

Table of Contents

CLA PRESSURE PRODUCES NEW DRAFT EXTRADITION LAW	1
LAST WORD: SHOULD YOU MAINTAIN YOUR 'SHAMEFUL SECRET'?	2
UK TO SCRAP SEDITION LAW: WHEN WILL RUDD GOVT DELIVER ON PROMISE?	2
NEED TO ENSURE CLEAR INTENT REMAINS A BASIS FOR MURDER CHARGE	3
QUEENSLAND: UGLY ONE DAY, ON ITS WAY TO UGLIER 20 YEARS LATER?	3
FORCING DISCLOSURE BREAKS POLICE OFFICERS' CIVIL LIBERTIES	3
COURT THROWS OPEN PERSONAL HEALTH FILES OF CHILDREN	4
POLICE PAY BIKIES' LEGAL FEES	4
PRIVACY WATCHDOG PUTS BITE ON FACEBOOK	4
VIC POLICE FAIL TO TACKLE 'SHOOT TO KILL' CULTURE	5
MAKING SURE WHAT'S HID IS OPEN AND TRANSPARENT	5
HUMAN RIGHTS REPORT DELAYED ANOTHER MONTH	6
CITIZEN ROBERT WELCOMES WAR ON WORDS	6
'DISGRACEFUL BEHAVIOUR' TO BE A-G ATKINSON'S LEGACY, WHEN DEFINED	7
VIOLENCE AT HOME TO BE CODIFIED NATIONALLY	7
TRUNCATED, SKEWED STUN GUN TRIAL RESULTS RELEASED BY QLD POLICE	7
DEAD MAN STUNNED 28 TIMES BY POLICE, REPORTS SAY	8
MAN BURST INTO FLAMES AFTER STUN GUN STRIKE	9
TOP COPS CREATE THEIR RULES: PRISONER REAPS BENEFIT	9
ABC CHIEF SUPPORTS FIJI'S MEDIA AS CENSORSHIP CONTINUES	10
FIJI EDITOR REFUSES TO APPEAR ON PANEL WITH MILITARY CENSOR (AUDIO REPORT)	10
CLA REPORT FOR JULY 09	10
AUSTRALIAN BRIEFS	11
INTERNATIONAL	12
SCOTS TO VOTE ON LEGALISING ASSISTED SUICIDE	12
UK SUPPORTS PEOPLE HAVING CHOICE OVER DEATH	13
DETAINEES TO SUE BUSH, ADMINISTRATION	13
500 WOMEN PRISONERS SHARE \$125 MILLION SEX-ABUSE AWARD	14
POLICE NUMBERS CONTINUE TO RISE IN UK	14
DNA DATABASE HAS MAJOR FLAWS, ACADEMICS SAY	14
CHINESE CAR DRIVER SENTENCED TO DEATH	14
SENATE TESTIMONY QUESTIONS AUSTRALIAN'S CONVICTION	15
US WILL PRESERVE EVIDENCE OF SECRET JAILS	15
BRITISH MPS SLAM POLICE HANDLING OF G20 PROTESTS	15
ACLU CHALLENGES EXCLUSION OF SCHOLARS	16
CHINA CRACKS DOWN ON LEGAL AID LAWYERS	16
SEARCHING INQUIRY FINDS POLICE ILLEGIBLE	16
INTERNATIONAL BRIEFS:	16
DATES:	18
LAST WORD: SHOULD YOU MAINTAIN YOUR 'SHAMEFUL SECRET'?	19

CLA pressure produces new draft extradition law

Pressure from CLA in parliamentary hearings has led to the government undertaking a major revision of Australia's extradition and international criminal information exchange law.

The proposed law will include a new clause which mandates no 'formal' extradition or intelligence exchange if the death penalty is likely to be imposed. It also can stop cooperation if torture is likely.

The proposed Bill strengthens the Attorney-General's arm enormously in refusing cooperation on potential death penalty or torture grounds, or if he decides that an alleged crime on which extradition is being sought is a "political offence".

However, the new Bill won't prevent "Bali 9" police-to-police "shopping" of Australians overseas, which operate at a more preliminary level, before formal country-to-country requests are made.

This major breakthrough in the new Bill stems from CLA's submission to the parliament's Treaties Committee, and our comments during verbal exchanges at public hearings, in 2008.

At CLA's urging, the Treaties Committee has called for annual reporting by the Attorney-General's Department (AGD) and the Department of Foreign Affairs and Trade on how extradition and mutual assistance in criminal matters is operating.

The government is yet to respond to these proposals.

CLA also pointed out to the Treaties Committee that the AGD had undertaken no assessment of how the treaties or legislative provisions were working in practice in the more than 15 years that about 35 treaties had been endorsed by the committee.

AGD has now asked CLA to comment, by 31 August, on the draft Bill which AGD says is "designed to provide a more responsive and streamlined basis for Australia to cooperate with other countries in fighting crime, while maintaining the integrity of key safeguards".

"Australia's legislation has not been subject to comprehensive reforms since its enactment over 20 years ago," AGD wrote to CLA, mirroring what CLA told the Treaties Committee.

The new Bill would permit the A-G to refuse requests from overseas if there were "substantial grounds for believing that the granting of the request would result in the person being subjected to torture".

While the new Bill appears to have some positive aspects, it will require detailed analysis to ensure proper safeguards are in place, as it expands the ways Australia can give assistance in proceeds of crime and forensic testing matters.

Also, CLA's campaign for the Australian Federal Police to not exchange intelligence – unless there is a 'no death penalty' agreement in place – must go on: a clause in the draft Bill allows the AFP to continue "shopping" Australian overseas, leading to the death penalty as in the "Bali 9" case. The clause says:

Act not to limit other provision etc. of assistance

This Act does not prevent the provision or obtaining of international assistance in criminal matters otherwise than under this Act.

LAST WORD: Should you maintain your 'shameful secret'?

Some concepts we in the West hold dear don't translate easily to other societies. The idea of your own space and place is different in Asia. Find out what the Chinese think of your 'yin si'.

Read more at the end of this bulletin.

UK to scrap sedition law: when will Rudd Govt deliver on promise?

Laws dating from the Star Chamber which can result in people being jailed for speaking out are to be abolished in Britain.

Which poses the question: why hasn't the Rudd Government, and particularly Attorney-General Robert McClelland, lived up to the 2007 promise to abolish Australia's sedition laws?

The change in the UK comes after a campaign by writers and actors, lawyers and politicians, The Times legal writer, Frances Gibb, reported in July.

Lord Bach, the British Justice Minister, has bowed to the weight of criticism and agreed that the offence of sedition is "outdated" and should be abolished. "Sedition (is an) arcane offence from a bygone era when freedom of expression wasn't seen as the right it is today," he said.

As Lord Bach acknowledged: "The retention of these obsolete offences has been cited by other countries as justification for the retention of similar laws that have been used to restrict press freedom."

The laws have been the target of a campaign by a coalition of writers, lawyers, entertainers and politicians, and have drawn criticism from such names as Rowan Atkinson, the actor, and Andrew O'Hagan, the writer, as well as from the groups Index on Censorship, Liberty, English PEN and Article 19.

In Australia, civil liberties and human rights groups across the board have been campaigning for abolition of the laws since before they were introduced by Howard Government A-G, Philip Ruddock. Mr Ruddock promised a formal review of the laws by the Australian Law Reform Commission: the ALRC undertook the review, and recommended their scrapping.

<http://business.timesonline.co.uk/tol/business/law/columnists/article6714824.ece?>

Need to ensure clear intent remains a basis for murder charge

CLA's Director/Webmaster Lance Williamson and CEO Bill Rowlings appeared before the ACT Standing Committee on Justice and Community Safety last month, arguing for retention of the current murder law.

The ACT Government is trying to make it easier to get convictions for murder by including a new clause in the legislation, that is, that murder includes a death which occurs when someone was:

intending to cause serious harm to any person

CLA argues that this would significantly lower the bar for conviction on the most heinous offence on the statute book, that of murder. Under the proposed legislation, a person could be convicted of murder over an inadvertent death.

The ACT Bar Society and the ACT Law Society also made submissions on the same subject, with barrister Shane Gill (a member of both, as well as a CLA member) appearing before the committee on behalf of the Law Society.

In an opening statement, CLA agreed with the many law reform commissions and advisory bodies and their view that modern concepts of criminal culpability do not support that the intent to cause serious harm is sufficient 'mens rea' for murder. "(We) do not support a cheapening of the crime of murder by devaluing its seriousness. The Bill under consideration does that by widening the definition of murder," CLA said.

CLA also pointed out that a death after use of a police stun gun - discharged with the intent to cause serious harm to a person so as to achieve compliant behaviour - could fall within the ambit of the proposed expanded offence.

Queensland: ugly one day, on its way to uglier 20 years later?

The man who cleaned up Queensland two decades ago, Tony Fitzgerald, has delivered a withering assessment of the how the State has regressed recently.

Here is a sample of his 20th anniversary address:

"Ethics are always tested by incumbency. Secrecy was re-established by sham claims that voluminous documents were "Cabinet-in-confidence". Access can now be purchased, patronage is dispensed, mates and supporters are appointed and retired politicians exploit their political connections to obtain "success fees" for deals between business and government.

"Neither side of politics is interested in these issues except for short-term political advantage as each enjoys or plots impatiently for its turn at the privileges and opportunities which accompany power.

"Unfortunately, cynical, short-sighted political attitudes adopted for the benefit of particular politicians and their parties commonly have adverse consequences for the general community. The current concerns about political and police misconduct are a predictable result of attitudes adopted in Queensland since the mid-1990s."

<http://www.news.com.au/couriermail/story/0,23739,25849996-3102,00.html>



[To Table of Contents](#)

Forcing disclosure breaks police officers' civil liberties

Common sense appears to be in short supply in Australia, as authorities around the nation try to enforce rules and regulations beyond where they should be implemented.

For example, WA police are objecting to proposed mandatory disclosure of all associations between all police – and their families – and any criminal elements.

While disclosure of police/criminal connections is probably entirely appropriate police involved in criminal investigations work, it becomes hard to justify full disclosure for general duties police in, say, remote country towns. There, police will regularly play football, cricket or netball with people who have graced the inside of cells.

“The notion that spouses, children and more in-laws should be caught up in this disclosure-gone-mad is simply denying police officers the civil liberties that all the rest of us enjoy,” CLA CEO Bill Rowlings told the West Australian newspaper late last month.

“We depend on police to make sure our civil liberties are respected: we can’t take away their civil liberties, and those of their families, and expect them to respect ours,” he said.

Court throws open personal health files of children

The Australian Crime Commission has won access to the medical records of eight Indigenous female patients aged under 16.

As part of the federal intervention in the NT, the ACC sought access to the detailed health records of eight underage girls, including their sexual health history, as part of investigations relating to child sex abuse.

But last year the remote Aboriginal health service holding the records successfully argued that providing that information would breach patient confidentiality. The health service said handing over the files could also stop other young women from seeking medical advice and treatment.

The ACC appealed the earlier decision to refuse access to the files, and the Federal Court last month found in favour of the commission and set aside the earlier decision, thereby allowing the commission to access the records.

The Australian Medical Association (AMA) says it is concerned about the potential ramifications of the court ruling. President of the Territory branch of the AMA, Paul Bauert, says the decision sends the wrong message to young people. "The harm done by this decision will far outweigh any benefits from this decision," he said. <http://www.abc.net.au/news/stories/2009/07/10/2622325.htm>

Police pay bikies' legal fees

The SA Police Commissioner, Mal Hyde, has to pay the expenses of two lawyers who successfully blocked the attempt to control the Finks Motorcycle Club.

Two Adelaide magistrates have now refused Mr Hyde's push to reactivate the controversial orders. Magistrates Kym Millard and Koula Kossiavelos noted their decision to stay the cases of 10 Finks members, pending a constitutional challenge, had been criticised by the Supreme Court. They found, however, insufficient reason to change their minds and adjourned the control order applications until 31 July, Sean Fewster reported.

...and Ms Kossiavelos further ordered the Commissioner pay the costs of lawyers Craig Caldicott and Sam Doyle, who represented the Finks members.

The Full Court of the Supreme Court was expected to decide late last month if the Serious and Organised Crime (Control) Act 2008 is unconstitutional, as claimed by bokie club members.

Ms Kossiavelos and Mr Millard last month adjourned separate control order applications until that challenge was decided. Their stance was criticised by Justice David Bleby in June. "One has to assume the law is valid until it is declared invalid," he said.

<http://www.news.com.au/adelaidenow/story/0,22606,25758103-2682,00.html>

Privacy watchdog puts bite on Facebook

The Australian Privacy Commissioner says Facebook could be breaching Australian privacy laws. Karen Curtis's comments come after her Canadian counterpart, Jennifer Stoddart, released the results of her exhaustive investigation into the popular social networking site last month, finding there were "serious privacy gaps in the way the site operates".

She found Facebook was breaching Canadian law by holding on to users' information indefinitely and by providing "often confusing or incomplete" information about its privacy practices, according to an article by Asher Moses.

Stoddart also criticised Facebook for failing to block hundreds of thousands of third-party application developers from accessing the personal details of the site's 250 million users. She gave Facebook 30 days to address her criticisms, after which she will have the power to take the case to court to force compliance.

"A number of the privacy issues raised by the Canadian Privacy Commissioner could arise under the Australian Privacy Act," Australian PC Curtis said. "For example, indefinite retention of personal information (after a user has deactivated their account) could be contrary to National Privacy Principle 4.2 of our Act, which requires that organisations take reasonable steps to destroy or permanently de-identify personal information it no longer has any lawful use for."

Curtis said she encouraged Facebook, which has about 6 million Australian users, and other social networking sites, to assess their practices against the principles in the Australian Privacy Act.

<http://www.theage.com.au/technology/biz-tech/privacy-watchdog-puts-bite-on-facebook-20090723-du79.html>



[To Table of Contents](#)

Vic Police fail to tackle 'shoot to kill' culture

Victoria Police have failed to tackle the shoot-to-kill culture that made them the nation's most deadly force, Victoria's Office of Police Integrity says in a report released last month.

OPI calls for sweeping changes in training across Victoria Police to safeguard the public from poorly trained officers unable to defuse life-threatening situations, according to a report by Cameron Stewart in *The Australian*.

The OPI report says under-reporting of use of force by police officers may be as high as 70%.

"There is little evidence that Victoria Police is actively monitoring or strategically examining (collected) data to inform police training and improve police practices," the report says. "There is a need to re-invigorate the monitoring framework and management structure to drive strategic vision that puts safety first and manages the risks associated with the use of force."

Between 1990 and 2004, Victorian police shot dead 29 people, compared with police in NSW and Queensland killing 18 and 11 respectively. The fatal shooting of 15-year-old Tyler Cassidy by three officers in December 2008 sparked debate about arming general duties police with stun guns.

OPI director Michael Strong said it was appropriate for specialists to have stun guns, but he opposed rolling the weapons out to regular police in Victoria because of their inadequate training. Victoria Police "is not in a space where it would be prudent to issue (stun guns)", he said.

<http://www.opi.vic.gov.au/>

Queensland halted its rollout in June after the death of the man stunned 28 times.

NSW gave stun guns to general-duty police last month; in WA, they already have them. Victoria, Tasmania, South Australia and the ACT have restricted the weapons to specialist tactical response squads. <http://www.theaustralian.news.com.au/story/0,25197,25770795-2702,00.html>

Making sure what's HID is open and transparent

The federal Health Department has consulted CLA on what Australia's "unique healthcare identifier" (Health ID, or HID) should look like, and what privacy and other safeguards will surround it.

Health wants to develop the laws around HID, particularly those relating to privacy. It has developed a discussion paper – go to www.health.gov.au/ehealth and follow the link to 'consultation' if you'd like to check it out for yourself.

The HID area has been a battle royal between health heavies at federal, state and interest group level for years.

The aim is to have one identifying set of letters and numbers that allows you to move around the health system with your vital medical records being up to date and available electronically at all times, no matter where you travel or where you seek service from the health establishment.

HID will be a 'healthy' Australia Card; in fact, it's quite possible it will morph into a national identifier over time, which is why setting the safeguards finely now is important.

One of the issues to be resolved is how HID interacts with the Medicare card.

If you would like to contribute to CLA's submission, which will concentrate on building in an open and transparent process for external monitoring, please email the CEO.

A report released late last month says errors claim the lives of 4550 Australians a year and savings of \$1 billion a year could be made if problems were only halved.

Such "adverse events" are estimated to have affected about 16 per cent of people admitted. While not all would be solved by HID means, even 10% would save 450-plus lives.

Human rights report delayed another month

Father Frank Brennan, chair of the National Human Rights Consultation Committee, has asked for and been given a further one month extension to the reporting date of the National Human Rights Consultation, now to happen by 30 September 2009.

The committee has received about 38,000 written submissions and conducted 66 community roundtables in 52 places.

It met for three days in the Great Hall of Parliament House, Canberra, last month, summoning a wide range of experts to give presentations. CLA attended (*see report on CLA website*).

Citizen Robert welcomes War on Words

Attorney-General, Robert McClelland, last month welcomed a national project to promote consistent use of language on national security issues.

The 'Lexicon of Terrorism' project is examining the use of language by Commonwealth, State and Territory Governments' in relation to terrorism.

"Experience has shown that the language used to describe terrorism can be counter-productive. Certain words have the potential to glorify terrorism and terrorists, while others can cause anxiety among Australians and create divisions within and between communities," Mr McClelland said.

The project will look at the impact of terrorism-related language, including describing combating terrorism as a 'war' and words such as 'jihad' to depict a struggle between religions or values.

"We need to use language that does not inadvertently glorify terrorism but rather describes it in terms of base criminal behaviour of the most reprehensible kind. We should also be conscious of not alienating broad ethnic and religious groups by labelling them in a way that causes prejudice or leads to misunderstanding."

Work on the project is being led by Victoria Police, in partnership with the Victorian Department of Premier and Cabinet, the Australian Multicultural Foundation and the Commonwealth Attorney-General's Department.

"This project will help Governments frame effective public information messages on national security issues by strengthening community harmony and disempowering potential violent extremists," Mr McClelland said. Similar studies in other parts of the world, including the UK, had resulted in strategies to reduce counter-productive language, he said.

When "War on Terror" is abandoned, and War is declared on Words, can War on Thought be far behind? CLA asks. Perhaps we need a Committee of Public Safety, headed by Citizen Robert, Attorney-General. http://en.wikipedia.org/wiki/Maximilien_Robespierre



[To Table of Contents](#)

'Disgraceful behaviour' to be A-G Atkinson's legacy, when defined

South Australia's Attorney-General, Michael Atkinson, says he is moving to bar judicial officers from working if they are found to have behaved "disgracefully".

"Disgraceful behaviour" will stand out, if implemented, as testament to Mr Atkinson's tenure as A-G.

Mr Atkinson says there have been at least three cases involving magistrates in the past 10 years that have led him to call the current laws inadequate. His amendments will allow magistrates to be sacked if they have behaved "disgracefully" outside of work, rather than unlawfully.

Mr Atkinson says both Houses of Parliament will judge the moral standard of magistrates' behaviour. "We are talking about a report coming back to me and so it would have to be an address from both Houses in which the judicial officer would have a right to be heard before any decision were taken," he said.

The new State Opposition leader, Isobel Redmond, says she is likely to support Mr Atkinson's amendments to the Magistrates Act. "If it is just bringing magistrates into the same line as those that apply to the District Court and Supreme Court judges then I think that that would be fine," she said. "If I thought that it was going to be a special set of rules applying only to magistrates or if it was targeted at a specific individual without any justification, then I would be somewhat hesitant."

Mr Atkinson has not defined what comprises "disgraceful" behaviour. No such measure applies to politicians, or to the behaviour of A-Gs in South Australia or other States, no matter how "disgracefully" they behave.

Violence at home to be codified nationally

Commonwealth Attorney-General, Robert McClelland, and New South Wales Minister for Women and Acting Attorney-General, Verity Firth, today announced a joint investigation into the harmonisation of domestic violence and family law.

"The primary aim of this work will be to address inconsistencies so as to ensure women and children are better protected under both Commonwealth and State laws," Mr McClelland said.

The report, to be conducted by the Australian and New South Wales Law Reform Commissions in consultation with other jurisdictions, will address inconsistencies in the interaction and application of Commonwealth and State laws regarding domestic violence, child protection, sexual assault and family law.

Truncated, skewed stun gun trial results released by Qld Police

A report into an 11-month trial of stun guns by the Queensland Police Service concluded the devices were effective...but identified major concerns.

Police Minister Neil Roberts and Commissioner Bob Atkinson rushed the report out, cutting short the planned 12-month trial, to deflect criticism after a man died when stunned – 28 times according to data recorded by the weapon's onboard chip – at Brandon, near Townsville.

By truncating the year trial – it ran from 1 July 08 to 2 June 09 – the 12 June death near Townsville did not have to be included in the formal report.

The extremely skewed and subjective report was prepared by the QPS, with one representative of the Crime and Misconduct Commission on the panel – the rest were police officers. You can read the report, and the heavily spun media release at:

<http://www.police.qld.gov.au/News+and+Alerts/campaigns/taser/default.htm>

The report reveals that stun mode – which involves the direct application of the stun gun to the subject's skin or clothing to produce acute localised pain – was used in 29% of incidents.

In 12 incidents police used the weapon to stun people three or more times. In one incident the police used the stun gun 10 times on the one subject.

Minister Roberts said planned full roll-out of stun guns would remain on-hold pending further consideration by Cabinet this month (August).

The review examined 149 cases (out of 170 deployments of the weapon during just over 11 months). Here's some of the findings that the QPS media release did NOT highlight:

- in 19 cases, the subjects were handcuffed BEFORE police used the stun gun;
- in 74% of cases, the people stunned were not armed;
- in 10 cases, prisoners were stunned while being escorted (and presumably under restraint);
- 24 times, police gave no warning;
- in nearly 20% of cases, the person receiving the stunning suffered injuries (mostly minor);
- in a third of cases, the subjects were either mentally ill or the situation involved a domestic violence order (then or later);
- if any charges were laid following the stun gun incident, they were relatively minor: obstructing police (50 cases); public nuisance (40) and disobeying a police direction (13) – in total 82% of stun gun deployments produced very low-level offences;
- in 22 cases, there were no further charges; and
- in 2 cases, police used a stun gun on animals.

The key risks associated with stun guns identified in the literature and by the QPS include:

- stun gun creep: the risk that, over time, stun guns begin to be used in situations beyond their intended use;
- over-reliance: the risk that officers will use stun guns as a weapon of first choice rather than considering other options to de-escalate a situation; and
- multiple or prolonged deployments: the risk that officers will apply a stun gun repetitively or for extended periods of time.

Police themselves, quoted in the report, said the disadvantages with stun guns were:

- 56.4% of those surveyed – unable to use in certain situations;
- 51.5% – potentially ineffective; and
- 48.5% – over-reliance on stun gun (and a quarter of the officers thought there was potential for police to misuse it).

The report is clear evidence that the QPS had ample warning – through the reporting it was receiving in this survey of stun gun use over 11 months – that an incident like that in Townsville was highly probable.



[To Table of Contents](#)

Dead man stunned 28 times by police, reports say

A pathologist's report has revealed that on 12 June 2009 in Brandon, northern Queensland, 39-year-old Antonio Galeano was stunned up to 28 times by police before he died in custody 10 minutes later.

Two officers, a senior and junior, were responding to a call that Galeano was damaging property at his partner's house, Mathew Benn reported. They sprayed him with capsicum and then fired a stun gun, allegedly because he was threatening them and himself with a metal pole and a piece of broken glass.

Initial claims by police – before any investigation had begun – that Galeano had been stunned “two to three times” appear to be false. Data from the gun recorded 28 separate shots, each lasting 5 seconds, in less than 120 seconds. A post-mortem revealed that Galeano died as the result of a heart attack, Benn reported.

An eyewitness described how she had pleaded with police to stop firing at Galeano as he was crying out in agony and obviously in pain from the shocks. “They were electrocuting him, he was screaming in pain. It looked like someone had a bolt of lightning and [it was] hitting him and taking every last bit of life out of him.”

Police have continued to try to divert blame away from the officers involved in Galeano's death. Queensland Deputy Police Commissioner Ian Stewart claimed that the gun was malfunctioning and that the 28 cycle-reading was incorrect. Queensland Police Union's Ian Leavers declared that he was “baffled” by the information and simply could not understand the figures.

Stun guns have been closely linked to a growing list of deaths around the world. A 2008 Amnesty International report found that 334 people had been killed by police using stun guns since 2001 in the USA alone.

In Canada, an inquiry into the 2007 police killing of Polish immigrant Robert Dziekanski at Vancouver Airport has revealed that Dziekanski's death was not only unnecessary but that he was stunned five times in just over 30 seconds (See: "Canada: Cover-up of RCMP murder of immigrant worker unravels").

Stun guns can operate in different modes. In "stun-drive mode," the weapon creates an electric arc against the target's body at close range, causing excruciating pain.

<http://www.wsws.org/articles/2009/jul2009/tase-j03.shtml>

Man burst into flames after stun gun strike

A man was engulfed in flames after a police stun gun hit him on the bridge of his nose while they were investigating claims of petrol sniffing.

Ronald Mitchell, 36, was airlifted to Royal Perth Hospital for burns treatment following a confrontation with police called to a house in Warburton, 1540km north-east of Perth, last month.

Mitchell ran from the house at the officers carrying a container believed to contain fuel and a cigarette lighter, police said. He was asked to stop but continued running toward the officers, who stunned him.

The man caught alight and an officer immediately went to the man's aid, putting him on the ground and smothering the fire with his bare hands.

The policeman was hit by rocks thrown by an 18-year-old woman while trying to help the man, a police spokesperson said. The officer also received moderate burns to his hands from putting out the fire.

Mitchell sustained third degree burns to 10 per cent of his body.

He has been charged with assault to prevent arrest and possession of a sniffing substance. The young woman was charged with two counts of assaulting an officer. Two other people at the house were also charged with possessing a sniffing substance.

<http://www.dailytelegraph.com.au/news/man-burst-into-flames-after-taser-strike/story-e6freuy9-1225752613397>

Top cops create their rules: prisoner reaps benefit

Queensland's Crime and Misconduct Commission's says senior police allegedly disregarded policies and procedures to achieve an incredible 86% clearance rate for armed robberies.

The CMC gives details in its 142-page Dangerous Liaisons report, released last month, saying that police bent the rules to remove prisoners from custody to get confessions and evidence.

Police also allegedly misused an "informant fund" set up by the Australian Bankers Association as a reward for information leading to arrests. Although 77 payments were made out of the fund, only 33 complied with the procedures established by police and the ABA.

"Evidence gathered during the operation suggests that opportunistic officers exploited both a lack of accountability and of supervision to take personal advantage of the informant funds," the report said.

Allegations in the report suggest some Armed Robbery Unit police forged signatures; provided false documents; falsely claimed payments had been made to informants; misappropriated money from informant funds; and concocted audio tapes and written receipts as evidence payments had been made. <http://www.news.com.au/story/0,27574,25823172-421,00.html>

The *Courier Mail* said the CMC report showed one prisoner was well looked after:

- Convicted murderer Lee Owen Henderson had his own private locker at Rockhampton with a range of clothing, wallets, a disposable camera and false birth certificate.
- One detective sergeant allegedly opened a phone betting account in which funds from Henderson were deposited and used to place bets.
- Henderson made almost 10,000 phone calls from jail, costing \$17,649,20...or \$535 a month.

- Henderson sent a gift to a detective following the birth of his child and wrote on the card "to one of my best mates and also the best partner I've ever had".

<http://www.news.com.au/couriermail/story/0,,25831299-3102,00.html>



[To Table of Contents](#)

ABC chief supports Fiji's media as censorship continues

ABC managing director Mark Scott called for the end of media censorship in Fiji in a speech delivered in Vanuatu last month, *The Australian* reported.

Mr Scott said he supported local journalists in Fiji who faced daily threats and intimidation from the state and he wanted to let them know the ABC was behind their struggle for an independent media.

"With the Public Emergency Regulations having now been extended several times in Fiji, and the temporary suspension of democracy now in its third year, media censorship has continued," he told the 2009 Pacific Islands News Association (PINA) biennial convention.

A free and independent media was a cornerstone in a society which demonstrated good governance in the interests of all its people, he said.

http://www.theaustralian.news.com.au/story/0,,25847133-7582,00.html?from=public_rss

Fiji editor refuses to appear on panel with military censor (*audio report*)

ABC Australia Network's Pacific Editor SEAN DORNEY: The two-yearly conference of the Pacific Islands News Association has devoted several panels to media freedom. A late change to the panel I was chairing meant a Fijian journalist was replaced by a military officer from Fiji's Ministry of Information. After detailing instances of how his journalists were being harassed and censored, the Editor of the Fiji Times, Netani Rika, excused himself.

RIKA: You will forgive me, however, if I excuse myself at this stage for I no longer feel comfortable in the presence of people who will not treat us with courtesy at home but expect to be treated with it offshore.

Listen: <http://www.radioaustralia.net.au/pacbeat/stories/200907/s2640199.htm>

CLA REPORT FOR JULY 09

Meetings, forums

- Human Rights consultation three-day forum, Parliament House.
- Tony Blunn, Sibylle Krieger: Review of Commonwealth Legal Services Procurement, re Model Litigant project
- Peter Stanley, National Museum of Australia and noted military historian, re civil liberties history project and fire freedoms
- Ron Cahill, ACT chief magistrate re Coroners courts investigation (aborted)
- Brig Lynette McDade: NT background, Model Litigant project
- Harry Evans: farewell Senate lecture
- Annette Ellis: re overriding ACT legislation, Model Litigant project
- Don Malcolmson and Peter Ford: re ANU internships
- Bronwyn Neroni, AGS: re collaboration and pro bono possibilities

Projects

- Model Litigant: progressed through numerous meetings (McMillan, Podger, Debus, and as above)
- Improved behaviour of Senate and House Committees to people appearing at hearings
- Defence of Territory legislation against being overturned by Executive/G-G order

- Stun guns: follow up letter re training to state police ministers
- Freedom song: Jeff Carrol progressing

Media

- New CLA media spokesperson in training: announcement in September
- Interviews: Adelaide, Perth, Canberra, U. Canberra,

Extension activities

- Arranging meetings in Cairns with lawyers, legal aid, university, former politicians
- Follow up with Adelaide contacts: liaison re developing SA A-G issues

Cases

- NT drug case in Supreme Court civil jurisdiction, \$1.5m claim (Ernst Willheim, Bill Rowlings)

Hearings/Submissions

- **Murder Bill:** *ACT Legislative Assembly:* Director/Webmaster Lance Williamson and CEO Bill Rowlings, appeared 22 July;
- **Secrecy:** *ALRC,* lodged 27 July Rhys Michie, Melbourne
- **National Security Legislation Monitor:** *Senate Finance and Public Administration Committee:* lodged 27 July (Kris Klugman)
- **Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009:** *Senate Legal and Constitutional Committee:* Tim Vines/Lance Williamson, etc, deadline extended to 14 August.
- **Telecommunications (Interception and Access) Act 1979** - proposed amendments: *Request from A-G's* - deadline 7 August 09
- **Health identifier:** *request from Dept of Health* - deadline 14 August 09;
- **Private Senator's Bill: Anti-Terrorism Laws Reform Bill 2009,** *request from Senate Legal and Constitutional Affairs Committee* - deadline 28 August 09;
- **Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2009:** *request from A-G's* – deadline 31 August 09.
- **Randwick City Ccl: CCTV** – Advised them of Canberra, Perth initiatives: Declined to submit

Any member who would like to work on a submission, or to find out further information, please contact the [CEO/Secretary](#).

 [To Table of Contents](#)

Australian BRIEFS

WA prison population increases again: At 26 June 2008, there were 3787 adults held in custody in WA, of which 2993 were sentenced prisoners; at 26 June 2009, 4416 adults were held in custody of which 3669 were sentenced prisoners, a rise of 23% over 12 months. The rate per 100,000 has risen to 240 (ABS June 2009), Dr Brian Steels, a research fellow at the Restorative Justice Research Unit at Murdoch University says. "The increase of 676 sentenced prisoners at a nominal cost to the community of \$105,000 per prisoner means that (the State is) now spending \$70,980,000 more than this time last year – at the same time spending less on alternatives to custody," he said. <http://www.australianit.news.com.au/story/0,24897,25718137-15306,00.html>

Curtis gets one more year only: Privacy Commissioner Karen Curtis will serve a further one-year term as her office transitions to the proposed overarching information, privacy and data protection agency, the Office of the Information Commissioner (OIC) by early 2010. The OIC will have two new office-holders – an information commissioner, and the FOI commissioner, with \$20.5 million over four years to set up and run the new agency. Ms Curtis's six years as Privacy Commissioner will end on 11 July 2010: she has not endeared herself to privacy advocates, who claim timidity has characterised her reign.

Funeral gatherings illegal under bikie laws: Gypsy Jokers from across Australia gathered in Adelaide last month for a funeral which would be illegal under new anti-bikie laws introduced by state governments. The bikies were farewelling club president Wayne "Chiller" McGrath, 42, a father of four and part-owner of four tattoo parlours, who suffered a fatal heart attack exercising on a treadmill at his Virginia home.

Scary State targets another group: South Australia's Road Safety Minister, Michael O'Brien, is planning new laws to make illegal street racing criminal rather than just anti-social. His aim is to scare off other drag drivers with jail time and cars crushed or locked away. SA seems to be morphing into the Scary State, where the government dictates by fear rather than governing by the rule of law.

Premier downgrades FOI status: Just a month after introducing progressive freedom of information laws, the NSW Premier has downgraded their importance by handing responsibility for implementation to the Attorney-General. His move ends two decades in which the premier has had responsibility for freedom of information, and runs counter to moves in Canberra to take responsibility for FOI laws away from attorneys-general and move them closer to the heads of government to increase their status and reduce the role of lawyers in interpreting them. – Matthew Moore, FOE Editor, SMH. <http://www.smh.com.au/national/premier-passes-on-responsibility-for-foi-laws-20090722-dtmh.html>

Queensland can tap...and monitor: Attorney-General Robert McClelland has declared the Queensland Police and the Queensland Crime and Misconduct Commission to be agencies for the purposes of the Telecommunications (Interception and Access) Act 1979. The two agencies can now apply for warrants to intercept communications. Queensland will utilise its own specialised oversight regime, involving a Public Interest Monitor. CLA says if external monitoring of the use of these powers is good enough for Queensland, there should be a similar system nationally.

Australia to sign up to Disabilities Protocol: Australia will accede to the Optional Protocol on the United Nations Convention on the Rights of Persons with Disabilities, the government announced last month. The protocol provides a mechanism for Australians to make complaints to the UN Disabilities Committee if all domestic remedies have been exhausted.

INTERNATIONAL

Scots to vote on legalising assisted suicide

The Scottish Parliament is expected to vote on a bill to legalise assisted suicide in the next few months after the independent Member, Margo MacDonald, won cross-party backing.

People with a progressive and irreversible illness, the terminally ill, or those who had an "intolerable" quality of life, could get a doctor's help to kill themselves under the proposed law.

In a significant indication of the changing political climate on assisted suicide, MacDonald's private member's bill has been formally supported by 21 Members of the Scottish Parliament from most parties at Holyrood, which means the proposals will be investigated by parliamentary committees and then debated by the full parliament. Private bills at Holyrood require at least 18 signatories before they can be presented.

UK supports people having choice over death

There is strong support among the UK public for a change in the law to allow doctors to help terminally ill people end their lives, according to a poll.

The Populus survey for *The Times* found 74% of people want the medical profession to be able to supervise assisted suicides, with support said to be particularly strong among those aged 55 to 64.

The results of the poll come as the Royal College of Nursing (RCN) dropped its five-year opposition to the issue after a consultation with its members. It is now neutral.

Polls in Australia show similar strong support, usually ranging between 70 and 80% in favour.

<http://www.guardian.co.uk/uk/feedarticle/8625827>

Iran delays trial of seven Baha'i: risk of death penalty

The fate of seven members of Iran's Baha'i religious minority remains undecided after a trial postponement by the state in mid-July.

They may be sentenced to death if found guilty in the Revolutionary Court in Tehran on a range of charges, including *mofsed fil arz* (being corrupt on earth), "espionage for Israel", "insulting religious sanctities" and "propaganda against the system."

Those charged manage the Baha'i community's affairs in Iran.

Baha'i profess their allegiance to Iran and deny subversive acts against the government, which they say would be against their religion.

Allegations of spying for Israel, made by Iranian authorities over the years, stem from the Baha'i World Centre being located in Israel.

The Baha'i faith was founded about 150 years ago in Iran and has since spread around the world, including to Australia. Since the Islamic Republic of Iran was established in 1979, the Baha'i community has been systematically harassed and persecuted.

There are more than 300,000 Baha'is in Iran, but the Constitution only recognizes Islam, Christianity, Judaism and Zoroastrianism. Baha'is are subject to discriminatory laws and regulations, which violate their right to practice their religion freely.

Iranian authorities also deny Baha'is equal rights to education, to work and to a decent standard of living by restricting their access to employment and benefits such as pensions. They are not permitted to meet, hold religious ceremonies or practise their religion communally.

Lawyers have not been allowed to visit the seven now in jail, though family visits have occurred to Evin Prison, which is run by the Ministry of Intelligence.

Officers from that ministry arrested six – Fariba Kamalabadi Taefi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli and Vahid Tizfahm – after raids on their homes on 14 May 2008. Mahvash Sabet was arrested on 5 March 2008.



[To Table of Contents](#)

Detainees to sue Bush, Administration

An *al-Jazeera* journalist imprisoned at Guantánamo Bay plans a joint legal action with other detainees against former US president George Bush and other Administration officials for the illegal detention and torture he and others suffered at the hands of US authorities.

The Guantánamo Justice Centre, a new organisation open to former prisoners of the US base on Cuba, will launch the case. The GJC is being set up with international headquarters in Geneva, Switzerland.

"The purpose of our organisation is to open a case against the Bush administration," said co-founder Sami al-Haj, an *al-Jazeera* reporter from Sudan illegally detained by US authorities for more than six years after being captured while working as a cameraman. He was freed in May 2008.

Al Jazeera is the Middle-East based TV news service that reports the news from an international - but Arab - perspective, much as the *BBC* does from a British perspective. The quality of its coverage is excellent.

<http://www.guardian.co.uk/media/2009/jul/17/guantanamo-bay-al-jazeera/print>

500 women prisoners share \$125 million sex-abuse award

The US State of Michigan has agreed to pay \$125 million to settle a class-action by more than 500 female prisoners sexually assaulted by prison guards.

The deal reached last month ends a claim started by the prisoners in 1996, Jeff Seidel reported in Detroit's *Free Press* newspaper..

The state will make six payments over five years, with the first due on 15 October. "This is a good deal for the state," said Deborah LaBelle, the women's lawyer. "If we tried all of these, the cost to the state would have been a billion dollars."

[http://www.freep.com/article/99999999/NEWS06/90105010&template=theme&theme=012009_PRI
SONS](http://www.freep.com/article/99999999/NEWS06/90105010&template=theme&theme=012009_PRI
SONS)

Police numbers continue to rise in UK

Police numbers have hit a record high in England and Wales, with 143,770 officers in March this year, according to official figures released last month.

This was an increase of 1,911 officers over the previous 12 months. It included 648 police community support officers, who have a patrolling role, to bring their total to 16,331. The number of such officers has grown rapidly from only 1,176 when the role were introduced in 2003.

The new figures for the 43 police forces in England and Wales show women are now 27% of rank and file police officers but only 13% of senior officers.

DNA database has major flaws, academics say

"Flawed scientific thinking" in the UK Government's proposed changes to the DNA database will leave it open to challenges in the courts, experts have said in a stark attack on Home Office plans to overhaul the current system.

"There is a flaw in the scientific evidence that sustains the government's argument," said Keith Soothill, emeritus professor of social research at Lancaster University.

Soothill and fellow professor Brian Francis argue that key aspects of the government's proposals – which change the current periods for retaining DNA from all people arrested to six years, and 12 years for serious and violent crime arrests – have not been proved.

Minority groups have also slammed the government's plans. There are concerns minorities are over-represented on the database – with an estimated 57% of black men reported to have their profiles stored despite their lower overall lifetime offending rates than white men.

"This disturbing fact perpetuates the racist and wholly inaccurate stereotype that this group have a higher propensity to break the law," said Matilda MacAttram, the founder of Black Mental Health UK. "The DNA database is potentially the greatest threat to black civil liberties seen in the last 50 years in the UK."

The Home Office consultation follows a ruling by the European court of Human Rights in December 08 that condemned the government's existing database for failing to strike the correct balance between preventing crime and protecting privacy.

<http://www.guardian.co.uk/politics/2009/jul/19/dna-database-crime-privacy-discrimination>

Chinese car driver sentenced to death

A driver who killed four people while fleeing a crash was sentenced to death last month: it will be China's first capital punishment for a traffic offence.

Sun Weiming's death penalty sentence came from a court in southwest China's Chengdu city for "endangering public safety", according to the State newspaper, *Huaxi Metropolitan Daily*.

Chengdu recently became Perth's latest sister city.

The 30-year-old was convicted of an accident in crowded downtown Chengdu in December 2008. His Buick sedan smashed into four other cars as he tried to speed away from an accident. Besides being drunk, Sun was also driving without a licence.

<http://www.news.com.au/perthnow/story/0,21598,25830379-948,00.html>

Senate testimony questions Australian's conviction

The US Senate's Armed Forces Committee is taking testimony from witnesses in the Obama Administration about the proposed changes to the Military Commissions Act.

The only thing the press has mentioned is the change in the procedures and evidence, but some words of David Kris, the relevant Assistant Attorney General, are very pertinent to Australia:

"There are two additional issues ... that are not addressed by the Committee bill ... The first is the offense of material support for terrorism or terrorist groups.

"While this is a very important offense in our terrorism prosecutions in Federal courts under Title 18 of the US Code, there are serious questions as to whether material support for terrorism or terrorist groups is a traditional violation of the law of war.

"The President has made clear that military commissions are to be used only to prosecute law of war offenses... our experts believe that there is a significant risk that appellate courts will ultimately conclude that material support for terrorism is not a traditional law of war offense, thereby reversing hard-won convictions and leading to questions about the system's legitimacy."

So much for the conviction of David Hicks...for providing material support for terrorism.

<http://armed-services.senate.gov/statemnt/2009/July/Kris%2007-07-09.pdf>



[To Table of Contents](#)

US will preserve evidence of secret jails

The US Obama Government will preserve its secret overseas jails where a defendant in a terror case was once held and allegedly subjected to harsh interrogation after his capture in 2004.

Lawyers for Ahmed Khalfan Ghailani said in court they were afraid that the 'black' (or hidden) sites run by the CIA would be demolished as the agency has said it will discontinue their use. However the prosecutor agreed the sites would be preserved.

Mr Ghailani, who was ordered by President Obama to be tried in civilian court, spent up to two years in the black sites before he was moved to the naval base at Guantánamo Bay, Cuba.

The CIA's secret jails were created from 2002 when President George W. Bush gave the agency responsibility for questioning high-level members of Al Qaeda. Working with friendly foreign intelligence services, the CIA built or renovated buildings in several countries, including Afghanistan, Thailand and Poland, according to former agency officials.

After the location of the prisons in Eastern Europe was revealed in late 2005, CIA officials scrambled to move the prisoners to other, still-secret places.

CLA believes Diego Garcia in the Indian Ocean, a British-owned island which is an American air base under a lease arrangement, is also one of the secret sites, with ships moored off the island being used as prisons. The Australian Government has denied providing any form of logistical support to Diego Garcia...except for the Australian F/A-18s stationed on the island in 2001-2 as air cover while US bombers took off from the island to bomb Afghanistan.

<http://www.nytimes.com/2009/07/03/nyregion/03detainee.html?th&emc=th>

British MPs slam police handling of G20 protests

Untrained officers must never police public protests in the front line, an MPs' report on London's G20 protests has told the British Parliament.

The House of Commons Home Affairs select committee inquiry into the April G20 protests, in which an innocent man died after being hit by police, produced admissions from senior police that scared, inexperienced officers used "inappropriate force".

The cross-party group of MPs say they "cannot condone the use of untrained, inexperienced officers on the frontline of a public protest under any circumstances".

They also strongly question the police use of tactics such as kettling – containing protesters behind cordons for an extended period. In April, the Metropolitan Police repeatedly "kettled" thousands of mainly peaceful demonstrators, including media covering the events.

<http://www.guardian.co.uk/world/2009/jun/29/g20-police-protest-kettling-report>

ACLU challenges exclusion of scholars

The American Civil Liberties Union is challenging the Obama Administration ideological exclusion in two cases where foreign scholars Tariq Ramadan (*pictured*) and Adam Habib have not been allowed to enter the country.

Lawsuits charge that the Departments of State and Homeland Security are violating Americans' First Amendment right to hear Ramadan and Habib's speech.

The suits are filed on behalf of academic, religious and professional organizations that have invited the scholars to speak in the US. Plaintiffs challenging Ramadan's exclusion are the American Academy of Religion, the American Association of University Professors, and PEN American Center. Plaintiffs challenging Habib's exclusion are the American Sociological Association, the American Association of University Professors, the American-Arab Anti-Discrimination Committee, and the Boston Coalition for Palestinian Rights.

China cracks down on legal aid lawyers

Chinese officials have shut down a legal aid centre founded by pioneering Chinese lawyers, and also revoked the licences of more than 50 lawyers, many known for tackling human rights issues.

Beijing's civil affairs bureau raided the Gongmeng (Open Constitution Initiative) offices, confiscating computers and other equipment and questioning staff about their work.

Lawyers from the centre have acted in numerous high-profile cases, most recently representing parents whose children were taken ill due to milk tainted with melamine. It issued a report criticising the government's handling of unrest across the Tibetan plateau last year and has helped petitioners, relocated families and other disadvantaged groups.

<http://www.guardian.co.uk/world/2009/jul/18/china-shuts-legal-aid-centre>

Searching inquiry finds police illegible

Police in England carried out 8218 searches of protestors during a week-long demonstration last August against an energy company's – E.ON's – proposed coal-fired power station.

Although "huge amounts of property were seized", only 2000 stop-and-search forms were legible, an inquiry found. Of more than 2,000 possessions seized, officers took such dangerous items as packets of balloons, tents, a clown's outfit, camping equipment, cycle helmets and bike locks, bin bags, party poppers, leaflets and soap.

The operation cost \$10.5m, and involved 1400 officers drafted in from 24 police forces by Kent police.

"It is quite wrong to suggest that the police should have worked more closely from the start with the energy company. The police are not a private security firm. Their job is to act in the public interest, and the public interest includes the right to protest," the Liberal Democrat Justices spokesperson, David Howarth, said.

<http://www.guardian.co.uk/environment/2009/jul/22/kingsnorth-police>

INTERNATIONAL BRIEFS:

India to get 1.1 billion identify cards: India's government has launched one of the biggest bureaucratic exercises in the country's history – the issue of an ID for each of its 1.1bn citizens. Montek Singh Ahluwalia, deputy chairman of the planning commission, said the scheme was part of the government's "inclusive growth" program aimed at penetrating India's notorious red tape to

deliver social services more directly to citizens, particularly those on the bottom rung of the economic ladder.

Common sense outbreak reported: On 1 July, two significant outbreaks of common sense featured in newspaper reports. From London came news that the UK Government had abandoned its crazy policy to issue all British citizens and residents with ID cards: even mandatory cards for airport and port workers have been stopped. As well, China reportedly 'postponed' a mandatory scheme to instal filtering software against porn in every new computer sold from the first day of the financial year. With luck, the temporary halt will become a permanent stay.

CIA grilled before US grand jury: Current and former top CIA officers have appeared before a federal grand jury in Virginia, USA, as part of an 18-month investigation into destruction of 92 videotapes depicting the brutal interrogations of two Al Qaeda detainees. The witnesses recently called by the special prosecutor, former government officials said, include the agency's top officer in London and Porter J. Goss, who was CIA director when the tapes were destroyed in November 2005. http://www.nytimes.com/2009/07/03/us/03inquire.html?_r=1&th&emc=th

Gay sex gets OK in Delhi: The Delhi High Court ruled last month that treating consensual gay sex as a crime was a violation of fundamental rights protected by India's constitution. The ruling is the first of its kind in the deeply conservative country, but applies only to Delhi, not throughout the country, and can be challenged in India's supreme court. Sex between people of the same gender has been illegal in India since a British colonial era law classified it as "against the order of nature" and punishable by 10 years in prison. While actual criminal prosecutions are few, the legislation has frequently been used to harass people.

<http://www.guardian.co.uk/world/2009/jul/02/homosexuality-decriminalised-delhi-india>

Illegal wiretapping a waste of effort, report says: A whole-of-government review has revealed that the US Bush Administration's wiretapping-without-warrants program was 'marginally' effective. The report by the inspectors-general of five US federal agencies, including the FBI and the CIA, found that other intelligence tools used in assessing terrorist threats provided more timely and detailed information. Most intelligence officials interviewed "had difficulty citing specific instances" when the National Security Agency's wiretapping program contributed to successes against terrorists, the report said. http://www.nytimes.com/2009/07/11/us/11nsa.html?_r=1&th&emc=th

Arab groups attack rights council – claim: The 11th session of the UN Human Rights Council (HRC) over two weeks in June in Geneva witnessed a barrage of attacks leveled at the council's credibility and effectiveness, which were largely initiated or lead by Arab League and Organization of Islamic Conference (OIC) member states, according to the Cairo Institute for Human Rights Studies (CIHRS). "I am afraid such attacks, while exceptionally strong this session, are not surprising," said Moataz El Fegiery, Executive Director of CIHRS. "They are part of a larger strategy by the Arab League and OIC to systematically weaken international human rights bodies."

Accessing medical records produces large fines: The Kaiser Permanente hospital in Bellflower, California, has been hit with a \$235,000 fine for failing to prevent unauthorized access to confidential patient information. A spokesman said the fine was part of the ongoing investigation into employees improperly accessing the medical records of Nadya Suleman, the woman who gave birth to octuplets earlier in 2009. This is their second fine for the same offence: the earlier fine was \$310,000. The hospital has been caught under a new state law enacted last year after widely-publicized violations of privacy at UCLA Medical Center involving Farrah Fawcett, Britney Spears, California's First Lady Maria Shriver and other celebrities.

Beware 'politicians in robes': Prize-winning historian James MacGregor Burns contends, in his new book, 'Packing the Court', that "as the ultimate and unappealable arbiters of the Constitution, the justices of the (US) Supreme Court have become far more than the referees in constitutional

disputes that the framers intended. They have gone beyond interpreting the rules — they have come to create them.” The American people, he concludes, “cannot expect leadership from unelected and unaccountable politicians in robes.”

<http://www.nytimes.com/2009/07/07/books/07kaku.html?th&emc=th>

New handbook guides journalists through ethical dilemmas: Thomson Reuters Foundation has produced the *'Ethics Handbook for Journalists'* in English and Arabic versions, using a legacy from journalist Mona Megalli who died from cancer in February 2007. Born and raised in Egypt, Mona moved to the US in her mid-teens and later became a reporter covering events around the world for more than 20 years. She was committed to the principles of free and fair journalism and, when she learned that illness would cut her life short, she made provision for a fund to promote journalism ethics, focused on the region of her birth.

Egypt ramps up death penalty suddenly: Activists are criticising Egypt for an abrupt spike in death sentences recently, accusing the courts using capital punishment to try to stem a soaring crime rate, reports say. In June, 75 Egyptians were sentenced to death in comparison to just 86 for all of 2008, according to the Cairo-based Arab Centre for the Independence of the Judiciary and Legal Profession. the UN Assn of Australia newsletter reported. The centre said that defendants were not receiving a fair trial, and noted that torture was often used by police to elicit confessions.

http://www.seattlepi.com/national/1107ap_ml_egypt_death_penalty.html

Police accused of snooping on Obama's record: Two police officers in Atlanta, Georgie, are under investigation for using government computers to run a criminal background check on President Barack Obama. DeKalb County police officers Ryan White and C.M. Route are on paid administrative leave while the incident is investigated. County public safety director William Miller said last month that the officers' actions will "not be tolerated by the county."

http://www.huffingtonpost.com/2009/07/30/two-georgia-officers-accu_n_248020.html



[To Table of Contents](#)

DATES:

- **31 July–2 Aug, Queenstown NZ:** NZ Criminal Bar Assn annual conference. <http://www.criminalbar.org.nz/>
- **5-7 Aug, Rockhampton:** Aust. Inst of Judicial Administration (AIJA) Indigenous Courts conference. W: www.aija.org.au
- **6–7 August, Canberra:** 2009 National Administrative Law Forum, contact Jenny Kelly 02 6251 6060
- **10–12 August, Seoul, Korea:** 39th assembly of the World Federation of United Nations Associations, plus WFUNA youth meeting. Details: WFUNA on 1 212 963 0969; fax 1212 963 0447.
- **13-15 August, Canberra:** Cultural and Religious Freedom under a Bill of Rights, organised by U. Adelaide Research Unit for the Study of Society, Law and Religion (RUSSLR), Details: Peter Burdon at: peter.d.burdon@adelaide.edu.au; Website: www.adelaide.edu.au/lawandreligion/conference_2009; Submissions: 500-word abstracts by June 15.
- **23-26 Aug, Halifax NS, Canada:** Family Law and Children's Rights. W: www.lawrights.asn.au
- **31 Aug-1 Sept, Parramatta, NSW:** Indigenous young people, crime and justice conference, hosted by Aust. Inst. of Criminology, NSW Comm. for Children and Young People, the NSW A-G's Dept. and Australian Human Rights Commission. Details: <http://www.aic.gov.au/>
- **1–4 Sept, Sydney:** XIX World Congress, International Society for Labour and Social Security Law, <http://www.labourlawssydney.com/>
- **2–4 Sept, Darwin:** Aust. Law Librarians' Association conference. http://www.alla.asn.au/index.php?option=com_content&view=article&id=222&Itemid=371
- **17-20 Sept, Perth:** 36th Australian Legal Convention, <http://www.law09.com.au/>
- **21 Sept, world:** International Day of Peace

- **24-25 September, Adelaide:** 2009 National Indigenous Legal Conference, Bonython Hall, U.Adelaide. Black and White Together: A Time for Hope, a Time for Change. Details: <http://www.nilcsa2009.com/>
- **1-2 Oct, Canberra:** Sex Discrimination Act Silver Anniversary conference, plus its future in light of a possible Equality Act and a Charter of Human Rights, Old Parliament House & The National Museum of Australia. Info: http://law.anu.edu.au/coast/events/sex_discrim/conference.htm
- **2 Oct, Sydney:** Protecting Human Rights Conference, Art Gallery of New South Wales, details: www.gtcentre.unsw.edu.au
- 7–9 Oct, Canberra: Aust and NZ Sports Law Assn conference: www.anzsla.com.au
- **4–9 Oct, Madrid, Spain:** Intntl Bar Assn annual conf, : <http://www.int-bar.org/conferences/Madrid2009/>
- **29-31 Oct, Frankfurt, Germany:** World Religions and their Influence on Legal Systems: <http://globalday.legal-profession.org>
- **9–12 Nov, London:** First Workshop in e-Healthcare Information Security <http://www.comp.dit.ie/e-HISec> in conjunction with The 4th International Conference for Internet Technology and Secured Transactions (ICITST-2009) <http://www.icitst.org/> Registration enquiries: Belinda McDonald gtcentre@unsw.edu.au
- **12–13 Nov, Canberra:** CIPL/ANU Public Law weekend, including annual Sawyer lecture and dinner.
- **10 Dec, world:** Universal human rights day

2010:

- **4–7 May, Melbourne:** Non-adversarial Justice: Implications for the Legal System and Society conference, E: aija@law.monash.edu.au (Call for papers closes 1 Feb 2010)
- **10/10/10, World:** Target date to start the CLA-promoted death penalty moratorium – 10/10 for Life.

LAST WORD: Should you maintain your ‘shameful secret’?

"Quite simply, the concept of individual privacy rights doesn't translate into the collectivist cultures where over half the people in the world live. A combination of language problems, foreign concepts and privacy values that aren't shared means PowerPoint presentations produced in New York are falling on deaf ears in Shanghai, Mumbai and Johannesburg.

"Take China, for example. U.S. multinationals trying to break into the Chinese market or tap Chinese engineering talent are setting up shop in southern China. When the topic of privacy arises, they are finding that the Chinese have a very different idea of what it is. The Mandarin word for privacy – yin si – generally translates as ‘shameful secret’."

According to Lu Yao-Huai, a professor at Central South University in Changa City, a person asserting a need to withhold personal information could easily be seen as selfish or antisocial."

– Opinion: You Say 'shameful Secret,' I Say 'privacy', Jay Cline, *Computerworld*, 29 June 2009 <http://www.cio.com/article/print/496231>

CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in CLArion is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. 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>



[To Table of Contents](#)

ENDS ENDS ENDS