

Email newsletter of Civil Liberties Australia (A04043).

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2008 is the 60th anniversary of the Universal Declaration of Human Rights

Visit the new-look CLA website: <http://www.cla.asn.au/> There's new material virtually every day.

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Aussie Day letters call on PM for action

CLA in January released three Australia Day letters, wrote to Foreign Minister Stephen Smith asking him to plea for a young journalism student's life in Afghanistan, began a long-term project to ameliorate the impacts of police car chases, organised for a Parliamentary Secretary to speak at a public meeting in Goulburn, began a review of mental health legislation, and took several initiatives in Western Australia and Tasmania.

The Australia Day letters – <http://www.cla.asn.au/rss08/080125001.php> – asked PM Kevin Rudd to:

- review the principles, laws and protocols about how Australia declares war;
- initiate an inquiry into civil liberties in Australia; and
- examine and correct the unequal and inequitable treatment of Territorians.

The CLA Australia Day letters are now a tradition of three years; typically, their effect will last throughout 2008, and hopefully major change will occur as a result.

In researching and preparing materials to try to lessen police car chase deaths and injuries (including to police), CLA is working with the parents of a young woman killed in such a chase.

Parliamentary Secretary for Social Inclusion and the Voluntary Sector Senator Ursula Stephens will speak on issues in her portfolio, civil liberties and human rights, including a Bill of Rights, on 28 February at the Goulburn Club.

A graduate lawyer who is undertaking a post-graduate degree in Law, Wen Jia, and a former ACT Chief Justice, Jeff Miles, are analysing the mental health discussion paper prepared as a prelude to new legislation in the ACT. Their review will inform CLA's submission to improve the eventual law, which is likely to be a model for the rest of Australia.

In WA, CLA's initiatives in reviewing how the Corruption and Crime Commission is operating, and in preparing draft shield laws for journalists, are continuing. During January, CLA also wrote in support of a prisoner transfer from Queensland to WA.

A complaint from a married couple about how they were treated by police has become a CLA campaign for better police education in Tasmania and throughout Australia in dealing with domestic differences.

See later in bulletin for full rundown of January CLA activities.

LAST WORD: Would you like your privates patted, or pictured?

Remember Hobson's choice, the optional selection that really wasn't. Well, now there's the Phoenix Pick – at the airport, would you like your private parts patted down, or prefer to be photographed by see-through technology? Pick whichever least offends you.

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Bali: CLA, Labor and Australia oppose death penalty

The Bali bombers may be close to execution as this issue of the *CLArion* is distributed.

It is important at this time to again state CLA's position on the death penalty, and also to re-state the Labor Party's and therefore the Australian Government's position on it.

CLA is opposed to the death penalty everywhere, always. We believe Australia has the responsibility, and the right, to campaign and argue internationally for an end to the death penalty. <http://www.cla.asn.au/issue/deathpenalty.php>

The Labor Party's platform – and therefore the stance of the Australian Government – is also opposed to the death penalty (**the Liberal Party is also opposed**). Labor, unlike the Liberals, also believes as CLA does that Australia should campaign internationally, particularly in the Asia-Pacific region, for countries to remove the death penalty from their legal system.

The best response that Prime Minister Rudd, Attorney-General McClelland, Foreign Minister Smith and Opposition Leader Nelson can make on the execution of the Bali bombers is to merely 'note' their passing, and restate that Australia is opposed to the death penalty, on principle.

CLA calls on all Australian politicians to make no statement that would help fuel a possible tendency in Indonesia to turn the Bali bombers into martyrs, rather than focusing on the fact that they are criminals convicted of killing many people.

To maintain credibility in international forums, particularly when an Australian is on death row in Asia in future, our nation's stance on the death penalty must be based on principle, always, and not tailored to individual cases.

AFP Commissioner chooses wrong hobby horse, wrong track

The criticisms which erupted late last month after Police Commissioner Michael Keelty's public attempts to pillory the press, and to gloss over ineptitude in the Australian Federal Police, are more than justified.

But there has been virtually no attention paid to the fundamental stupidity of his ill-advised choice of venue for the public utterances, the Sydney Institute.

The SI, headed by Gerard Henderson, has traditionally been very, very close to the Liberal Party. Certainly, Henderson and the SI enjoyed privileged status under former Prime Minister Howard.

Keelty's choice of the Sydney Institute for such a public statement is likely to be interpreted as spitting in the face of the new Rudd Labor Government. If Keelty's reign is now much closer to over, he has only himself to blame.

CLA believes that Commissioner Keelty is setting a woefully poor example to his force by encouraging a siege, them-against-us mentality.

The AFP have more powers, with less judicial supervision, than any force in Australia's history. The Commissioner should be encouraging his people to use the powers responsibly, monitoring their performance and disciplining police who don't perform or who abuse their powers and position.

Instead of attacking the media, Commissioner Keelty would better serve Australia by critiquing and re-training his own officers who:

- started the leaking to the media in the Haneef case,
- exceeded their powers and allegedly broke Australian law in the ul Haque case, and
- continue to badger people exercising their democratic right to protest peacefully at Parliament House.

The extent of the ineptitude and lack of judgment of the SI speech is shown by the fact that both the Liberal Party, through former Minister Chris Pyne, and the Law Council, through President Ross Ray QC, have criticized him severely.

"In the face of the threat of terrorism, the community has been forced to accept increased police powers and the loss of certain freedoms. That is the price we have been asked to pay. The price the police must pay for assuming greater powers is an increased level of public scrutiny," the Law Council's Mr Ray said.

Mr Pyne, the Opposition Justice spokesperson, in criticizing the Commissioner's outburst, even spoke about freedom of the press, which is a refreshing and welcome return to operating on principle by the Liberal party.

Commissioner Keelty is continuing to demonstrate a penchant for being a divisive element in society, which is not a good look for Australia's top cop. Potential commissioners might start thinking about adopting a less-threatening consultative and cooperative attitude...with the Australian Government and people and with the media.

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AFP skims pool and leaves a very 'thin blue line'

The Australian Federal Police is so stretched by overseas commitments it has been 'skimming' officers from domestic duties to strengthen its foreign deployments in places like Solomon Islands and East Timor.

The Rudd Government's Home Affairs Minister Bob Debus said last month the AFP must refocus on tackling domestic crimes, such as drug importation, counter-terrorism, identity theft and child

pornography. He said officers were needed in the "core areas" of investigations, e-crime and counter-terrorism.

– from a website-only article by Paul Maley, *The Australian* IT section (supplied by Roger Clarke)
<http://www.australianit.news.com.au/story/0,24897,23036692-5013040,00.html>

Customs plans to increase surveillance on phone callers

Australian Customs plans to roll out a system to identify a caller's location and what phone system they are using, starting in March.

This is another example of creeping surveillance, as government departments and agencies join the expanded 'citizen-spying' networks enabled by anti-terrorism legislation introduced since 11 September 2001 ('9/11').

It is likely Customs will seek access to Australia's Integrated Public Number Database (IPND), a secret database restricted to Australian law enforcement agencies and emergency services, Liam Tung reported on ZDNet.com.au in late January.

Organisations currently able to access the IPND include all state police departments, the Australian Security Intelligence Organisation, the Australian Federal Police, the Attorney-General's Department and the Defence Signals Directorate.

<http://www.zdnet.com.au/news/software/soa/Callers-beware-Customs-knows-where-you-are/0,130061733,339285471,00.htm>

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Have you visited the new-look CLA web site?

[CLA's web site](#) had been operating for 20 months...so it was time to canvas members on their views of the site and its content – hence the recent survey. Thanks to all members who participated.

A good response enabled a redesign take place during the holidays, incorporating comments and suggestions from members. Respondents liked our content, features, the appearance and the overall approach taken to the site. (Surprisingly, a few members did not know we had a web site!).

There were comments suggesting improvements resulting in a revamp that provides:

A [crisper layout](#) presentation;

A redesign based on the monitor size used by the vast majority of members;

Reduction in file sizes and incorporation of articles into web pages, reducing the need to download large PDF files;

Replacing 'Headlines' with "What CLA is doing now?" to keep you abreast of latest issues and activities; and

Quicker access to articles, and an improved [search facility](#).

For busy members who have limited time to visit the web site, there is now an RSS facility that sends an email automatically each time we update the site with something new – [Click here](#) to find out more.

The site lets you [share articles](#) by either sending them from within the article to a friend, or to post to one of the many blog sites. More importantly, you are encouraged to comment on an article.

Your participation helps promote the work of CLA. Again, thanks for your help in allowing a fine-tuning and re-design of the website.

Afghan journalism student sentenced to death for blasphemy

CLA has written to the Minister for Foreign Affairs, Mr Stephen Smith, asking him to lodge a formal protest over a death sentence imposed on a 23-year-old Afghani studying journalism at university.

The student has been condemned to death for blasphemy, apparently for raising the issue of the roles and rights of women. He was sentenced to death on 22 January, following a recommendation from the Afghan Council of Mullahs.

A three-judge panel found that papers printed from the Internet by Sayad Parwez Kambaksh, allegedly including discussion of women's role in society, insulted Islam and invoked Article 130 of the Afghanistan Constitution, allowing for execution consistent with Hanafi law.

Kambaksh showed the papers to a university teacher and classmates, some of whom said Kambaksh wrote the document himself.

It was not clear if Kambaksh had legal representation at the trial, and his trial date was not made public. He will remain in prison as the sentence is appealed, the legal news and research website, *Jurist*, said.

In the letter – http://www.cla.asn.au/Articles/080125_Afghan_student.pdf – to Foreign Minister Smith, CLA said:

- Australian troops are giving their lives for a 'democratic' Afghanistan; a death sentence for the alleged offence is not 'democracy' as Australians understand it;
- Australia as a nation is opposed to the death penalty, and our representations against it in international forums are consistent; we believe the death penalty has no place in the civilised society, which Afghanistan says it is, or is becoming; and
- The nature of being a student, in any country in the world, permits and encourages exploration of the boundaries of knowledge and practice in society: Australia does not support any Afghanistани governmental, judicial or religious decisions which deny the peaceful exploration of new ideas and concepts to university students.

"Further, it is unlikely to be possible for Australia to provide additional support to education in Afghanistan, particularly in universities, in a climate where students are not free to explore what are considered reasonable topics for discussion in other universities, including in the Arabic/Islamic world, and most certainly in Australia," CLA President, Dr Kristine Klugman, said to Mr Smith.

<http://jurist.law.pitt.edu/paperchase/2008/01/afghan-journalism-student-sentenced-to.php>

and *Civicus* 25 Jan 07

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Contract signed for national health ID system

The Federal Government is introducing a new national healthcare identifier – it has signed a \$52m contract to develop and test the scheme, which will transfer patient information between health providers.

The Unique Healthcare Identifier (UHI) will identify a person's name, date of birth, address and the names of their practitioners, and is the first step towards establishing a shared electronic health records system, *ABC News* reported.

The \$51 billion contract between Medicare and the National E-Health Transition Authority will take about two years to implement. (The scheme is effectively about five years delayed – this was the embryonic proposal that former Health Minister Abbott eventually turned into the Access Card, the national ID card, now canned by the Labor Government).

Federal Minister for Human Services, Joe Ludwig, says UHI is not an access card and people can opt in or out. Senator Ludwig has also promised legislation to underpin the identifier service, and committed to an independent privacy impact assessment before operations commence.

<http://www.abc.net.au/news/stories/2008/01/12/2137148.htm>

– ABC News and Karen Dearne, *The Australian IT*

WA puts human rights legislation on hold

The WA Consultation Committee for a Proposed Human Right Act found strong support for an HR Act in WA, and recommended in its report, released in December 2007, that a legislative bill of rights be enacted.

However, WA Attorney-General Jim McGinty has put a WA Bill on hold, awaiting federal developments in the area. Both Mr McGinty and WA Opposition Leader Paul Omodei support a human rights act in principle.

CLA made a detailed submission to the consultation process, concentrating on lessons learned from the first such legislation in Australia, enacted in the ACT in July 2004.

Consultative Committee's report: http://www.humanrights.wa.gov.au/final_report.htm

Munir killing: pilot Pollycarpus found guilty...again

The Indonesian Supreme Court has reinstated a guilty verdict in the 2004 murder of Indonesian human rights activist Munir.

The ruling means the court cases of alleged accomplices can now go ahead, and charges could be laid against other actors in the tragedy.

Two senior executives of the national airline, Garuda, have already been charged in connection with the murder. As well, national intelligence agency (BIN) masterminds who allegedly pulled the strings could be brought to justice in what would be a major breakthrough in ridding Indonesia of entrenched cronyism, a hangover from the days of recently-buried former President Suharto.

"Another obstacle has been removed in the effort to obtain justice for Munir," said Matt Easton, Director of the Human Rights Defenders Program at Human Rights First. "With the killer returning to jail and the revelation of fresh evidence linking him to intelligence officials, it is high time for police and prosecutors to focus on the intellectual authors."

Since Munir's fatal poisoning – thought to be arsenic in a glass of orange juice during a Singapore stopover en route to Amsterdam – a Garuda co-pilot named Pollycarpus Budihari Priyanto was originally found guilty of premeditated murder. However, his conviction was overturned by the Supreme Court in October 2006 and he was freed.

In January, the Supreme Court announced the reinstatement of the murder conviction and a 20-year prison sentence. The five-judge panel voted unanimously, citing new evidence and noting a political motive for the murder, Human Rights First's Matt Easton reported.

"The long-awaited decision is important to the case in two ways. Firstly, officially establishing Priyanto's guilt creates a firmer evidentiary basis for conviction of two other airline officials currently on trial as accessories to the crime.

"Secondly, and more importantly, the conviction of Priyanto removes a possible obstacle to charging additional suspects, up to and including senior intelligence officials. Law enforcement officials had used the pending Supreme Court decision as a justification to hold off on charging new suspects..

"The Indonesian president, Susilo Bambang Yudhoyono, has said Munir's is a test case for how much the nation has changed," Easton wrote. "The Supreme Court decision is certainly a step in the right direction, but now comes the real test: the government must complete a thorough investigation into who ordered an off-duty airline pilot to kill Munir." <http://www.humanrightsfirst.org/>

– supplied by Roger Anthony Smith

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Britain drops "War on Terror" slogan

British ministers have agreed to start referring to terrorists as 'criminals' rather than referring to a 'War on Terror' in an attempt to prevent the glorifying of terrorist acts.

The government fears the long over-used term by governments and media around the world is "inadvertently inflammatory", according to a report by the Media, Arts and Entertainment Alliance last month.

Average faces stand out in a crowd, it is claimed

Scientists claim to have developed a 'face-averaging' technique which dramatically improves computer recognition systems and may be used to streamline airport security and solve crimes captured on close circuit television (CCTV).

The new technique boosted a face recognition software package from 54% accuracy to 100%, University of Glasgow researchers said last month in a paper published in *Science*.

The creator, Rob Jenkins, said the idea was based on the fact that people are able to recognise familiar faces much better than new ones. By making an average of 10 images of the same person, the software can eliminate variation from, for example, different lighting or camera angles.

Jenkins and his colleague Professor Mike Burton tested the averaging approach using FaceVACS, a system that is being tested at Sydney airport.

Number plate cameras signal auto peep show

CrimTrac, the federal government's criminal information and intelligence agency, is taking the first steps towards developing a nationwide automatic number plate recognition (ANPR) system to capture the vehicle details of suspects and citizens alike.

The cameras, mounted on main roads, will snap the number plates of up to five or six cars a second, travelling at up to 160km/h. The plates will be cross-matched with a hotlist of vehicles supplied by state and federal police forces.

Australia already has some ANPR systems fitted to existing road surveillance equipment, including speed cameras, Marcus Browne of *ZDNet* reported.

A study into a nationwide system will conclude late in 2008 with a report to police ministers throughout Australia and "a range of other government departments at state and federal levels".

A national rollout could occur in 1-4 years, depending on the response to the report and funding.

<http://www.zdnet.com.au/news/security/soa/Number-plate-cameras-signal-auto-peep-show/0,130061744,339285275,00.htm>

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Centrelink boosts storage and matching capacity dramatically

Centrelink, the federal people support agency, has started pumping information on welfare recipients into a vast new data store, after the Auditor General late last year gave the agency's long-running business intelligence program a hurry-up.

The \$16 million enterprise data warehouse sits at the heart of new information management systems that will dramatically boost the agency's ability to mine its repository of customer records.

Centrelink chief information officer John Wadeson said the first 5TB (*terabyte – that's heaps*) of data was transferred to the new system in January, and a further two transfers would be completed by the middle of the year.

Once all of the information is loaded into the system Centrelink will be able to more quickly and accurately dig through its data store to build pictures of its client base and analyse individual welfare recipient activity.

<http://www.australianit.news.com.au/story/0,24897,23087083-15306,00.html>

Private lab to take over police DNA testing

NSW is outsourcing the testing of criminal DNA samples to stop a year-long delay worsening of throughput.

Thousands of samples are banked up at NSW government laboratories, while demand rises every month, according to a report in the *Sydney Morning Herald*.

All Australia States and Territories are believed to be in a similar situation:

- drastically behind in testing;
- running out of storage;
- facing increasing sampling errors and sample mix-ups; and
- with costs escalating uncontrollably.

Queensland is believed to be two years behind.

In NSW, Genetic Technologies Corporation will test samples taken from less serious crimes, such as break and enters, malicious damage and some armed robberies, using robotic technology to speed up the DNA testing process through automation.

The demand for DNA testing has doubled since 2001 in NSW and throughout Australia.

A NSW Ombudsman's report, from October 2006, warned that DNA analysis was not meeting its potential. The number of samples sent for testing rose from 1046 in 2000 to 9113 in 2004, causing a backlog of more than 7000 cases.

The report, released in 2007, also found at least 13 cases in which identities had been muddled. In one, a man was jailed for break and enter but was adamant that he had not committed the offence. He provided another sample and was released, the *SMH* reported.

<http://www.smh.com.au/text/articles/2008/01/20/1200764081386.html>

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Government considers copyright law changes

The Australian Government is seeking submissions on the private copying of films and photographs under copyright law in light of advances in digital technology.

Attorney-General Robert McClelland said Sections 47J and 110AA of the *Copyright Act 1968* permitted photos and films to be copied in a different format for private use, subject to particular conditions. These two sections were the focus of the review.

Submissions on an issues paper will close on 29 February 2008. Download the issues paper:

http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright_IssuesandReviews_Copyingphotosandfilm_sforprivateuse.

HREOC complaints rise 42 per cent

Australia's Human Rights and Equal Opportunity Commission (HREOC) investigated and conciliated a rising number of complaints of alleged discrimination in the areas of sex, race, age and disability, as well as breaches, the HREOC 2006-07 annual report states.

HREOC received 16,606 inquiries, an increase on previous years of more than 65%. There were 1,779 complaints, an increase on previous years of more than 42%; 94% of matters were finalised within 12 months. Download a copy at: <http://www.humanrights.gov.au/about/publications/> or phone /email to have one sent to you: 02 9284 9600 or <mailto:publications@humanrights.gov.au>

AusAID guidelines should be freed up, Senator says

The Australian Government should ban AusAID guidelines which prevent the use of Australian aid funding for some contraceptives and for abortion advice and services, Australian Democrat Senator Natasha Stott Despoja has said.

The guidelines resulted from a conservative hold on the balance of power in the Senate years ago, she said. It was ridiculous that abortion and contraception were legal in Australia and in many of the countries we were assisting, but AusAID was denied the opportunity to support these services because of a narrow ideology that once held sway.

Illegal abortions accounted for around 13 per cent of maternal deaths globally, she said. Further details: Emily Johnson on 08 8232 7595.

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FBI wants divine right to 'Sky Eye' control of identity data

American security agencies, led by the FBI, are proposing an international database carrying iris, palm and finger prints to help the hunt for major criminals and terrorists.

The 'Server in the Sky' program would link and gird the world. The US, UK, Canada, New Zealand and Australia have formed a working group, the International Information Consortium, to plan their strategy, according to media reports.

Biometric measurements, irises or palm prints as well as fingerprints, and other personal information are likely to be exchanged across the network. One section will feature the world's most wanted suspects. The database could hold details of millions of criminals and suspects.

The problem with a supra-national database is there is no supra-national control, monitoring or correction of mistakes mechanism, CLA says.

Radio frequency tags may be implanted under skin of prisoners

The UK government is considering injecting prisoners under the skin with Radio Frequency ID tags (RFID) holding data on identity, address and criminal record.

The RFID tags would be about the size of two grains of rice, and could be linked to a larger GPS device to monitor the location of high risk prisoners.

The Ministry of Justice has confirmed that it is considering the proposal as part of plans to modernise the prison system, according to a report in The Independent last month.

RFID tags for prisoners are proposed for the ACT's first jail, due to open mid-2008. They are also likely to feature in all new Australian jails, including the Immigration detention facility on Christmas Island. No protocols for their use are yet established, and CLA is working with the Australian Privacy Foundation to try to establish rules as well as procedures for external, community review of their use.

<http://www.itweek.co.uk/vnunet/news/2207145/government-considers-rfid-tags>

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Saudi blogger proves his point

A Saudi Arabain blogger has been detained for "purposes of interrogation" because he criticised the government's holding of political prisoners.

Fouad al-Farhan, from Jidda, was "being questioned about specific violations of non-security laws," an official said. Friends continued to post entries on his blog – <http://www.alfarhan.org/> – on his behalf under a banner that reads "Free Fouad" and features his picture.

<http://www.nytimes.com/2008/01/02/world/middleeast/02saudi.html?th&emc=th>

British study claims to clear Falconio DNA test method

A British review of a controversial DNA technique used in the Peter Falconio murder trial in the Northern Territory has purportedly found no problems with using the method.

A case against an accused Northern Ireland bomber collapsed in December because the judge said Low Copy Number DNA testing was unreliable. England and Wales temporarily suspended the procedure pending a review.

Australian lawyers defending Peter Falconio's murderer Bradley Murdoch had been watching to see if it opened any new avenues for him to appeal. But the British Crown Prosecution Service (BPS)

says it has not seen anything to suggest faults exist with the technology and concludes it should remain admissible as evidence in the courts.

However, the BCPS is the body with most interest in having the test validated: hundreds of its convictions would fall over if the test is proved to be a dud.

<http://www.abc.net.au/news/stories/2008/01/15/2138668.htm?>

FBI to put criminals' names up in lights

The FBI will try nationwide digital billboards to flash 'hot pursuit' alerts and 'most wanted' bulletins to catch criminals.

Private sector billboards will run messages about wanted criminals, crime in progress and 'high security' alerts. The move – following a trial in Philadelphia that led to the arrest of three criminals – will primarily run 'most wanted messages' on more than 150 digital billboards in about 20 US cities.

<http://www.guardian.co.uk/media/2008/jan/02/advertising>

Police to use text message tactics to snare rape suspects

Police and prosecutors in rape cases in the UK are set to experiment with controversial techniques designed to make suspects incriminate themselves through phone calls or text messages.

The tactic, used by police in the USA, involves women sending texts or making calls to their alleged attackers to see if they can extract an admission of guilt, Clare Dyer reported in *The Guardian*.

Recent research in Canada concluded that the use of pretext phone calls in sexual assault investigations did not contravene the country's charter of rights. The practice, previously used sparingly in Canada, is now set to become a more standard tool.

CLA has had reports of Australian police using the technique in domestic/ family law disputes.

<http://www.guardian.co.uk/crime/article/0,,2240365,00.html>

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Brits aim to boost organ donation...but not Australia

British Prime Minister Gordon Brown has backed a move to allow hospitals to remove organs from dead patients without explicit consent...but Australia is not likely to follow suit.

PM Brown said the move would save thousands of lives and he hoped such a system could start in 2008. Consent for organ donation after death would be automatically presumed, unless individuals had opted out of the national register or family members objected, the *SMH* reported.

UK patients' groups said that they were totally opposed to Mr Brown's plan, saying that it would take away patients' rights over their own bodies. There are more than 8000 patients in Britain waiting for an organ and more than 1000 a year die without receiving the organ that could save their lives.

Australia has one of the lowest organ donation rates in the world. In March last year, 1784 people were waiting for transplants, the group Australians Donate said. But by the end of August, only 131 people had donated, allowing 435 people to receive transplants.

Federal Health Minister Nicola Roxon immediately ruled out Australia adopting an opt-out system for organ donation. However, CLA believes the option should be actively pursued, provided adequate legislative and protocol safeguards are put in place.

Alternatively, current systems for opting in to organ donation at hospitals need significant improvement. <http://www.smh.com.au/text/articles/2008/01/13/1200159278197.html>

IFJ report calls for revoking anti-press laws, new code in Pakistan

Press freedom in Pakistan requires the revocation of two anti-press freedom ordinances implemented by President Pervez Musharraf's caretaker government since emergency rule was

declared on 3 November 2007 and an independent journalist-designed code of ethics, according to the report *Emergency in Pakistan: Crisis Mission Rapid Assessment*.

The International Federation of Journalists (IFJ) and the South Asia Media Solidarity Network (SAMSAN) worked with its local affiliate and leading journalists' organisation in Pakistan, the Pakistan Federal Union of Journalists (PFUJ) to organise an emergency mission in support of Pakistan's media community from November 19 to 22, 2007 after the status of media freedom in the country began deteriorating significantly. Their report outlines the key findings of the mission.

More details, and copy of the report: <http://www.ifj-asia.org/>

Sri Lanka's Army Commander denounces journalists as traitors

In an echo of AFP Commissioner Michael Keelty's comments in Australia, the commander of Sri Lanka's Army, Major General Sarath Fonseka, has labelled some journalists and sections of the media as 'traitors'.

In the state-controlled Sinhala daily Dinamina, Fonseka said the 'treachery' of the media was the only obstacle hampering the military's fight to defeat the Liberation Tigers of Tamil Eelam (LTTE).

"The biggest obstacle is the unpatriotic media," he was quoted as saying. "I know 99 per cent of media and journalists are patriotic and doing their jobs properly. But unfortunately, we have a small number of traitors amongst the journalists. They are the biggest obstacle."

The Free Media Movement (FMM), an affiliate of the International Federation of Journalists, believe Fonseka was referring to journalists who criticised government war propaganda and who reported on both sides of the civil conflict. Fonseka did not name specific journalists or media organisations.

His comments follow a statement by Sri Lanka's Media Minister, Anura Priyadarshana Yapa, late last year that journalists would only be recognised as such if they obtained media accreditation cards issued by the Government's Information Department. Using this criterion, Yapa said just one government-accredited journalist was killed in Sri Lanka in 2007, compared with IFJ and local records of six journalists killed in 2007.

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Court gives US military carte blanche to torture, abuse inmates

Ruling in a case of four former British detainees at Guantanamo Bay, the District of Columbia (DC) Circuit Court decided last month that the prisoners have no right to sue top Pentagon officials and military officers for allegedly torturing them and defiling their religious beliefs at the military prison.

In what appears to be the first federal appeals court decision on the legality of harsh interrogation techniques used by US agents on terrorism suspects, the Circuit Court ruled that torture and abuse that was used while individuals were in detention in a military prison as part of interrogations to gather intelligence or information were "the type of conduct the defendants were employed to engage in.... The alleged tortious conduct was incidental to the defendants' legitimate employment duties" – that is, running a military prison and conducting interrogations there.

"It was foreseeable that conduct that would ordinarily be indisputably 'seriously criminal' would be implemented by military officials responsible for detaining and interrogating suspected enemy combatants," Circuit Judge Karen LeCraft Henderson wrote in the Court's main opinion, joined by Circuit Judge A. Raymond Randolph and in most parts by Circuit Judge Janice Rogers Brown.

– from SCOTUSblog: <http://www.scotusblog.com/wp>

Germans file mass lawsuit against sweeping data retention law

More than 30,000 Germans have filed a mass lawsuit, marked by protests, against a controversial law that allows the storing of telephone and internet data for up to six months as part of efforts to combat terrorism.

Protests were held in German cities a day before new legislation came into force on 1 January requiring companies to retain records for six months of e-mail sender and recipient addresses, time spent on the internet and phone numbers dialled by customers. Police require a judicial warrant to search the files during inquiries into terrorism and serious crime.

The law also permits telephone tapping in certain cases. One of the concerns centres on provisions that permit the telephone conversations of lawyers, journalists and doctors to be bugged under certain circumstances.

In Hamburg, protestors held a mock funeral for the 'death of privacy', and complained about 'surveillance without suspicion'. Critics maintain that it tramples privacy rights and civil liberties, places millions of citizens under general terrorist suspicion and paves the way to a surveillance state.

Activists said they would also seek to overturn the March 2006 European Union data-retention directive that required Germany to pass the legislation, Germany's international broadcaster, *Deutsche Welle*, reported.

In Australia, the battle the Germans are fighting has been lost: police have even greater powers over email and internet use. Internet service providers must make all contents of email and details of internet sessions immediately available to police and security services, and must also store them for later access.

<http://www.dw-world.de/dw/article/0,,3025009,00.html?maca=en-bulletin-433-html>

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SHORTS:

Stun guns smuggled into Australia: NSW Police and Australian Customs have reported a rash of stun guns coming to light in Australia, during police searches and consignment seizures. The \$400 weapons can be ordered online from America, and 10 were seized from a house in Sydney on Australia Day. The NSW Ombudsman is investigating police use of stun guns after deaths overseas and locally. <http://www.smh.com.au/articles/2008/01/17/1200419974236.html>

A-G head rebuffed: The NSW Judicial Commission has rejected a call by head of the Attorney-General's Department, Robert Cornall, to discipline Justice Michael Adams, who ruled that two ASIO agents had kidnapped and falsely imprisoned Sydney doctor Izhar ul-Haque on trumped-up terrorism charges. The commission told Cornall the judge had acted within his rights in ruling that the detention of Dr ul-Haque and interviews carried out by the two unnamed ASIO officers had been improper and illegal. <http://www.smh.com.au/text/articles/2008/01/14/1200159363454.html>

Fear of terror can kill: Which is more of a threat to your health: Al Qaeda or the government security agencies? Surprisingly, the answer is not at all clear-cut. Read why alarmist politicians, senior police and security bosses may be doing more harm than good by raising terror fears. <http://www.nytimes.com/2008/01/15/science/15tier.html?pagewanted=2&th&emc=th>

From a New York Times editorial: 'Mr. Bush's version of this law (Foreign Intelligence Surveillance Act, or FISA) does not make intelligence-gathering more robust. Opponents like Senators Christopher Dodd and Patrick Leahy want to spy on Al Qaeda, too. They're just not willing to do it in a way that undermines the very democracy that the spies, Congress and the president are supposed to be protecting.' <http://www.nytimes.com/2008/01/26/opinion/26sat1.html?th&emc=th>

Report calls for contractor accountability: Human Rights First last month launched a report entitled *Private Security Contractors at War: Ending the Culture of Impunity* detailing the US Department of Justice's systematic failure to hold contractors operating in Iraq and Afghanistan

criminally responsible for acts of abuse and excessive use of violence.

<http://action.humanrightsfirst.org/ct/X7w9zX61GQK3/>

USA adopts ID scheme: Department of Homeland Security Secretary Michael Chertoff last month released the agency's final regulations for REAL ID, the national identification system authorized in 2005. The system turns state drivers' licences into a national ID scheme, with data not encrypted and the card open to use by the private sector. Details: <http://epic.org/>

UK loses yet another set of personal data: A laptop containing the details of 600,000 military recruits has been stolen, Britain's Ministry of Defence (MoD) confirmed in January, adding a further staggering loss of personal data in the UK. The MoD said the laptop, containing the details of potential recruits, including names, addresses, passport numbers and banking details, was stolen from a Royal Navy officer's vehicle in Birmingham, Britain's second city. The Mod later admitted the reported loss of 69 laptops and seven personal computers over the past year

<http://www.mod.uk/DefenceInternet/DefenceNews/DefencePolicyAndBusiness/ModConfirmsLossOfRecruitmentData.htm>

ID cards lose their way until after election: The UK Labour Government appears to have canned a compulsory identity card system beyond the next election. While the Home Office has been saying the ID card system would be phased-in on a voluntary basis from 2009, a national identity strategy paper, marked restricted, clearly shows the UK-citizens phase of the scheme will now not start until 2012. A voluntary scheme is due be introduced for those renewing passports from 2009.

Who's cuddly now? Law firms!: American reports indicate that 70-80 hour weeks in legal practice are giving way to balanced lifestyles. <http://www.nytimes.com/2008/01/24/fashion/24WORK.html?>

Jordan withdraws anti-NGO Bill: The Jordanian Government has withdrawn from the lower House of Parliament a controversial draft law on NGOs. The Bill, proposed by the Ministry of Social Development, would have seriously threatened freedom of association in Jordan and endangered the independence of NGOs. <http://www.fidh.org/spip.php?article5095>

Privacy International report: World status of privacy in 2007: doubtful basis for their judgements and relativities, but a beautiful colour presentation won them lots of world media attention.

<http://www.privacyinternational.org/article.shtml?cmd%5B347%5D=x-347-559597>

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Wave as your cash disappears: Financial institutions in the UK are enrolling unsuspecting customers in trials of 'wave-your-money-goodbye' bank cards. With the RFID (or Radio Frequency Identifier) cards, PayWave punters can debit their account at a checkout without entering a PIN or signing for goods valued at less than about \$25. How long before money can evaporate into thin air in Australia? – thanks to Jan Whitaker

<http://www.theregister.co.uk/2008/01/27/paywave/>

How new 'online activists' are operating: Article explains how GetUp plans to operate politically: CLA welcomes their initiative, because the hard work of policy and opinion change is largely done away from the media spotlight, and tapping into rural and regional areas of Australia is a prime CLA aim. (Contributed by Diana Simmons).

<http://www.smh.com.au/articles/2008/01/02/1198949900181.html>

Uzbekistan opts for life: The former Soviet Union territory of Uzbekistan has eliminated the use of the death penalty.

http://news.amnesty.org.au/comments/7865?utm_source=newsletter&utm_medium=email&utm_content=10Jan2008

China chooses needle over bullet: China has announced plans to increase the use of lethal injections to kill people, rather than execute convicted criminals by gun shot.

http://action.amnesty.org.au/china/comments/7813?utm_source=newsletter&utm_medium=email&utm_content=10Jan2008

MRI to scan the soul?: A start-up company on the west coast of the USA is using a Magnetic Resonance Imaging machine (MRI) to watch what's happening inside the brain – to determine whether the subject is telling the truth, or a lie. The No Lie MRI company produces MRI results, processed by a computer program, which don't require interpretation by a trained interviewer.

http://www.computerworld.com/action/article.do?command=viewArticleBasic&articleId=9057218&intsrc=article_more_bot

Putting secret lives back together: The German government is using the world's most sophisticated scanner to digitally reassemble even the most finely shredded papers originally held by the Stasi, the East German secret police. The \$10m E-puzler features a computerized conveyor belt that runs shards of shredded and torn paper through a digital scanner. Scanning up to 10,000 shreds at once, the machine links them together by their colour, typeface, outline, shape and texture – not unlike how the average human might try to piece together a puzzle. The machine then displays a digital image of the original document on a computer screen.

<http://www.thestar.com/News/article/295655>

LAST WORD: Would you like your privates patted, or pictured?

At Phoenix Airport in the USA, machines look through your clothes to produce a body image so accurate the facial features have to be scrambled so the checker can't put the face with the...ahem...other parts. In the new peek-show known as whole body imaging, a machine bombards you with radio-frequency energy as you walk through a 'gate', creating a very accurate image of your body – perhaps too accurate – to detect any hidden objects.

The Transportation Security Administration in the USA is testing two technologies: One, called back scatter, changes the image to a "chalk outline" of the body while the other, called millimeter wave, creates what looks like a negative. To address privacy concerns, facial images are blurred, and images aren't saved.

With the machines already in use in Phoenix, Arizona, passengers can choose a pat-down instead. The devices will show up at Los Angeles International Airport and John F. Kennedy International Airport soon. "There's a whole lot of privacy issues with this," a spokesperson acknowledges. Darn tootin' there is!

Expect some nutters to propose introducing this to Australia during 2008...despite the fact that, in more than six years since 11 September 2001, not one airport x-ray machine has stopped a terrorist anywhere in the world, and that the Twin Towers terrorists would not have been stopped by X-ray machines.

- from an article by Robert Mitchell in *Computerworld*, 14 Jan 08

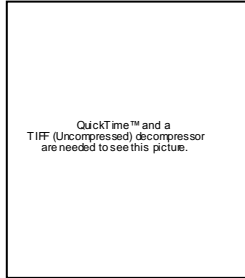
http://www.computerworld.com/action/article.do?command=viewArticleBasic&articleId=9055198&source=rss_news10

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LAST WORD (2): It's official! Non-Americans are 'non-persons'

Part of a recent *Rasul** decision by the District of Columbia (DC) Court of Appeals concerned the *Religious Freedom Restoration Act*, which ostensibly protects prisoners' exercising their religion. The district court had ruled in favour of Guantanamo Bay inmates and their religious rights, but the US Administration appealed and claimed Gbay is a place where detainees have no rights. In an amazing contortion, America's most ductile court went even further and ruled that:

"Because the plaintiffs are aliens and were located outside sovereign US territory at the time their alleged RFRA claim arose, they do not fall with[in] the definition of 'person'."



That was too much for one judge on the panel, Janice Rogers Brown (*pictured left*). Though concurring in the result, she quoted Webster's dictionary as authority that: "A 'person' is 'an individual human being ... as distinguished from an animal or a thing'."

Judge Brown lamented the decision left the DC Circuit as "the only court to declare those held at Guantanamo are not 'person[s]' ... a most regrettable holding in a case where plaintiffs have alleged high-level US government officials treated them as less than human". * *Rasul is a detainee at Gbay*.
– from *Justinian*, a commentary on the US rule of law by Roger Fitch Esq.

Rundown of CLA's main activities for January 2008

Australia Day letters:

Three letters written, on the topics of

- National Inquiry into Civil Liberties, held by the Senate
- Inequity of treatment of Territorians, and
- Procedures for Australia going to war.

The letters were posted on Australia Day to PM Kevin Rudd and to media and other civil liberty groups

Media

Radio interviews on Japanese airport security measures, including Radio Frequency Identification (RFID) techniques planned for Christmas Island detention centre and first ACT jail.

Meetings

Police chases: A meeting was held with Frances Rose and Ross Dunn (parents of Clea Rose, young woman killed in a police car chase) re police and chase culture and the need to influence in driver training and to change chase guidelines. A CLA economist member, Fred Argy, is being asked to help estimate cost to the community, including victims, police and government.

Various: John Purnell barrister, on several issues.

Follow-ups

Meetings: After the Christmas holiday break, appointments being organised with Senators Chris Evans, Ursula Stephens and Natasha Stott Despoja, and Anna Burke MHR. An appointment scheduled with A-G Rob McClelland had to be postponed as the A-G had to suddenly attend the funeral of former Indonesian President Suharto as the Australian Government representative.

Student activities

Market Day ANU: Director Amanda Alford is organising CLA presence at ANU, and overseeing the attracting of 3-5 keen students to assist in CLA work in 2008.

Liaison with other universities : She is directing a program to further CLA links with other universities, including in WA.

Vocational placement: arranged for Wen Jia with Jason Parkinson, Porters Lawyers. Wen Jia will work on CLA's mental health submission re proposed new legislation.

Administration

Liz Shaw agreed to assist with record and filing management, a very welcome development, as the CLA grows in numbers and workload. Another volunteer with 2-3 hours one day a week is also sought – any volunteers?

Projects

Pacific Project: The first analyses, prepared by young CLA lawyers and law students, of Pacific countries' civil society and civil liberties status have been completed, and are on the CLA website: <http://www.cla.asn.au/page/projects.php> Contact with Ombudsman's Office (OO): work is under way to develop Ombudsman offices and functions in Pacific countries. The OO has a project led by Dr Steve Rank which meets every few months, funded by AusAid, and aiming to advise on handling complaints in Pacific countries, following Pacific Plan document. A Port Vila meeting is scheduled in May, supports notion of regional ombudsmen

Protest Project: Long conference with former Parliamentary Services Department head, Hilary Penfold (now ACT Supreme Court judge) re rights to protest outside Parliament House; being followed up with her successor David Kenny.

Committee appointments: Renewal of application made last October for Jennifer Saunders to be appointed to the Sexual Assault Reform Program in the ACT, to achieve some balance (for defendants) of rights and interests in that body.

WA/Perth:

Committee action on Corruption and Crime Commission, and journalism shield laws, is proceeding; letter requesting Corrective Services Minister Quirk approves transfer of prisoner Brenden Abbott to WA (already approved by Queensland Minister); assessment of whether to campaign on juvenile justice issues, including overcrowding and potential placing of juveniles with senior prisoners.

Board meeting: Scheduled for Sunday 17 February.

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DIARY DATES

2008: 2008 is the 60th anniversary of the Universal Declaration of Human Rights

1 Feb, Canberra: Talk by Prof. Kohki Abe, Dean of Law at Kanagawa U. Yokohama, and board member of the Japanese Civil Liberties Union, 1pm Coombs Theatre, ANU

2-3 Feb, Kuala Lumpur: Meeting of Asia-Pacific affiliates of the International Federation of Journalists, discussing press freedom, arrests and media deaths. <http://www.ifj-asia.org/>

5 Feb, Canberra: *Listening Tour* by Elizabeth Broderick, national Sex-Age Discrimination Commissioner, 12-2pm, 2nd floor, 180 London Circuit, Canberra. RSVP: Jorge Kapeen, 02 6205 2222 or <mailto:human.rights@act.gov.au>

8-10 Feb, Canberra: Sentencing 2008 conference, National Museum of Australia. Speakers include Chief Justice Jim Spigelman (NSW), Chief Judge Russel Johnson (NZ), Chief Magistrate Ian Gray (Vic), Justice Rod Howie (NSW), Justice Bruce DeBelle (SA), Professor Arie Freiberg (Vic), Professor Mick Dodson (ACT), Professor Kate Warner (Tas) and Mr Rex Wild QC (NT). Program and registration: <http://law.anu.edu.au/nissl/sentencing08.htm> Further info: <mailto:sentencing@law.anu.edu.au> or phone 02 6125 6655

16-17 April, Chicago, USA: The Global Anti-Corruption, Compliance and Ethics Conference,

<http://www.ethicalcorp.com/globalethics/>**8-27 June, Canada:** 29th Annual International Human

Rights Training Program, Ste-Anne-de-Bellevue, Québec, Canada. Contact the IHRTP Team at <mailto:ihrtp-pifdh@equitas.org>

3-5 September, ESCO HQ, Paris, France: 61st Annual DPI/NGO Conference commemorating 60th Anniversary of the Universal Declaration of Human Rights

2009:

20 Feb, 2009: worldwide: World Day of Social Justice

2010: 10/10/10, World: Target date for the start of the **CLA**-promoted moratorium on the death penalty – *10/10 for Life*.

OTHER:

15 Feb, World: application deadline, Transatlantic Post-Doctoral Fellowship

The Transatlantic Post-Doctoral Fellowship for International Relations and Security is open to candidates who have recently received their doctorate in social and political sciences or economics and whose research focuses on topics of international relations and security. Fellowships are granted for 24 months.

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CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: <mailto:secretary@cla.asn.au>

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