights acts. More information, **+61 (02) 9385 2259**; 0414 241 593.

**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](http://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**.

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## **LAST WORD: Keeping lawyers off the streets**

The Japan Federation of Bar Associations (JFBA) is demanding the Japan Federation of Gyoseishoshi Lawyer's Associations takes down posters using the term 'lawyer' to describe Japan's administrative scriveners, who are not qualified to handle lawsuits.

Administrative scriveners, known in Japanese as 'gyoseishoshi', create official documents to submit to local government offices on behalf of clients, similar to a notary public.

In its posters, the Japan Federation of Gyoseishoshi Lawyer's Associations, refers to administrative scriveners as "lawyers of the street" in Japanese, and uses the term "Gyoseishoshi Lawyer" in English.

But the JFNBA says terms like 'horitsuka' (lawyer) or 'lawyer' apply to lawyers who hold power of attorney. "Gyoseishoshi have no connection with judicial branches in their jobs and they have no power of attorney to settle disputes," a JFBA representative said.

Looks like a case for a lawyer...or a mediator.

Details: <http://mdn.mainichi-msn.co.jp/national/news/20070414p2a00m0na009000c.html>

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