
CLA introduces new online payment option	1
Phoney war puts nation on hold	1
What price murder?	2
Chance to make Australia more equal	2
Sedition may be about to die	2
Old bills become new again.....	3
Popple appointed inaugural FOI Commissioner.....	3
ASIO works secretly, praises itself publicly	4
Men excluded so Muslim woman can face court.....	4
CCC has stun gun use in its sights.....	4
ACT Greens move to curb stun gun issue.....	5
CCC lets misbehaving police off lightly	5
Cops in car chase nudge 200kph...without permission	5
Big Brother IS watching you	5
Beware of watching yourself!.....	6
Power creep sees secret searches longer and wider.....	6
Greens eye prospect of bill of rights for NSW	7
Police get to manage the courts in far-NW lands	7
Report on <i>CLA</i> activities in October: <i>by President Dr Kristine Klugman</i>	8
Newspaper urges readers to hang gays.....	9
British Government slashes police, prison officer numbers	10
Top UK doctors support right to die law	10
Secret police spy camera network revealed.....	10
Top cop wants police to be above the law.....	10
At British intersections, black is the stop colour	11
CIA: illegal assassins of the US Government.....	11
Commonwealth has lost the plot on rights.....	12
See-through vans keep you secretly checked on the road	12
No reprimand for by-the-clock 'hanging' judge.....	12
Drugs report shows anti-cannabis campaign is going up in smoke	13
*****	14

CLA introduces new online payment option

Civil Liberties Australia from today - 1 November - has a new online membership and donation system operating which can take payment by card.

People can now join, renew or donate to CLA online with a credit/debit card payment (both longtime members and new ones can still continue to use direct bank deposit or cheque payment by mail, if they choose).

The online system makes it easier for people to support CLA with membership and/or donations and enables big improvements in the way we manage memberships and payments.

From today, at the start of the month when their subscriptions fall due, members will receive both membership reminders, and invoices when they have paid, by email. They will also be able to check and update their details, and see their payment status with CLA at any time, online.

Members whose membership renewal is due in November 2010 will be the first who will be able to utilise this new system and the new credit/debit card payment facility which makes payment much easier for members, and improves CLA's record-keeping.

Phoney war puts nation on hold

As the 43rd Parliament settles into its work, the august body has entered the limbo – or phoney war – stage.

Power-balancing independents were meant to sculpt a gentler, more constructive parliament, but the hillhouse has quickly reverted to its traditional brawling ways...as watching question time 'live' or nightly news 'snappets' will show clearly.

Crumbs have been thrown to the 'Indies' – Andrew Wilkie has got up his journalistic shield laws, but it was an initiative largely proposed by Labor Senator John Faulkner three years ago, hence easy for the Gillard government to support. There will be other gestures from the all-powerful Executive towards the minions in the coming months.

Meanwhile, the real work of parliament continues, as of old, to be point-scoring **mano e mano**, or Liberal e Labor. The Labor Government has resurrected bills from the old parliament (see below), now grinding their way through the Senate committee system.

CLA hopes to contribute in committee to sanity-ising the worst of the draconian provisions in draft legislation introduced because the government operates fearfully, rather than with courage. Well may politicians praise our soldiers...nobody could call our political leaders brave.

What price murder?

How much do you think a single murder costs American society? According to researchers at Iowa State University, it is a whopping \$17.48 million.

They also calculated a rape costs \$448,450, a robbery \$340,232, one aggravated assault \$147,327 and a burglary \$41,841. – Op-Ed, NYT, Charles Blow: <http://snipurl.com/1aq1rn>

Chance to make Australia more equal

The federal parliament has a golden opportunity to make Australia more equal when it votes on the Greens bill to give the two Territories equal rights.

If the bill passes, territory parliaments will be able to legislate without being subject to over-rule by the federal parliament.

States and their citizens have this right, but the territories and their people do not.

Effectively, about 360,000 Australian electors (240,000 in the ACT, 120,00 in the NT) are half-franchised: the federal parliaments they elect can create binding legislation, whereas the local parliaments they elect cannot do so. Any laws passed by the territory parliaments can be overturned in one of two ways: either by disallowance by the Governor-General (effectively, the Executive government), or by a vote of the parliament.

The Greens bill should be supported by 100% of federal MPs (which part of the word 'equal' do they not understand?). But there is a danger that our 'fearless leaders' could be captured by the Christians who fear euthanasia laws (which is nothing to do with the effect of the Greens bill, and is a separate issue).

It would be ironic if Australia's true embodiment of democracy – the people we vote into our national parliament – voted to continue to deny democracy to their electors who live in the ACT and NT.

CLA has been one of the longest and strongest campaigners for this sensible change.

Sedition may be about to die

The National Security Legislation Amendment Bill 2010 – the Sedition Bill – was reintroduced to the new parliament at its first sitting.

With the sedition elements of it delayed since 2006, it is meant to cover many inquiries, including:

- a five-year-old review of sedition laws in Australia by the Australian Law Reform Commission of July 2006, which both Liberal and Labor have failed to implement;
- the Clarke inquiry into the Dr Mohamed Haneef botch-up by the Minister for Immigration, Kevin Andrews, the AFP and ASIO (November 2008);
- a review of security and counter-terrorism laws by the Parliamentary Joint Committee on Intelligence and Security (PJCIS) in December 2006; and

- the inquiry into proscribing ‘terrorist organisations’ under the Australian Criminal Code by the PJCIS (September 2007).

The reintroduced legislation passed in the Main Committee of the House of Reps, with bipartisan support, in April 2001. There was a Senate Committee on Legal and Constitutional Affairs (SLAC) inquiry, which reported on 17 June 2010.

Key amendments contained in the Bill include:

- new powers for police to barge in without a warrant in what they deem to be a possible terrorism offence situation where “material may pose a risk to the health or safety of the public”;
- multiplying by 12 the time available for police to re-enter a premises under a search warrant in emergency circumstances (from 1 hour to 12);
- allowing police and spooks to hold people for seven days on a suspected terrorism offence, without charge;
- allowing the prosecution to appeal against a bail decision relating to terrorism and serious national security offences;
- expanding ‘urging violence’ offences to apply to individuals as well as groups who incite violence on the basis of race, religion, nationality, national or ethnic origin or political opinion;
- extending the period for the government to proscribe a “terrorist organisation” from 2 to 3 years;
- amending the National Security Information (Criminal and Civil Proceedings) Act 2004 to rush through court proceedings;
- setting up a Parliamentary Joint Committee on Law Enforcement to keep watch on the Australian Federal Police and the Australian Crime Commission; and
- allowing the Inspector-General of Intelligence and Security (IGIS) to inquire into an intelligence or security matter relating to any Commonwealth Department or agency.

Old bills become new again

Attorney-General Robert McClelland reintroduced a range of bills last month:

- Native Title Bill (No. 1) 2010 to allow building houses on land in indigenous communities subject to Native Title.
- Civil Dispute Resolution Bill 2010 will encourage litigants to resolve their disputes outside of the court system, acknowledging that litigation is not always the best approach.
- Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 to try to introduce a requirement for consideration of human rights issues in developing policy and making laws.
- Service and Execution of Process Amendment Bill (Interstate Fine Enforcement Bill) 2010 will allow the states and territories to enforce interstate fines.
- Telecommunications Interception and Intelligence Legislation Amendment Bill 2010 to allow police and spook agencies to swap more data.
- Sex and Age Discrimination Legislation Amendment Bill 2010 to create a stand-alone Age Discrimination Commissioner within the Australian Human Rights Commission.

Popple appointed inaugural FOI Commissioner

Australia’s first Freedom of Information Commissioner – from today – is Dr James Popple.

He comes to the new job from First Assistant Secretary of the Civil Law Division of the Commonwealth Attorney-General’s Department and an Adjunct Lecturer in the School of Computer Science at the Australian National University.

The Australian Information Commissioner (Prof John McMillan), supported by the Privacy Commissioner (Timothy Pilgrim) and FOI Commissioner (Popple), comprise a specialist independent monitor with the power to review FOI decisions and investigate complaints.

James Popple is the son of CLA Treasurer, Kevin Popple.

ASIO works secretly, praises itself publicly

In Australia, at least four mass casualty attacks have been prevented only through the committed and professional efforts of ASIO and its partners in intelligence and law enforcement.

Who says? ASIO, the Australian Security Intelligence Organisation in its Report to Parliament 2009-10.

To its credit, ASIO is the only spook agency or security outfit to provide a publicly available document on activities and operations. But, as to revelations, you'd learn more from a deaf mute who couldn't read or write.

The number of "mass casualty attacks prevented" is certainly gilding the lily as observers believe some people were convicted on dodgy "evidence" and even dodgier spook practices.

In 2009-10, ASIO published more than 3,200 reports and assessments and completed over 38,000 visa security assessments, 98,000 counter-terrorism checks and 22,000 personnel security assessments. ASIO was also involved in over 40 litigation matters.

The volume of this activity is alarming: there is no evidence whatsoever as to the efficiency, effectiveness or accuracy of ASIO over the year. There is no acknowledgement of any error: is it possible that any group of people could handle so many reports, assessments and checks and not make one mistake?

Which one (or more) mistakes, in whose file? We'll never know. Report: www.asio.gov.au

Men excluded so Muslim woman can face court

Men were ordered out of a Perth court last month so a woman could testify without her nikab.

Male journalists and men from the public gallery were excluded, but 19 men involved in the trial – including 12 jurors – remained in the courtroom, Debbie Guest reported in *The Australian*.

The woman, known only as Tasneem, took off part of her head-to-toe nikab so that her face was revealed as she gave evidence via video link from a nearby room in the District Court complex. A black hijab covered her hair and she wore a long, black shapeless cloak.

She had wanted to give evidence with the full covering, but earlier this year Judge Shauna Deane ruled she would have to remove it to help the jury assess her testimony.

Tasneem was in the witness box for 15 minutes at the fraud trial of Anwar Sayed, accused of defrauding the commonwealth and state of up to \$750,000 while principal of Perth's Muslim Ladies College in 2006. <http://snipurl.com/1bi1ui>

CCC has stun gun use in its sights

In WA, the Corruption and Crime Commission has found stun guns were potentially misused in one of every 14 cases between 2007 and 2009 and that the trend of misuse was growing.

WA introduced stun guns in 2007 as an alternative to guns firing bullets and to reduce injuries, not to make suspects comply with orders. But the CCC found the stun guns were increasingly being used for that purpose.

In the two years from 2007 there was a fourfold increase in their being used to threaten people. During the same period the police's use of firearms doubled, the use of capsicum spray significantly decreased and injuries to officers increased 22%.

The report found stun guns were used on Aboriginals in 30% of cases in 2009, up from 16% in 2007.

Last month, the CCC approached CLA for background information on stun guns from CLA's files on the weapons, collated for the past seven years. Apparently, the CCC continues to investigate.

WA Attorney-General Christian Porter has responded to the widespread criticism of officers who stunned a prisoner in the East Perth lock-up 13 times, all caught on CCTV cameras. He wants greater scrutiny of police and increased penalties where stun guns are used inappropriately.

Premier Colin Barnett said he had left the issue of stun gun misuse to Police Commissioner Karl O'Callaghan in the past but could stay silent no more. "It's something that cannot be swept under the carpet or excused," Mr Barnett said. "This is not a minor disciplinary action within the police force, this is a major breach of procedure." <http://snipurl.com/1bi3ie>

ACT Greens move to curb stun gun issue

The ACT Greens, basing their argument on the CCC findings in WA, have moved to prevent the rollout in the Territory to all police.

Currently, only specialist police carry stun guns, but the ACT Policing (a "business unit" of the Australian Federal Police) want them issued to all officers.

CCC lets misbehaving police off lightly

WA's Corruption and Crime Commission does not adequately investigate allegations of police misconduct because it claims to lack resources.

The Parliamentary Inspector of the CCC, Christopher Steytler, told a committee of the parliament last month that the watchdog had failed to adequately respond to at least three cases last year. He said that the CCC claimed to be limited by a lack of resources, and that it would take over complaints involving serious violence only.

He said the CCC had said that allegations of lesser or minor violence by officers would be left to internal police investigations which would later be audited by the watchdog. But he said in the three cases he believed warranted CCC investigation, none of which had found any wrongdoing by police, the CCC had declined to act on one and had only audited the police inquiries into the other two.

CCC chief Len Roberts-Smith said it was not the commission's role to investigate every allegation. There were about 3000 complaints of misconduct made against public departments and agencies each year, but the CC investigated only 1% of them. <http://snipurl.com/1b0d8x>

Cops in car chase nudge 200kph...without permission

Police hit nearly 200kph in Perth's suburbs chasing a motorcyclist without seeking approval, which is required formally for any chase above 140kph, an inquest was told last month.

The WA Coroner was told of the behaviour of two traffic officers who chased motorcyclist Troy Matthew Herbert in the minutes before he crashed and died in December 2009.

The coroner is investigating that and three other cases where people were killed in crashes during or shortly after police chases.

Internal affairs investigator Sergeant Peter Walsh said that, after turning to follow a motorcyclist spotted without a rear mudguard, the police car reached 198kph in a 60kph zone in suburban Kenwick.

The driver, Senior Constable Travis Taylor, and the passenger, Constable Christopher Green, had not called their superiors seeking permission, and reached at least 170kph before turning on their lights or siren because they were "just trying to catch up and were not in an official chase", the court was told. <http://snipurl.com/1b0dm8>

Big Brother IS watching you

The Australian Transaction Reports and Analysis Centre (AUSTRAC) provided information to the Australian Taxation Office (ATO) in 1,841 tax cases in 2009-10, resulting in \$272.5m in extra tax assessed on people and companies.

In the current Budget the Gillard Government has allocated an extra \$6m a year for four years so AUSTRAC can further develop its intelligence systems, to take on an even bigger Big Brother role. The government has also established the Australian Crime Commission's Criminal Intelligence Fusion Centre (Fuse Central, CLA calls it) so all police and spook agencies can better swap the masses of intelligence held on innocent Australians.

The AUSTRAC Annual Report 2009–10 is available at <http://austrac.gov.au/index.html>

Beware of watching yourself!

Apart from care with bank, tax and other financial information, you may need to take extra care to avoid being inadvertently 'geotagged'.

Geotagging adds location information – like Global Positioning System (GPS) coordinates – to different types of media, such as photos, embedded in a way perhaps not visible to the naked eye.

There are several ways to make geotags visible, including browser plug-ins and software programs that can reveal the location information embedded in photos, videos and other types of media.

Keeping sensitive location data private can be tricky: the Privacy Rights Clearing House has some tips to try:

Visit <http://icanstalku.com/> – a website designed to raise awareness about the dangers of geotagging. This site provides step-by-step instructions for disabling location tagging on several popular phones, including the iPhone.

If using a social network, look closely at the privacy settings. Consider turning off location sharing and/or choosing a private account.

Take particular care if you are uploading photos to a website where strangers will see them, such as Craigslist or Ebay.

Consider installing a plug-in on your browser to reveal location data – such as Exif Viewer for Firefox or Opanda IExif for Internet Explorer, so you can see geotagged data for yourself.

<http://www.privacyrights.org/geotagging-privacy>

Power creep sees secret searches longer and wider

The Legislation Review Committee (LRC) of the NSW Parliament has once again given a thinly-veiled “serve” to the draconian legislation emanating from the state’s Labor Government, and growing like mushrooms.

It has noted in its Legislation Review Digest No 11 of 2010 that the covert search powers given to NSW police and other law enforcement agents under the *Terrorism (Police Powers) Act 2002* relating to the investigation of alleged terrorist activity are effectively being extended for an extra three years...to 13 September 2013.

These are no small powers.

Under section 270 of the *Terrorism (Police Powers) Act 2002*, covert search warrants allow police to secretly enter and search anywhere, using as much force as they think is necessary, to seize, substitute, detail, copy or break open anything they like in the course of executing the warrant.

They can also secretly enter the next door property – presumably totally innocent – under the same warrants, which are granted by specially-selected judges of the Supreme Court. These judges, accustomed more often than not to agreeing to police warrant requests, only need police to show them “reasonable grounds” to suspect that a terrorist act has been, is presently being, or is likely to be committed.

If a judge is, by habit, predisposed to agreeing to police requests, how effective a safeguard is a judicial pre-covert warrant review where the police claim a terrorist act could occur?

When he originally introduced these covert search powers, then NSW Attorney-General Bob Debus said they would only be used in the most extreme of circumstances. “*The powers set out in this Bill are not designed or intended to be used for general policing... These powers are extraordinary and have only been permitted with the strictest of safeguards,*” he said.

But just four years later, another NSW A-G extended these “extraordinary” powers to non-terrorism crimes. The LRC notes that in March 2009 the covert search warrants scheme was significantly extended with the introduction of the *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009*.

Covert search warrants can now be made available to investigate indictable crimes carrying a sentence of seven years imprisonment or more involving destruction of property, violence causing

grievous bodily harm, child pornography, organised theft, or the possession, manufacture or cultivation of prohibited plants such as cannabis.

Power corrupts, but police power creeps widely before it corrupts.

Report: NSW Parliament website

Greens eye prospect of bill of rights for NSW

It is possible the Greens will have success with a private member initiative to introduce a bill of rights for NSW.

New Member of the Legislative Assembly, David Shoebridge, is the man with carriage of the idea. The prospects of success before the 2011 election are slight, but a change of government, with a split parliament featuring more Independents and Greens, could make it a different story by mid-2011.

By then, Tasmania should also have a bill of rights in place, joining the ACT and Victoria. If NSW was added, there would be a powerful argument for the federal government to introduce a national bill of rights so that all Australians were treated equally.

In fact, if the federal government does not move on the issue, it may find that it has lost moral ground to that states and territories in the area of liberties and rights.

Info: <http://davidshoebridge.org.au>

Police get to manage the courts in far-NW lands

Uniting Care Wesley has criticised a South Australian Government decision to build court facilities in police stations on the Aboriginal lands in the state's far north-west.

Courtrooms have been built in the Amata, Mimili and Pukatja police stations, the welfare agency said, according to an ABC News report. This flies in the face of the April 2008 Mullighan Inquiry recommending that court and police facilities be built in different locations on the APY Lands, saying the perception of the separation of powers is fundamental to the justice system.

Jonathan Nicholls from Uniting Care Wesley says the recommendation was made because defendants need to feel confident they are getting an independent hearing.

Mr Nicholls says the Courts Administration Authority will never use the facilities because it understands the importance of separating the two powers; building the courtrooms is a waste of time and money. <http://www.abc.net.au/news/stories/2010/10/13/3037249.htm>

AUSTRALIAN BRIEFS

McAvoy named Deadly lawyer: Barrister Tony McAvoy was named the inaugural Australian Indigenous Legal Professional of the Year at the fifth National Indigenous Legal Conference, part sponsored by CLA, at the ANU last month. He is from the Wiri people of central Queensland, and has 22 years experience in native title law, criminal law, land rights legislation and human rights. "Mr McAvoy has a significant pro bono practice and runs a mentoring scheme for Indigenous law students," A-G Robert Mr McClelland said in making the award. "He has also been tireless in his support for addressing the rights and needs of Indigenous people." Mr McAveoy gets \$5000 from the government to further his professional development.

Govt discovers aged beefs: The government has introduced legislation to establish an Age Discrimination Commissioner in the Australian Human Rights Commission who will be able to advocate for the rights of older Australians in the community and workplace and handle complaints under the Age Discrimination Act.

'Jobs with Justice' sought: The Intervention Rollback Action Group in Alice Springs has launched a 'Jobs with Justice for Aboriginal Workers' campaign with protest rallies around the

country. They aim to highlight “serious breaches of workers' rights and massive increases in unemployment that have taken place under the NT Intervention”. The closure of Community Development Employment Projects (CDEP) has been devastating, throwing proud community workers who were being paid wages onto the dole, and allowing the government to push through an agenda of 'mainstreaming' and assimilation. Without access to employment programs in their own communities, the pressure builds up on Aboriginal families to move away, and many Aboriginal organisations suffer drastically reduced capacity.” Contact is Marlene Hodder on 08 89525032.

Customs to be 'frisked': From January 2011, ACLEI* will investigate allegations of corruption in relation to Customs and Border Protection's policing roles, as well as having oversight of the Australian Federal Police and the Australian Crime Commission. A Parliamentary Joint Committee under chair Melissa Parke recommended the change. ACLEI will get an extra \$2.7m over four years for the work – at nearly \$700,000 a year, the Gillard Government must believe there is lots of corruption in Customs and Border Protection to be investigated.

*Australian Commission for Law Enforcement and Integrity, headed by Phillip Moss since July 07.

Inquiry ordered into stunning of man 25-plus times: The WA Police Commissioner Karl O'Callaghan last month ordered an internal investigation into the stunning– 13 times – Kevin Spratt while in custody at the East Perth watchhouse, and a further 11 times by Corrective Services officers, and on two other occasions as well. WA Premier, Colin Barnett, has called on Mr O'Callaghan and Corruption and Crime Commission head, Len Roberts-Smith, to sort out their difference over the CCC stun gun report which revealed the Spratt case and other weapon misuse and abuse. <http://www.abc.net.au/news/stories/2010/10/18/3041469.htm>

Bracelet may keep bailed out of jail: NSW people charged but not tried or convicted could get bail but be monitored electronically with a leg bracelet. 'E-bail' or 'e-remand', being used in the US, Britain and Canada, can save money, an internal NSW Government review has found. Shadow Attorney-General, Greg Smith, said he supported the idea in principle. <http://snipurl.com/1b2sxf>

Nadlemann to visit Australia: Ethan Nadelmann, executive director of the Drug Policy Alliance, a US organization promoting alternatives to the war on drugs is visiting Australia this month. He will be at the National Press Club in Canberra on 23 November, giving an address which may be broadcast on the ABC.

Law supremos to meet in Sydney: The Commonwealth law ministers (meeting of Attorneys-General or the equivalent) from 54 member countries will be held in Sydney from 11 to 14 July 2011. The Commonwealth Heads of Government Meeting will follow in Perth in October 2011. www.clmm2011.org

Report on **CLA activities in October:** *by President Dr Kristine Klugman*

Key event:

Conference: Fifth National Indigenous Legal Conference, Legal Education: a Way Forward, part sponsored by CLA, ANU College of Law. See report on web site

Submissions in the recent period:

CLA had submitted on newly-tabled legislation when it was first tabled in the previous parliament.

Inquiries to CLA - sample:

- Abortion trial, Cairns
- Mental health: involuntary admission, Charters Towers/Townsville
- Mental health: Plasto case, Darwin
- Keogh murder case, Adelaide

Board meeting – November:

Planning for marketing in 2010-11

Consultative meetings:

CLA members and networking:

- Donald Denoon, Sydney
- Jeremy Boland, Official Visitor Alexander Maconochie Centre (jail), 'Books for All' project
- Allan Hall re Stolen Generations compensation, governance and Ministerial Councils.
- Robbie Swan, Sex Party.

Government consultation:

DFAT/NGOs: CLA represented by President Kris Klugman

Administrative:

Implementation of new electronic financial/membership record and management system, web master Lance Williamson, treasurer Kevin Popple and CEO Bill Rowlings.

Media and media-related: (Director and Media Spokesperson Tim Vines, plus Rex Widerstrom in WA and CEO Bill Rowlings):

NT News: feature on rights of mentally ill c.f. police and hospitals: police have blanket protection from prosecution under NT Mental Health Act, Emily Watkins, court reporter:
http://www.ntnews.com.au/article/2010/10/25/189151_ntnews.html

Radio 2MCE: at Charles Sturt U. Bathurst: Sarah Griffiths on the dangers facing bloggers/journalists in areas of high drug crimes, like Mexico

Perth Voice: Katie Bastians: interview with Rex Widerstrom on police seizing of video camera belong to public identity and former ATSIC Commissioner Donna Kickett, who claims to have been filming the brutal arrest of an Aboriginal man at a shopping centre.

Function: Social

CLA Spring BBQ: successful gathering, exchange of ideas.

INTERNATIONAL

Newspaper urges readers to hang gays

Gay people in Uganda are in mortal danger after a newspaper published a story featuring the names and photographs of 100 homosexuals under the headline: 'Hang Them'.

The front page article appeared last month in Uganda's *Rolling Stone* newspaper, a new weekly started by journalism graduates. The edition was published just days before the first anniversary of the introduction to parliament of a controversial anti-homosexuality bill that calls for the death penalty for those convicted of repeated same-sex relations, and life imprisonment for others.

Inspired at least in part by a group of US evangelicals with close links to Uganda, the bill was heavily promoted by a few preachers and politicians. Its progress through parliament was stalled after an international outcry, though it has not been scrapped. <http://snipurl.com/1bmuxo>

British Government slashes police, prison officer numbers

Thousands of police officers and one in five prison and probation officers will lose their jobs as the policing and criminal justice portfolio in the UK is cut by 20%, mostly over the next two years.

Basically, Britain is broke, and the government has ordered swingeing cuts across the board, with about 500,000 public service jobs to go over four years.

The police face a 20% cut in their budget. Total Ministry of Justice (MoJ) job losses of 14,000 out of a 75,000 strong workforce includes an 11,000 reduction in "frontline staff".

The Home Office budget of \$16.4bn faces a cut of almost 25%, or about \$4bn..

The precise impact on police numbers is not yet known, but chief constables and police authorities in 8 out of the 43 forces have already warned that cuts on this scale will mean the loss of at least 11,600 police jobs.

The court service also faces job losses of 2,950 – of which 1,130 are expected to go as a result of closing 150 magistrate and county courts and legal aid reforms. <http://snipurl.com/1bj9c>

Top UK doctors support right to die law

Leading British doctors who endorse assisted dying for the terminally ill have an unprecedented campaign to change the law on the right to die.

Healthcare Professionals for Change, a group of doctors, nurses and allied health professionals, says it wants to challenge bodies such as the British Medical Association, which opposes any change in the law that would allow others to help terminally ill people to die.

The group is the first professional body of its kind to be set up with the explicit aim of changing the 1961 Suicide Act, which forbids such assistance. It will be chaired by Dr Ann McPherson, a GP and fellow of the Royal College of General Practitioners and of Green College, Oxford, who is dying of pancreatic cancer.

This year's British Social Attitudes Survey found more than 80% of people support assisted dying. <http://snipurl.com/18tjk1>

Secret police spy camera network revealed

A secret police operation to place thousands of Muslims living in Birmingham under permanent surveillance was implemented with virtually no consultation, oversight or regard for the law, a report found.

Project Champion has been abandoned after an investigation revealed police misled residents into believing that hundreds of counter-terrorism cameras installed in streets around Sparkbrook and Washwood Heath were to be used to combat vehicle crime and antisocial behaviour.

In fact, the £3m project was being run from the West Midlands police counter-terrorism unit with the consent of security officials at the Home Office and MI5.

The network of CCTV and automatic number plate reading (ANPR) cameras were intended to monitor people entering and leaving the predominantly Muslim suburbs. A total of 29 covert cameras have been removed out of the 218 cameras planned, of which 72 would have been covert. <http://snipurl.com/193om3>

Top cop wants police to be above the law

London's Metropolitan Police boss, Sir Paul Stephenson, is privately lobbying the British Government to put his police above and beyond the law.

He wants the Home Secretary to make it harder for people to take legal action against police, putting them beyond the rule of law and undermining constitutional safeguards against abuses of power, *The Guardian* reported last month.

Stephenson claims money is being wasted on "speculative" claims, with lawyers gaining large fees that would be better spent fighting crime. However, the core problem is that his police officers are breaking the law and leaving themselves and the establishment open to being sued.

His proposals are contained in appendices to a letter marked "confidential" and sent to Home Secretary Theresa May by Stephenson, who is Britain's most senior police officer, on 22 June. In the documents, released under FOI, he suggests:

- Making it harder for people to sue the police for damages in civil actions. These usually involve allegations of brutality or wrongful arrest.
- Loading higher costs on to officers and other staff suing police forces at employment tribunals. These cases include claims of discrimination and unfair treatment.
- Charging the public a fee for freedom of information requests. The Freedom of Information Act is supposed to help citizens hold public bodies to account. <http://snipurl.com/1azahk>

At British intersections, black is the stop colour

African-Caribbean people in Britain are 26 times more likely to be stopped under section 60 of the Public Order Act, where an officer does not require reasonable suspicion.

When the law requires reasonable suspicion of involvement in crime, black people are still 10 times more likely to be stopped in some areas than white people, according to research by the Equalities and Human Rights Commission.

This disproportion has remained for more than a decade, despite the 1999 official report into race and policing after the racist murder of Stephen Lawrence.

Now, *The Guardian* claims, new draft British Home Office guidance will allow police to stop and search people using ethnic origin as part of the justification. Critics say it could see a return to the hated "sus" laws of the 1970s and early 1980s, blamed for stoking up tensions that led to inner city riots in British cities. <http://snipurl.com/1bc628>

US seeks rights violators, re justice

The US Justice Department is encouraging anonymous tips against human rights violators worldwide.

"The Human Rights and Special Prosecutions Section actively seeks out information that may assist the US Government in identifying human rights violators who may have entered the United States," its website says.

If you know of anyone in the US or of any US citizen anywhere in the world who may have been involved in perpetrating human rights violations abroad, please contact HRSP either by email at hrsptips@usdoj.gov or by post to its 950 Pennsylvania Ave, Washington, address. Do you know any US citizens whom you believe have violated human rights?

The US Justice Dept is the body that approved Guantanamo Bay, authorised torture, and refused non-Americans access to US court: to make the grotesque irony complete, perhaps they should have links to the CIA where you could nominate selected "human rights abusers" for assassination status...?

CIA: illegal assassins of the US Government

According to an editorial in the [New York Times](http://www.nytimes.com), "The (CIA) drone program has been effective, killing more than 400 Al Qaeda militants this year alone, according to American officials, but fewer than 10 noncombatants. But assassinations are a grave act and subject to abuse — and imitation by other countries. The government needs to do a better job of showing the world that it is acting in strict compliance with international law." <http://www.nytimes.com/2010/10/10/opinion/10sun1.html>

CLA believes, from several sources, that the CIA's "statistics" are the other way around: that is, if they have killed more than 400 Al Qaeda militants, they have probably killed 5-10 times that number of non-combatants, somewhere between 2000 and 4000 innocent victims.

CIA operators, sitting in control rooms in the desert in the USA, kill from a distance by videolink. As non-uniformed killers, they should be subjected to arrest and trial in the US law as common killers.

According to a report in *The Guardian* newspaper last month, the number of Afghan civilians hospitalised for serious war wounds has doubled in 12 months in Kandahar, the focus of an ongoing US-led campaign against Taliban strongholds. <http://snipurl.com/1b091z>

Commonwealth has lost the plot on rights

The Commonwealth has abandoned its commitment to defending human rights, according to a leaked document in which the secretary general tells his staff it is not their job to speak out against abuses by the 54 member states.

The organisation's London-based institutions, the secretariat and the charitable foundation, are both in turmoil, riven by disputes over their purpose and direction, and internal wrangles over the treatment of staff.

Coming soon after the well-publicised shortcomings in India's preparations for the Commonwealth Games, the latest revelations about dysfunction within the secretariat and foundation are likely to add to questions over what the Commonwealth is for.



The most threatening internal rupture is over human rights. Staff at the secretariat were furious when the Secretary-General, Kamallesh Sharma (*pictured*), remained silent over a series of abuses by member states in recent years. For example, when the Gambian president, Yahya Jammeh, threatened to behead homosexuals in 2008; when government troops and Tamil Tiger rebels were accused of widespread atrocities at the end of the civil war in Sri Lanka last year; and when a Malawi court in May sentenced a gay couple to jail for being homosexual, the secretary general ignored calls from secretariat staff urging him to express concern at least. <http://snipurl.com/1abhnh>

See-through vans keep you secretly checked on the road

The US Homeland Security Department has bought 500 mobile X-ray vans called ZBVs that can scan cars, trucks and homes without drivers or building residents knowing that they're being zapped.

The vans are made by a company called American Science & Engineering, and are fitted out with what are called Z backscatter X-ray devices, which aim a powerful X-ray beam that reportedly has the capability of penetrating 36cm of steel.

A promotional video – <http://snipurl.com/1aqtv3> – shows the vans cruising New York, X-raying parked cars and trucks. Imagine what happens as this mobile X-ray device inadvertently zaps pedestrians walking by. In fact, in the video, you can see people walking on the pavement as the vehicle scans parked cars. Since the operator is busy monitoring the screen, there's no way he is turning it off to spare the pedestrians. <http://snipurl.com/1aqu8o>

No reprimand for by-the-clock 'hanging' judge

A special Texas Court of Review last month withdrew a public reprimand of Texas' top criminal judge, the Court of Criminal Appeals Presiding Judge Sharon Keller, termed Killer Keller by her opponents.

The Texas Commission of Judicial Conduct had officially "warned" her after she closed her court at 5pm one day in September 2007 as lawyers for a for twice-convicted killer, Michael Wayne Richard, tried to submit a final appeal. She refused to keep the office open; the appeal deadline passed; the man was executed.

Judge Keller appealed the public reprimand, claiming the commission exceeded its authority and violated the Texas Constitution. The Court of Review agreed with her, saying the commission had

other options to chastise her, but a public warning was not permissible under the Texas Constitution and Texas law.

Keller, a Republican elected to the court in 2006, is the highest-ranking criminal judge in Texas, presiding over the court of last resort for inmates on death row. Her term expires in 2012. Long parodied as "Sharon Killer" for her record on death-penalty cases, the "hanging judge" was elected to top criminal judge in Texas in 2006. There'll be a new election for the position in 2012.

<http://snipurl.com/1b2huv>

Drugs report shows anti-cannabis campaign is going up in smoke

A new report, *Tools for Debate: US Federal Government Data on Cannabis Prohibition*, shows that efforts to suppress selling and use of cannabis have increased substantially... with negative impact.

Adjusting for inflation, the US federal anti-drug budget increased from about \$1.5bn in 1981 to more than \$18bn in 2002.

Between 1990 and 2006, annual cannabis related arrests increased from fewer than 350,000 to more than 800,000 and annual seizures of cannabis from less than 226,800kg to more than 1,114,000kg (about a fivefold rise).

In the same period the availability of illicit cannabis and the number of users rose: the retail price of cannabis decreased by more than half, the potency increased, and the proportion of users who were young adults went up from about 25% to more than 30%. Intensified enforcement of cannabis prohibition thus did not have the intended effects. <http://snipurl.com/1bpwb3>

INTERNATIONAL BRIEFS

Crime in USA takes big fall: The US National Crime Victimization study, released last month, shows violent and property crime last year reached the lowest level ever recorded in the survey, first published in 1973. Violent crime dropped by 11.2% and property crimes 5.5% from 2008 levels. The survey is based on interviews with more than 135,000 US residents, so it captures not only crimes reported to the police but also some that went unreported. Studies show more than half of crimes are never reported to the police. <http://snipurl.com/1b5e1u>

Arrest rate is 0.005%: More than 100,000 people were stopped and searched by police under counter-terrorism powers last year, but none of them were arrested for terrorism-related offences, according to UK Home Office figures published today. Statistics show that 504 people out of the 101,248 searches were arrested for any offence – an arrest rate of 0.005%, compared with an average 10% arrest rate for street searches under normal police powers. Also, more than 85,000 people were questioned by police at airports and other border points in the last years under counter-terrorist legislation. More than 2,600 of them were held for longer than an hour.

<http://snipurl.com/1d20rj>

Body scanners used as porn by airport security: The Nigerian newspaper *This Day* has reported that security officials at Lagos airport are getting their jollies by watching female passengers go through a full-body scanner. Nigerian investigative reporters found security officials hanging around the scanner display, Sean McLachlan wrote on the *Gadling* travel blog site. Since the scanner blurs the face, the officials were hurrying over to the line to peek at the passengers before going back to the scanner to check out their favourites.

<http://i.gadling.com/2010/09/28/body-scanners-used-as-porn-by-airport-security/>

Fiji, under Big Brother Frank, introduces compulsory ID cards: People living in Fiji will need to carry a compulsory identity card containing all their personal details under a proposal revealed by its leader Commodore Frank Bainimarama. Senior Defence Ministry official, Joji Washington, said the new card would contain critical personal information of an individual. "The card to be issued by the ministry, will enhance passenger profiling clearance, detection of illicit activities, assist in police

investigations, and facilitate public service output,” the government statement said. “It will also be a primary form of national security.” There will be a microchip with personal bio data, picture, fingerprint, passport system ID number...among other identifiers.

DATES:

(You may have to copy and paste URLs to reach these sites)

4 Nov, Canberra: David Hunter Memorial Lecture on Indigenous incarceration, by Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda. 7pm, Austn Centre for Christianity and Culture, 15 Blackall St Barton. Contact Bonnie Learmonth, email: blearmonth@gmail.com

4 Nov, Sydney: *Seeking Justice* Q&A exploring the rights of asylum seekers in Australia. Ticket \$80pp. Ph: (02) 9385 2257. Email: gtcentre@unsw.edu.au Web: www.gtcentre.unsw.edu.au

4-6 Nov, Parramatta: Human Rights Education Conference, Educating for Human Rights, Peace and Intercultural Dialogue, U. of Western Sydney, organised by Dr Sev Ozdowski, Register by 22 Oct. Details: <http://www.humanrightseducationconference2010.com.au>

10 Nov, Adelaide: Flinders Uni Law School seminar: Vivienne Brand, Jeff Fitzpatrick and Chris Symes: ‘*Fit and Proper*’ as a character requirement: a meaningless doublet?’ 1-2pm, Room 2.18 LWCM Bldg. Details: <http://www.flinders.edu.au/ehlt/law/>

10-13 Nov, Bangkok: 14th International Anti-Corruption Conference (IACC). Details: <http://14iacc.org/>

19 Nov, Brisbane: E-Democracy – Global Trends to Local Citizen Engagement, 2.30–4.30pm, Bldg 96, St Lucia Campus. Info: juliemccredde@uq.edu.au

1 Dec, Brisbane: Address by Ethan Nadelmann, Executive Director, Drug Policy Alliance of the USA, which promotes alternatives to the war on drugs. At the Ship Inn, Cnr Stanley & Sidon Streets. Southbank Parklands, from 6pm. Bill Rutkinph 041871 8586. Bookings and prepayment essential. Limited places.

2-3 Dec, Sydney: Virtual Global Taskforce – ‘*Global Child Protection in Tomorrow’s Virtual World*’ – conference, hosted by Australian Federal Police, Sydney Convention Centre, featuring a hypothetical by Geoffrey Robertson and including **CLA Director and media spokesperson, Tim Vines**. <http://www.vgtconference2010.com/>

10 Dec, Sydney: HUMAN RIGHTS DAY and Human Rights Awards: http://www.humanrights.gov.au/hr_awards or ph: 02 9284 9618 or <mailto:hrawards@humanrights.gov.au>

11 Nov Canberra: The 2010 Annual ANU Reconciliation Lecture, 5.30pm in the Arc cinema at the National Film and Sound Archive, by Dr Kerry Arabena, inaugural co-chair of the Congress of Australia’s First People. Further details at: <http://law.anu.edu.au/ncis/activities.html#2010Rec>

2011:

5-9 Feb, Hyderabad, India: 17th C’wealth Law Conference. Info: <http://www.commonwealthlaw2011.org/>

11-14 July, Sydney: Commonwealth law ministers (meeting of Attorneys-General or the equivalent) from 54 countries. www.clmm2011.org

9-10 Sept, Canberra: ‘10 years on from 9/11: the impact on public law’, conference, Centre for International and Public Law, ANU: contact Kim.Rubinstein@anu.edu.au

28-30 Oct, Perth: **CHOGM** (Commonwealth Heads of Government Meeting): Biennial summit involving 53 leaders from Commonwealth nations

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\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

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