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Rudd refuses to review how Australia chooses war

Prime Minister Kevin Rudd has refused to review the mechanisms and legislative base for how Australia goes to war or becomes involved in conflicts such as in Iraq and Afghanistan.

CLA in January released three CLA Australia Day letters, one of which called on the PM to hold a thorough review of the organizational and legal background of how Australia goes to war. In response, on behalf of the PM, his senior adviser (foreign affairs, national security, defence and trade), Gary Quinlan, said:

“The process (of ‘committing to any military operation’) is legally valid and has been followed by successive Australian Governments. Any decision to commit Australian Defence Force personnel into a conflict involves extensive consultation with various organizations and agencies.

“The government is satisfied with the existing procedure and has no intention of revising it,” Mr Quinlan wrote on the PM’s behalf.

CLA says the ‘existing procedure’ ‘with various organizations/agencies’ does not:

- Involve any vote, at the beginning or in subsequent confirmation, by the Australian Parliament;
- Include a budget allocation specifically for the particular conflict, at first or annually, so that the amount of initial and ongoing expenditure can be monitored publicly and approved by the legislature;
- Ensure that the Parliament has oversight approval of ADF (or police, or security) commitment to any conflict as it progresses, over months or years; or
- Involve any mechanism for mandatory reporting to the Parliament/people at any time.

“The way Australia decides to go to war is by a secret conclave of faceless people who do not have to justify their decision in public or seek approval for expenditure in any discrete way in any forum at any time,” CLA CEO Bill Rowlings said.

“This is clearly not a democratic process, and we believe it must be improved.

“CLA calls on all concerned groups in Australia to demand a thorough, public and consultative review to produce a ‘process’ which better matches Australia’s society and sophisticated communications in the 21st Century.”



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LAST WORD: Saudis massacre Valentine’s Day

The sale of red roses and red gifts was banned by Saudi Arabia’s religious police for Valentine’s Day in February 2008. Read – at the end of this bulletin – how ‘Vice and Virtue’ forces combined to give the kiss of death to romance.

CLA AGM: Saturday 5 April, 4-6pm, Prof George Williams speaking on Human Rights

Australia’s leading expert on charters of rights and responsibilities, Professor George Williams, will be keynote speaker at the AGM of CLA on Saturday 5 April from 4-6pm.

Venue is the National Europe Centre, Liversidge Street Canberra (on the ANU Campus). Please RSVP for catering reasons by email to secretary@cla.asn.au or phone to President Dr Kristine Klugman at 02 6288 6137.

CLA board elections are held every two years, and this is an ‘off’ year, so the formal meeting is not expected to last long. The address by Prof Williams, a new CLA member, will start about 4.30pm. Reminder emails will be sent out during March.

Media spokesperson to help housing/indigenous Minister

CLA’s media spokesperson for the past year, Max Jeganathan, is joining Jenny Macklin’s staff as an adviser from 11 March.

“As a result of my new position, I will unfortunately have to step down from my position as national media spokesperson for Civil Liberties Australia, until further notice,” Max wrote in a letter to CLA President, Dr Kristine Klugman.

"It is a position that I have thoroughly enjoyed and I thank you for the opportunity of serving the organisation. I am pleased with the increased profile that we have achieved together for CLA and I look forward to watching CLA's influence and impact continue to grow.

"I plan to remain a member of CLA and to support the endeavours and activities of the organisation. Please pass on my thanks and congratulations to the rest of the board and members, for the past year," he wrote.

As adviser to the Minister for Families, Housing, Community Services and Indigenous Affairs, Max will be at the heart of several of the Labor Government's key reform areas.

In thanking him for his work, Dr Klugman said: "On behalf of the board, I write to formally thank you for your superb presentation of CLA as media spokesperson...and for your professionalism and proficiency in relating the views of CLA on a great range of current issues to the media.

"Despite your busy work schedule, you made yourself available at short notice for interviews and performed with assurance and credibility."



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Rights Commissioner challenges Australian business

Australian Human Rights Commissioner, Graeme Innes, has challenged the business sector to incorporate human rights considerations into everyday business practices and not to put human rights in the too hard basket.

A new information page about corporate social responsibility and human rights is at:

http://www.humanrights.gov.au/about/media/media_releases/2008/16_08.html

The Innes comment meld with those by CLA that what is needed is an international charter of business responsibilities and rights (ICBRR). CLA is looking for a student to produce a major paper on the topic, possibly as part of a uni internship project worth a semester's credit. Contact CEO Bill Rowlings if interested.

WA brings in tougher penalties – can an election be far away?

WA is imposing new, harsher penalties for hooning, not wearing seat belts, speeding and using a mobile phone while driving.

Police will be able to automatically impound vehicles caught hooning for seven days, instead of 48 hours. Get caught again, and you lose your vehicle for 28 days.

If you're caught with four passengers not wearing seat belts, it will cost the WA driver \$900 and 9 demerit points...while each passenger over 16 will have to pay another \$500.

If caught speeding by 30-39kph, the fine doubles from \$350 to \$700. And getting caught using a mobile phone by driving increases from \$100 to \$250.

Premier Alan Carpenter, announcing the changes early in February, said they were a direct result of WA's "horrible" road toll of 235 in 2007. However, it is hard to see how the changed penalties, by themselves, will make much difference to the road toll in this likely election year in WA.

Incidentally, the election in WA will be held between 21 June 2008 and 2 May 2009, according to WA Electoral Commissions calculations.

Alliance condemns deporting of journalist

The Media Entertainment and Arts Alliance has condemned the deportation of Australian journalist Russell Hunter by Fiji's military government late last month.

"This is censorship of the worst kind and should be vigorously protested through senior diplomatic channels," Alliance secretary, Christopher Warren, said.

CLA agrees. We believe the Fiji situation needs monitoring more closely leading up to the election, and would welcome a volunteer who could check news and information sources on a daily basis. Please contact secretary@cla.asn.au if you can help.

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Think tank calls for electoral reform

The election of a new government means an opportunity to fix some of the things that have been going wrong with Australia's electoral system, according to the Democratic Audit of Australia, the university-based think-tank.

Australia has been making it harder to enrol and vote, and easier for private money to influence electoral outcomes. Read the DAA's priorities for electoral reform.

<http://democratic.audit.anu.edu.au/papers/20080218auditreformagenda.pdf>

CLA stands up for equal rights in drafting proposed sex law changes

A frank and fearless discussion with the ACT's Attorney-General, Simon Corbell, late last month resulted in the CLA delegation being assured that the government would take into account a variety of views before presenting legislation on sexual assault.

President Kris Klugman, Director Lance Williamson and barrister member Jennifer Saunders requested the meeting with Mr Corbell over fears that the report: *Sexual Assault Reform Program* (SARP) appeared to be biased.

A product of the ACT Department of Public Prosecutions and the Australian Federal Police, CLA believes the 2005 report, recently re-introduced as a prelude to new legislation in the ACT, is motivated by the DPP and police need to appear to win more convictions.

The authors consulted widely, listing more than 60 consultations...but virtually only with lobby groups representing alleged victims, and police and DPP, interests with scant regard to the views of the accused interests, such as defence lawyers.

The police and DPP are getting a very poor conviction rate with sexual assault charges. Judges and defence lawyers assert that this is a result of inadequate police work, poor case preparation and inefficient presentation by police prosecutors in court rather than flaws in the legislation.

"Sexual assault is a horrible crime that is reportedly under-reported and is uniquely difficult to deal with, relying as it does on verbal testimony, with forensic evidence rarely being available," CLA President Dr Kristine Klugman said. "But changing the current system from a claimed bias against alleged victims to a new system of bias against alleged perpetrators would be simply replacing one bias for another."

The ACT Government has promised to upgrade court facilities, and has increased funding for victim support, both of which measures CLA supports.

CLAs concerns arise from mooted changes to the Evidence Act, restrictions on defence's ability to challenge the alleged victim, and aspects of evidence collection.

Mr Corbell reassured the CLA representatives that the report was a starting point to further consultation mid-year and that legislative reform would begin late in 2008. CLA is urging other bodies concerned with defending equal rights for the accused to make their views known to the Attorney-General.

– report by CLA President, Dr Kristine Klugman

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Canberra's new jail cells to have flat-screen TVs

ACT Corrections Minister Simon Corbell has confirmed that inmates at Canberra's new jail will have access to flat-screen LCD televisions in their cells.

He says the televisions will be used to convey daily messages about activities and programs as well as for general television viewing.

But he says the privileges will not be given to all prisoners and can be removed. Mr Corbell says it is not unusual for inmates to have televisions in their cells.

<http://www.abc.net.au/news/stories/2008/02/27/2174594.htm>

Mathews pushes CLA while putting himself forward

David Mathews, a CLA member in the ACT, has been pushing his barrow with a blogspot as part of standing for preselection for the Labor Party in the October 2008 ACT election.

He's been reinforcing CLA's position on euthanasia and the Australia Day letter re territorial equality. The relevant posts are "Territory Rights" and "Euthanasia Debate Reignites".

To see his site: <http://www.davidmathews.com.au/>

CLA asks Foreign Minister to protest student's death sentence

Civil Liberties Australia has asked Minister for Foreign Affairs, Mr Stephen Smith, to lodge a formal protest over a death sentence imposed on a 23-year-old Afghani studying journalism at university.

Sayad Parwez Kambakhsh was sentenced to death on 22 January for blasphemy, apparently for raising the roles and rights of women. The article asked why under Islam men can have four wives but women cannot have multiple husbands.

CLA wants FM Smith to point out to the Afghan Government that Australia does not consider sentencing a student to death for peaceful sharing of information is the type of democracy that Australian troops are fighting for.

In the letter to FM Smith – http://www.cla.asn.au/Articles/080125_Afghan_student.pdf – 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 opposes the death penalty, and does so consistently in international forums; 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 Afghanistani 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 Arab/Islamic world, and most certainly in Australia," CLA President, Dr Kristine Klugman, told Mr Smith.

We await Mr Smith's response with interest. Kambakhsh has appealed his conviction, and the case is going to an appeals court.



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CLA welcomes ability to take action against public bodies

CLA last month issued a media release praising the Australian Capital Territory Administration.

“We congratulate Attorney-General Simon Corbell and Chief Minister Jon Stanhope for bringing in a right for people take action on human rights abuses,” Civil Liberties Australia president Dr Kristine Klugman, said today.

‘This will help the powerless people, the ones who don’t have the money or the know-how to challenge the system. They will have a way of making sure their basic rights are looked after.

“We are also encouraged that the Attorney-General has said that the police will become more accountable, and more responsive to the community, under this new law.”

The changes are expected to come in with amendments to the ACT’s Human Rights Act, the first such legislative instrument in Australia, which became effective on 1 July 2004.

Shotgun zapper lets police stun quarry from afar

The risk of civilians dying at the hands of police in Australia could rise significantly if new electronic shotgun projectiles are deployed here, Civil Liberties Australia (CLA) says.

Police may be firing the debilitating new projectiles at people from 30 metres away later this year in a new shotgun version of the Taser stun gun.

It is not known whether Australian police forces, all of whom carry and use hand-held stun guns, will immediately deploy the much more powerful shotgun projectile, being developed for sale later in 2008.

The shotgun zapper fires from a standard 12-gauge weapon, readily available to police. On trial in America, it is due for release later this year.

The new weapon will deliver an electronic zap from 30 metres (100 feet) away, about twice the range of current stun guns.



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Prosecutor says political ‘fix’ – for PM Howard – freed Hicks from Gbay

The former chief military prosecutor at Guantanamo Bay has agreed to be a defence witness for the driver of Osama bin Laden, marking a stunning turnaround at the first U.S. military tribunals.

Air Force Col. Morris Davis, once a passionate defender of the military commissions but who resigned last October over alleged political interference, told Associated Press he has agreed to appear for the defense at an April hearing for Salim Ahmed Hamdan, whose lawyers are seeking to dismiss war-crimes charges against him.

At the pretrial hearing inside the US military base in southeast Cuba, Hamdan's defense team will argue that the alleged political interference cited by Davis violates the Military Commissions Act, Hamdan's military lawyer, Navy Lt. Brian Mizer, said.

Davis, now head of the US Air Force judiciary, said he firmly believes “there are some very bad men at Guantanamo and some of them deserve the death penalty”. But he says civilian political appointees have improperly interfered with the work of military prosecutors.

“I think the rules are fair,” he said. “I think the problem is having political appointees injected into the system. They are looking for a political outcome, not justice.”

He alleges, for example, that senior officials pushed for a plea bargain in March 2007 for David Hicks, allowing him to serve a nine-month sentence in Australia for aiding the Taliban.

Davis said the sentence was too lenient and was orchestrated to help Australian PM John Howard, who was under criticism domestically for his support of President George W. Bush and US policies.

Migrants must work to earn citizenship, says British PM Brown

New migrants to Britain will have to earn their citizenship, perhaps by community and voluntary work.

The UK Government has produced a green paper proposing a new 'pathway to citizenship'.

The immigration minister, Liam Byrne, said people wanted newcomers to "speak the language, obey the law and pay their taxes like the rest of us".

The scheme is likely to include:

- a more rigorous five-year probationary period before applying for a British passport;
- three years of waiting for migrants joining a spouse before they can apply;
- rewards for people who integrate quickly through work or voluntary effort and penalties for people who commit serious crime during the five-years; and
- higher application fees if people are more liable to use public services (for example, children or elderly relatives).

The new proposals flow from a speech a year ago, when now-Prime Minister Gordon Brown, as Chancellor, said the current English language test, the 24-question exam on life in Britain and the citizenship ceremony did not go far enough to integrate new arrivals.

<http://www.guardian.co.uk/uk/2008/feb/20/immigration.immigrationpolicy>



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Harper urged to intervene for Khadr

Canada's opposition parties have come together to seek the release of Toronto detainee Omar Khadr and condemn the US policies that have kept him in Guantanamo Bay for more than five years.

MPs from the Liberals, NDP and Bloc Québécois held a joint press conference late last month to urge Prime Minister Stephen Harper to intervene in the case and denounce Guantanamo's military commission where Khadr is being tried for war crimes. Khadr was 15 when captured in July 2002.

"To begin with, for five years, he has been languishing with no trial in Guantanamo, he has been subjected to treatment at best degrading and abusive, and at worst, amounting to torture," Liberal human rights critic Irwin Cotler said in an interview with the *Toronto Star*.

<http://www.thestar.com/default>

Correction: In the February newsletter, we said Rasul was still in Guantanamo Bay. He was released in 2004...but, of course, the effects of the *Rasul* case linger on, as we reported.

British court throws out convictions on appeal

Five alleged terrorists have had their convictions quashed because British authorities tried to stretch the meaning of loosely-drafted anti-terrorism laws.

The case, before Lord Chief Justice Owen and Justice Bean in the criminal division of the England and Wales Court of Appeal, may have implications for Australian terrorism offences and charges.

Basically, the appeal judges ruled that information stored on computers about bomb making, and training in Pakistan, was not, of itself, enough to convict people of planning terrorist acts. Any such 'propaganda' had to be directly related to a particular terrorist act, the court ruled.

"An offence could only be committed under that section (of the Act) if there was a direct connection between the article possessed by the defendant and an intended act of terrorism. There was no such connection in this case, nor could there be having regard to the nature of the relevant articles," the appeal judges said.

This precedent may guide judges in Australia sitting on cases where 'evidence' against alleged terrorists is based on suspicion only, even if it is heightened or acute suspicion.

<http://www.bailii.org/ew/cases/EWCA/Crim/2008/184.html>



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European rights court bans deporting of terror suspect

The grand chamber of 17 judges at the European Court of Human Rights in Strasbourg ruled unanimously late last month that Italy's desire to send a man back to Tunisia violated the ban on torture or inhuman or degrading treatment in the European convention on human rights.

In the case, brought by Nassim Saadi against Italy, governments argued the right of the public to be protected against terrorism should be balanced against a suspect's rights not to be ill-treated.

The court ruled that protection against torture is absolute and Saadi cannot be sent back, even though he has been convicted of terror-related offences in both Tunisia and Italy.

The judgment, from which there is no appeal, binds all the countries of the Council of Europe. It throws into question Britain's terror deportation program, which relies on diplomatic assurances and memoranda of understanding with Tunisia and other countries. – report by Clare Dyer, 28 Feb 08

<http://www.guardian.co.uk/uk/2008/feb/28/terrorist.deportation>

Human rights defenders appeal against arbitrary Malaysian jailing

The High Court of Kuala Lumpur was due to hand down a decision late last month over a legal challenge to continued detention without trial of five human rights defenders.

The five are leaders of the Hindu Rights Action Force (HINDRAF), an NGO defending the rights of the Indian minority in Malaysia.

Messrs P. Uthayakumar, M. Manoharan, R. Kenghadharan, V. Ganabati Rao and T. Vasanthakumar were arrested on 13 December 2007 under Malaysia's notorious Internal Security Act. The ISA grants the Minister of Internal Security, who is also the Prime Minister, Abdullah Ahmad Badawi, unfettered discretion to detain anyone to prevent him/her acting in any way prejudicial to Malaysia's security.

The detentions followed peaceful rallies organised by HINDRAF and another coalition of civil society groups which were violently repressed.

If the court dismisses the appeal, the HINDRAF advocates will join up to 70 others who are held in indefinite detention, on suspicion of terrorist offences. Several are facing their sixth year in prison under this law. <http://www.fidh.org/>



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Crime fighters forget to test the DNA of alleged criminals

The UK's Crown Prosecution Service failed to run checks on thousands of suspected foreign criminals when a disc holding their DNA details was mislaid for a year.

The government last month admitted that the disc containing the details of 2,000 suspects wanted by Dutch authorities for crimes such as murder and rape lay on a desk at the CPS for a year after being 'ignored' by officials.

A fresh row over the handling of sensitive data broke out after it emerged that 11 of the suspects had allegedly committed crimes in Britain before the CPS looked at the information.

The most high-profile was the loss of two computer discs by HM Revenue and Customs containing 25 million people's child benefit details – equivalent to almost half the population.

In January, 6,000 personal details were lost after a Royal Navy laptop was stolen and the defence secretary, Des Browne, admitted there have been two more similar thefts since 2005.

Also in February it was revealed that murder case notes were found in a Manchester pub and papers belonging to the Serious and Organised Crime Agency (Soca) - one headed 'threats to the UK' - were found strewn across a field in Manchester by a woman walking her dog.

<http://www.guardian.co.uk/politics/2008/feb/20/justice.ukcrime>

Danes arrest cartoonist alleged assassination planners

Danish police have arrested a number of people on suspicion of plotting to kill a cartoonist who drew a caricature of the prophet Muhammad.

The arrests came in an early morning raid in Aarhus, in the west of Denmark, to "prevent a terror-related murder", police said.

Carsten Juste, editor of the paper which published the cartoons, claimed cartoonist Kurt Westergaard was being targeted. He was one of 12 cartoonists behind the drawings of the prophet, published in *Jyllands-Posten*. The images sparked protests and violent demonstrations around the world two years ago.

All the cartoonists have been living under police protection since the cartoons were published because they have received death threats.

One published cartoon showed Muhammad wearing a bomb-shaped turban with a fuse. Islamic law prohibits any depiction of the prophet, even favorable, for fear it could result in idolatry.

<http://www.guardian.co.uk/world/2008/feb/12/muhammadcartoons.religion>



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Electrocution suspended as execution method

The electric chair is cruel and unusual punishment, the Nebraska Supreme Court ruled last month.

The decision effectively suspends executions in Nebraska, the only US state still relying solely on electrocution, once the dominant form of execution nationally.

"The evidence here shows that electrocution inflicts intense pain and agonizing suffering," Justice William M. Connolly wrote for the majority in a 6-1 decision. The state's attorney general, Jon Bruning, said he would "move to the legislative process to get a new method of execution."

Nebraska may opt for a form of lethal injection that does not rely on the combination of three chemicals which is being challenged in the US Supreme Court. It may also explore entirely different methods of execution.

Seven US states allow at least some inmates to choose electrocution instead of lethal injection. Two others, Illinois and Oklahoma, have designated electrocution as the fallback method should lethal injection be ruled unconstitutional.

Last year, Nebraska's unicameral legislature came within one vote of abolishing the death penalty entirely.

Women's rights body set to emerge in Saudi Arabia

Women's rights activists in the Kingdom of Saudi Arabia are eagerly anticipating the establishment of Ansar Al-Marah, the first local civil society body dedicated to supporting women's rights.

Suliman Al-Salman, founder of Ansar Al-Marah, told Najah Alosaimi, writing in *Arab News*, that the society aims to create institutional and individual change that would improve the lives of women in the Kingdom.

"After two years of negotiations with the Ministry of Social Affairs, a request to establish Ansar Al-Marah has been initially approved," said Al-Salman, adding that the Shoura Council's recent approval of the establishment of a National Authority for Civil Society Organizations would speed up the process of obtaining a license for the society to operate.

Ansar Al-Marah comprises 21 men and women from both the Shiite and Sunni communities. Members include researchers, academics, educators and activists. The body aims to increase awareness of women's right by facilitating ongoing debates on fundamental and provocative women's issues; and help women improve their social, educational and cultural levels by conducting studies and research.

Al-Salman said that the society would act as an intermediate body between women and officials. He also denied that there has been a historical bias against women in Saudi Arabia.

– go to story: [Arab News](#)



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Iran censors women's magazine

Iranian authorities have shut down Zanan, the country's premier women's magazine, Sanan.

President Ahmadinejad said that Zanan showed Iranian women in a "black light" and was a threat to the psychological well-being of Iranian society. Zanan had long argued that the legal discrimination suffered by women in Iran is not mandated by Islamic law and that therefore it can and should be changed.

US charges come up trumps for excessive ambit claims

"As we know, the Bush administration does nothing extra-legal by halves," Roger Fitch writes in the latest *Justinian* legal blog.

The 'Guantanamo Six' are charged with plotting the attacks of 11 September 2001 and various earlier offences against US lives and property around the world, dating back to 1996. A list of the 2,973 people killed on September 11 fills 67 pages of the Pentagon's 90-page charge sheet.

Of the 169 alleged 'overt acts' constituting the 'conspiracy' and other 'war crimes', 164 occurred before 11 September 2001, while five occurred after that date. They included such grave crimes as, 'recorded many news stories of the attacks for future use in propaganda films' and 'exulting in their success'.

There's a problem here, Fitch says.. "In the Supreme Court's *Hamdan* decision (2006), the plurality said that, for a military tribunal to prosecute war crimes, the acts had to occur after war began, ie after 11 September 2001."

There is, of course, another problem, CLA says. That is that information obtained by torture is not usually admitted into evidence in US legal proceedings...and the 'Six' were the most heavily tortured of all Gbay inmates, according to reports.

– from *Justinian* blog, by Roger Fitch

Red Cross criticises protections at Guantanamo

Jakob Kellenberger, President of the International Committee for the Red Cross (ICRC), has urged top US government officials to provide "more robust procedural safeguards" for detainees.

Kellenberger argued that the current system is insufficient and that the practices underway at detention facilities at Guantanamo Naval Base, the Bagram Airfield in Afghanistan and in South Carolina do not constitute a legal system. ICRC has been monitoring Guantanamo since 2002.

"To this day, most detainees live in uncertainty about their fate," the ICRC said on its website. This "has added to the mental and emotional strain experienced by many detainees and their families."

Read More: <http://action.humanrightsfirst.org/ct/cdw9zX61MXza/>



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Your body will be its own swipe card

The power of human touch will soon be used to transmit data.

Japanese communications giant Nippon Telegraph and Telephone Corp (NTT) plans to launch a system to enter rooms without rummaging in your pockets or handbags for ID cards or keys.

It uses technology to turn the surface of the human body itself into a means of data transmission.

As data travels through the user's clothing, handbag or shoes, anyone carrying a special card can unlock the door simply by touching the knob or standing on a particular spot without taking the card out. – Jan Whitaker

<http://www.theage.com.au/news/technology/the-human-swipe-card/2008/02/22/1203467334117.html>

British to soften their speech on terrorism

Britain has developed a new counter-terrorism phrasebook advising public servants how to talk to Muslim communities about a terror threat without suggesting they are to blame.

The UK Government has abandoned their earlier "aggressive rhetoric" of the so-called war on terror. The new guide tells civil servants not to use terms such as Islamist extremism or jihadi-fundamentalist but instead to refer to violent extremism and criminal murderers or thugs to avoid any suggestion of an explicit link between Islam and terrorism.

The guide is the product of a research, information and communications unit set up in mid-2007 to counter al-Qaida propaganda and win hearts and minds. "This is not about political correctness, but effectiveness - evidence shows that people stop listening if they think you are attacking them," the guide says.

The UK Communities Secretary, Hazel Blears, is distributing \$98 million over the next three years for local communities to build resilience to violent extremism. In the first year the funds will only be distributed to areas with a Muslim population of more than 4,000 based on 2001 census data.

– from *The Guardian*, 4 Feb 08

Doctors don't trust centralized health database

Nine out of 10 doctors in England are not confident that patients' health records would be secure on the government's proposed National Health Service centralized database, according to a poll by the British Medical Association News Magazine.

The survey also found that 90% of doctors would not feel confident assuring patients that their records would be safe in the database.

Nine percent of the 219 doctor respondents were in favor of uploading data to the network, and 4% felt confident telling patients that their data would be stored safely on the care records database.

According to the magazine, widespread skepticism of the proposed database stems from:

- Scandals such as security breaches in MTAS, the junior doctor's online job application service; and
- The HM Revenue and Customs loss of computer discs containing detailed data of 25 million child benefit claimants.

Meanwhile, 81% of doctors are against storing their surgery data on the NHS database, according to the online journal, eHealth.

<http://www.ihealthbeat.org/articles/2008/2/4/English-Doctors-Worry-About-Security-of-NHS-Database-Survey-Finds.aspx?topicID=54>



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Senate passes law which bans waterboarding

The US Senate voted 51 to 45 last month to ban the CIA's use of harsh interrogation techniques.

The provision, included in a broad intelligence authorization bill, requires all US intelligence agents to adhere to the standards of interrogation outlined in the U.S. Army Field Manual.

The Army Field Manual allows 19 specified interrogation procedures and prohibits eight others, including waterboarding, exposure to extreme temperatures, mock executions, and forced nakedness and sexual acts.

<http://action.humanrightsfirst.org/ct/m1w9zX61Xmz6/>

Sen. John McCain (Republican, Arizona), the leading Republican presidential candidate, voted against the bill, saying he "will not restrict the CIA to only the Army Field Manual". President Bush has promised to veto the bill.

US loses Guantanamo Bay records

The US military has lost a year's worth of records describing the Guantanamo interrogation and confinement of Osama bin Laden's driver, a prosecutor said at the Yemeni captive's war court hearing last month.

Lawyers for the driver, Salim Ahmed Hamdan, asked for the records to support their argument that prolonged isolation and harassment at the Guantanamo prison have mentally impaired him and compromised his ability to aid in his defence on war crimes charges.

"All known records have been produced with the exception of the 2002 Gitmo records," one of the prosecutors, Navy Lieutenant Commander Timothy Stone, told the court. "They can't find it."

He said the military was still looking for the records kept at the remote US naval base in southeast Cuba, which he referred to by its American nickname.

<http://www.stuff.co.nz/print/4392689a12.html>

2,240 police, 460 patrol cars, 1 chopper chase one vehicle

OSAKA — Police last month arrested a wanted man after a two-hour car chase that involved 2,240 officers, 460 police cars and one helicopter.

Hirofumi Fukuda, 27, who had been wanted for assaulting police officers three days earlier, was arrested after a chase through central Osaka. Around 11am, police received an emergency call saying that a car was driving recklessly, ignoring traffic lights. When a patrol car approached the vehicle in question, it took off.

Police were mobilized throughout the area and a helicopter called in. The chase ended when Fukuda's car crashed into a bridge column. He sustained light injuries but no one else was injured in the chase. <http://www.japantoday.com/jp/news/425997>



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Bush detains departing Bush Airport deportees so they can be deported

Public defenders in Houston USA are criticizing the recent arrests of illegal immigrants plucked from airplane lines as they tried to fly home to their native countries.

In the past eight months, five people have been arrested at Houston's Bush* Intercontinental Airport while trying to board planes for Mexico, Honduras or El Salvador, according to US Customs and Border Protection officials. All five had been deported previously.

Federal public defenders call the practice a waste of time and money. "What's silly about this is that they are on their way home," said Houston federal public defender Marjorie Meyers. "They have gotten the message that they shouldn't be here. It's not cost-effective."

US Attorney Don DeGabrielle defended the practice, saying that if authorities allowed illegal immigrants to leave without punishment, it would minimize government efforts to control the border. DeGabrielle also described the five defendants as repeat violators of US immigration laws. "We feel it's definitely worth the resources to hold these people accountable," DeGabrielle said.

* The airport is named after President Bush Senior.

SHORTS:

'Bush believes he is above law': The breakdown in US Administration governance and overturning the rule of law in America featured in an editorial by the *New York Times* last month. It's a warning that Australia unthinkingly follows 'the American way' at its peril. The *NYT* said, in part: "This whole nightmare was started by Mr. Bush's decision to spy without warrants – not because they are hard to get, but because he decided he was above the law."

http://www.nytimes.com/2008/02/10/opinion/10sun1.html?_r=1&th&emc=th&oref=slogin

Journos in firing line, literally: In 2008 to mid-February, there have been eight reported cases of violence and threats towards journalists in Sri Lanka. In 2007, seven journalists and media workers were killed, making the country one of the most dangerous in the world for media people.

<http://www.ifj-asia.org/>

Journalist freed: Chinese authorities released Hong Kong journalist Ching Cheong last month, two years into a five-year sentence on charges of spying for Taiwan, giving no reason for his release, the *NY Times* reported. Meanwhile a court in the eastern city of Hangzhou sentenced freelance writer and democracy activist Lu Gengsong to four years' jail for "inciting subversion of state power". http://www.nytimes.com/2008/02/06/world/asia/06china.html?_r=1&ref=world&oref=slogin

Rights and responsibilities: British Lord Chancellor and Secretary of State for Justice, Jack Straw, speaking in January: "Let me say here that I fully understand that there is not, and cannot be an exact symmetry between rights and responsibilities. In a democracy, rights tend to be 'vertical' - guaranteed to the individual by the state to constrain the otherwise overweening power of the state. Responsibilities, on the other hand, are more 'horizontal' – they are the duties we owe to each other, to our 'neighbour' in the New Testament sense. But they have a degree of verticality about them too, because we owe duties to the community as a whole." – provided by George Williams. Full text: <http://www.justice.gov.uk/news/sp210108a.htm>

Water rights spark court battle: The US State of Georgia lost a major court fight over water rights last month when a federal appellate-court panel said the state could not withdraw as much water as it had planned from an Atlanta-area reservoir. The victory went to Alabama and Florida, which had contended that Georgia's plan would siphon off water that should flow downstream to their consumers. <http://www.nytimes.com/2008/02/06/us/06water.html?th&emc=th>

Worms start to turn: 'Our state (*the UK, in this case*) collects more data than the Stasi ever did. We need to fight back. To trust in the good intentions of our rulers is to put liberty at risk. I'd go to jail rather than accept this kind of ID card'...says Timothy Garton Ash, in *The Guardian*. <http://www.guardian.co.uk/commentisfree/story/0,,2249473,00.html>

'Al-Qaeda reforming', Senate told: US Director of National Intelligence, Mike McConnell, has warned the US Senate about a "growing threat of cyberattacks" by terror groups or home-grown militants. He said President Bush signed a classified directive in January to protect American computer networks. <http://www.nytimes.com/2008/02/06/washington/06intel.html?th&emc=th>

Juveniles sentenced to life: Human Rights Watch says there are 2,380 people in America serving life sentences for crimes committed before turning 18. Thirty-eight states sentence minors to life without parole, including Pennsylvania where an estimated 360 to 433 have no hope of ever being released because of crimes they committed aged 13 to 18. The USA now has more than 2 million people behind bars. <http://www.nytimes.com/2008/02/06/opinion/06wed5.html?th&emc=th>

Union numbers rise...very slightly: The percentage of American workers belonging to a union rose in 2007 for the first time in 30 years.. The US Labor Department reported numbers went up 311,000 to 15.7 million, or 12 per cent of the American work force in 2006 to 12.1 percent last year. In the private sector, unions' share of workers inched ahead from 7.4 percent to 7.46 percent. It is the first recorded increase in organized labor's ranks since the 1970s, when almost one in four workers belonged to a union. <http://www.nytimes.com/2008/02/07/opinion/07thu3.html?th&emc=th>



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LAST WORD: Saudis massacre Valentine's Day

The sale of red roses and red gifts was banned by Saudi Arabia's religious police for Valentine's Day 2008.

Officials from the Commission for the Promotion of Virtue and Prevention of Vice warned flower and gift shops to remove all red items, including roses and wrapping paper, from their shelves.

Authorities believe celebrating Valentine's Day is un-Islamic and encourages hanky-panky. Saudi Arabia's strict code prevents unmarried men and women socialising together. Relations – even what non-Saudis would consider normal social contact – outside marriage are banned and punishable by law.

LAST WORD 2: Who was a very slow Prime Minister?

The average time taken to provide answers to questions on notice directed to former Prime Minister John Howard during the year ending July 2007 was 182 days. The requirement is to respond to questions in the House of Representative within 60 days, and the Senate 30 days.

<http://foi-privacy.blogspot.com/>

Main CLA Activities for February 2008

Media releases:

- CLA asks Foreign Minister to protest student's death sentence
- Shotgun zapper lets police stun quarry from afar
- CLA welcomes ability to take action against public bodies
- Goulburn: announcing public meeting

TV/radio/print: several appearances by media spokesman Max Jegathan, President Dr Kristine Klugman and CEO Bill Rowlings; new CLA member George Williams is writing regular columns for the Canberra Times and also appearing once a week on ABC Radio.

Meetings/events: Among a range of meetings were these:

- Dr John Chapman re ear, nose and throat surgery initiative for Aboriginal communities in NT
- Ombudsman's office re Pacific Projects
- ANU Market Day: 10 new members joined (membership now about 200)
- Rod Barnett, President of the ACT Law Society, re proposed legislation
- NSWCCCL book launch at Daltons Bookstore, Canberra. President Dr Kristine Klugman spoke, CLA Director James Staples officially launched the book
- Goulburn meeting: poor attendance at public meeting; discussion with Goulburn members at dinner afterwards at Sasso Restaurant
- Goulburn Library re cartoon exhibition, being managed by Fred Rainger
- Simon Corbell re legislative change, with President Kristine Klugman, Director Lance Williamson, CLA member barrister Jennifer Saunders

Board meeting: Sunday 17 February 2008. Directors Vic Adams and Amanda Alford have resigned due to pressure of other commitments. The President is approaching potential new board members.

Social activities: BBQ for young CLA members



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DIARY DATES

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

4 March, Melbourne: Monash University Human Rights Forum, organized by the Criminal Justice Research Consortium, on the effect of the Victorian Charter of Human Rights and Responsibilities. Details:

<http://cjrc.monash.org/activities/seminars/human-rights-charter.html>

6 March, Brisbane: UNIFEM at 6.45am, International Women's Day Breakfast to feature International Women's Commission for a just and sustainable Israeli-Palestinian peace, Brisbane Convention & Exhibition Centre.. Georgina Pickers on 07 3324 8848 (rego) and Pam Boag on 3266 0800 (inquiries).

10 March, Canberra: 9th annual Manning Clark Lecture, Julian Burnside QC, '*Citizens' rights and the rule of law in a civil society: not just yet*'. Cost \$20 includes drinks after, ph: 02 6295 1808.

14 March, Melbourne: Launch of 'To Make a Difference: Human Rights and Homelessness' paper, followed by discussions by HR experts, organized by the Council to Homeless Persons Supper Room, Melbourne Town Hall. Queries ph: 03 9419 8699.

15 March, Hobart: Peace event, 12.30pm, Parliament Lawns. Organised by: Hobart Peace Coalition, ian.newman@utas.edu.au 6223 1172

16 March, Australia-wide: Palm Sunday for peace.

– **Melbourne:** State Library, 1.45pm, Jessica Morrison on 0431 519 577 or E: melbournepalmsunday2008@gmail.com or

– **Sydney:** 1pm, Belmore Park, Peter Murphy admin@search.org.au

– **Brisbane:** 1.30pm, Queens Park, Joan Shears: jshears@powerup.com.au

– **Darwin:** Emma King: ecnturanium@inet.net.au

– **Adelaide:** Michelle Drummond : admin@ecosouth.com.au

19 March, Melbourne: Indigenous Human Rights Forum. Victorian Equal Opportunity and Human Rights Commission, with the Victorian Aboriginal Legal Service, is hosting an Indigenous Human Rights Forum from 9.30am - 4pm. Details: <http://www.equalopportunitycommission.vic.gov.au/>

25 March, Canberra: 1pm, Administrative Law in an Age of Rights, Thomas Poole, London School of Economics, (day TBC), <http://law.anu.edu.au/cipl/Events.asp>

4 April, Melbourne: 7pm, 2008 Human Rights Dinner, Essoign Club, speakers Gay McDougall and Tom Calma, details E: hrlrc@vicbar.com.au

7-9 April, Sydney: NSW Community Legal Centres NSW Conference, Citigate Sebel Hotel, info: 02 9212 7333, email: alison_aggarwal@clc.net.au, web: <http://www.nswclc.org.au/>

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 IHRTF Team at <mailto:ihrtf-pifdh@equitas.org>

9-18 May, Fremantle: Fremantle Artists For Peace Exhibition organised by MAPW in WA at Moore's Contemporary Art Gallery.

28-30 May, Italy: *1st Identity in the Information Society* Workshop: exploring the developing relationships between identity, security and privacy in an information-intensive society. <http://is2.lse.ac.uk/idis/index.html>

26 June, Canberra: inaugural Kirby Lecture in International Law, by Prof. James Crawford of Cambridge U, evening. Contact details: see next item.

26-28 June, Canberra: 'Security, Scarcity, Struggle: The Dilemmas of International Law' ANZ Society of International Law's 16th annual conference, National Museum of Australia; call for papers deadline: Friday 7 March 2008. Details: <http://law.anu.edu.au/cipl/events.asp> Inquiries: T: +61 2 6125 0454 F: +61 2 6125 0150 E: <mailto:cipl@law.anu.edu.au>

21-22 August, Brisbane: UN Assn of Australia national conference, Parliament House, Brisbane. Sessions on climate change, life long education, governance, peace, conflict and resolution, human rights, sustainability and global compact. Info: UNAA Qld: unaabalmain@optusnet.com.au on ph/fax 07 32541096.

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

12-13 September, Melbourne: National Indigenous Legal Conference (and Ball), RACV Club. Info: Aislinn Martin (03) 9607 9474/ 0413 009 072; f 03 9607 9438; E: amartin@liv.asn.au

28-30 November, Canberra: inaugural ACT Human Rights Arts and Film Festival. Contact Sarah Bassiuni for more info or to volunteer some time to help: 6267 2707

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.**



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OTHER:

Some 'liberty' reading, courtesy of Ian Mathews and UNity, the UN Assn of Australia newsletter:

VOTING: Courtney, John C. and Drew Wilby. The debate about compulsory voting. Canadian Parliamentary Review, vol.30, no.4, Winter 2007: 42-6.

Gygar, Terry. The dead don't vote. Online Opinion, 14 January 2008: 3p.

ELECTORAL REFORM:

Rodan, Steve. Voting at 16 in the Isle of Man. The Parliamentarian, vol.88, issue 2, 2007: 123-5.

FREEDOM OF INFORMATION: Waterford, Jack. Queensland leads on FOI reform. Canberra Times, Section: Informant, 5 February 2008: 13.

White, Nicola. The OIA 25 years on: how has the system matured? Australasian Parliamentary Review, vol.22, no.2, Spring 2007: 45-58.

FREEDOM OF SPEECH: Steele, Graham. The Sub Judge Convention: what to do when a matter is 'Before the Courts'. Canadian Parliamentary Review, vol.30, no.4, Winter 2007: 5-14.

INTERNET: Leston-Bandeira, Cristina. The impact of the Internet on parliaments: a legislative studies framework. Parliamentary Affairs, vol.60, no.4, 2007: 655-74.

Call for Applications: 2008 Video Advocacy Institute: Deadline: 14 March 2008. WITNESS is running the first Video Advocacy Institute (VAI). The VAI will train human rights defenders to integrate video advocacy into social change campaigns. It will be held in association with Montreal's Concordia University's Communication Studies Program and Documentary Centre. Details: http://www.witness.org/index.php?option=com_content&task=view&id=810&Itemid=245

World Bank International Essay Competition, deadline 23 March 2008. The Government of Norway, the Cities Alliance and the World Bank are organising an essay competition for people aged 18-25. The theme for 2008 is 'Shaping the City of Your Dreams' and they invite practical and innovative ideas about how best to manage urban future spaces. The prize is a \$US5,000 cash prize and a trip to Cape Town, South Africa to attend a prize-giving event and conference. For more information, <http://www.essaycompetition.org/>

(Northern) Summer Institute, June/July 2008, Santa Cruz and La Paz, Bolivia. The Alliance for Conflict Transformation (ACT) and Nur University are running the Summer Institute on Peacebuilding & Conflict Resolution, a 4-week, 6-graduate credit residential program for English-speaking professionals, graduate and upper-level undergraduate students to build capacity of people in a variety of fields to further peaceful relationships in the world. The course will provide an overview of the theory and practice of conflict resolution and peace-building with a focus on providing concrete skills participants can use in the field. For more information: <http://www.conflicttransformation.org/>

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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