
Table of Contents

CLA's Australia Day letters start to set election tone.....	1
Censorship issue: board hearing on Wednesday 7 Feb.....	2
Lib MP slams ID card.....	3
National access card 'too personal'	3
Queensland policeman charged with manslaughter.....	3
US tribunal is not a 'proper' court, says Law Council	4
CLA tackles Attorney-General on sedition.....	4
CLA's values statement released, after member input	5
Submissions, media releases and interviews.....	5
Most say civil liberty curbs 'price worth paying'.....	6
Rejections high for FOI requests.....	7
Website offers whistleblowers untraceable leaking.....	8
'There is no war on terror'	8
Australia has spent \$8bn on security	9
Scholarship opportunity for law graduates	9
Coercive interrogation value is a beat-up	10
Britain, Germany, EU States knew about secret CIA flights	10
Scanners keeping track of workers become pervasive	10
Police whistle up a new way to work sources	11
US county's wrong conviction record questioned.....	11
Genetic Privacy Bill likely in USA	12
US State of New Jersey may end death penalty	12
Blast of civil liberties from the past.....	13
FBI raises questions over interrogating contractors	13
US Senate tries for whistleblower protection again.....	13
WHAT'S DOING?.....	13
THE LAST WORDS:.....	14

CLA's Australia Day letters start to set election tone

CLA's Australia Day letters headed main activities for January 2007, a month when some foundations were laid for the year of a federal election.

The letters target failure of governance systems. The three CLA OzDay letters this year were:

- to Attorney General Philip Ruddock re his political interference in the Classification Board process over a book on euthanasia.
- to the President of the Senate and Speaker of House of Representatives, requesting them to reverse the deterioration in the parliamentary committee system,
- to Immigration Minister Kevin Andrews re recouping performance bonus pay to public servants when their incompetence is five years later forcing the Immigration Department to make compensation payments.

To read the letters, go to: <http://www.clact.org.au/>

In January, networking meetings were held with new CLA member Beryl Rawson from Voluntary Euthanasia Society ACT, CLA member Michael White from the Media, Entertainment and Arts Alliance (MEAA), ACT Legal Aid's new CEO Andrew Crockett, Phillip Gough from Citizens for Truth and Democracy and a number of potential new members.

In addition, CLA made contact with political satirists John Shortis and Moya Simpson and further investigated a possible concept for a CLA TV advertisement. The search continues to find someone to assist with membership and treasury duties. We made arrangements to hold a stall for CLA at ANU Market Day, and held a meeting with internship law student Amanda Alford for an update on her work reviewing terror legislation.

A small group of members met with Chris Michaelsen, a CLA member currently working for a major human rights entity in Europe, and a CLA theatre outing to the opening night of the stage show, *Keating!*, was held on 30 January.

Media: Two radio interviews, and we issued several media releases - see report below.

Board: A board meeting will be held on Sunday 4 February 4, to be attended by new board members: webmaster Lance Williamson, Dr June Verrier and Amanda Alford.

AGM: Preparations are under way for the CLA AGM, Saturday 24 March 2007 at 4pm at the Yarramundi Reach Aboriginal Cultural Centre, with a speaker on *The Aboriginal Peoples of the Canberra Region*, and a BBQ. See details at the end of this bulletin, plus call for any extra nominations for the board.

Other major activities are reported in the stories below.

***** [Go to top](#)

THE LAST WORDS:

Two offbeat items this month - see the end of the newsletter (below).

Is it alleged that Mr Ruddock can be presumed innocent of going ga-ga?

Security approved by the Workers!

Censorship issue: board hearing on Wednesday 7 Feb

The full Classification Review Board will meet at 9am on Wednesday 7 February at Surry Hills in Sydney to consider whether to ban a book on euthanasia at the request of Attorney-General Philip Ruddock.

The book is *The Peaceful Pill Handbook*, by Dr Philip Nitschke and Dr Fiona Stewart, which costs about \$30, either from Exit International (see URL below) or Gleebooks in Sydney - but be quick, it may not be on sale after 7 Feb. Fuller details of the case are in the CLA Australia Day letter: go to <http://www.claact.org.au/> and click on 'censoring books'.

According to Exit International, the Darwin-based voluntary euthanasia organisation, Mr Ruddock is moving to ban the book to save the Right To Life organisation \$7000, which they otherwise would have had to pay for the book's classification to be reviewed.

The book's emergence as a censorship issue coincides with extensive publicity given to 79-year-old Australian Dr John Elliott who drank a small glass of the lethal barbiturate sodium pentobarbitone on 25 January at the Dignitas organisation in Zurich, Switzerland, and died.

Dr Elliott elected to die in Switzerland where it is legal because he wanted to free from old age and from pain and suffering brought on by ill health, according to Exit.

Present at John's death were his wife Angelika, two Dignitas staff members, and Australians Dr Fiona Stewart and Dr Philip Nitschke. <http://www.exitinternational.net/>

UK survey: Four out of five people in Britain believe the law should allow a doctor to end the life of a terminally ill patient who is in pain if they wish to die.

The British Social Attitudes Survey finding, confirming how much British public opinion is at odds with the law, reveals strong support for euthanasia in carefully defined circumstances.

Research indicates that backing for voluntary euthanasia depends strongly on whether someone is terminally ill, on levels of suffering and on how death occurs. There is much greater support for a doctor being permitted to end someone's life rather than a relative, or than suicide assisted by a doctor.

<http://www.guardian.co.uk/britain/article/0,,1997394,00.html>

Euthanasia supporters quote a figure of 75% support for euthanasia in Australia.

***** [Go to top](#)

– from a report by Lachlan Heywood, Courier-Mail, 08 Jan 07

Lib MP slams ID card

A federal Liberal MP from Queensland's Gold Coast, Steven Ciobo, has slammed the Australian Government's Access Card – what CLA calls the new national ID card.

The proposed card will replace 17 existing cards, including Medicare, and the Government claims it will save \$3 billion in welfare fraud over 10 years. But Mr Ciobo said he was concerned the card could become a 'Trojan horse' for a national ID card, which is exactly what CLA has been saying for many months.

Mr Ciobo was speaking before visiting London last month to examine the roll-out of a controversial national ID card in Britain.

"I want to understand it (a national ID card) completely so that I can kill it, because I don't ever want an ID card in Australia," Brisbane's Courier-Mail newspaper quoted him saying.

"It is very apparent to me that function creep on this access card is going to be the single greatest danger. I am absolutely committed to ensuring that from both a legislative and technological point of view that this access card is designed from the outset to prevent that kind of function creep occurring."

The Government is due to introduce legislation for the card into Parliament this month. If it goes ahead, 16 million Australians will start receiving the card from early in 2008.

<http://www.news.com.au/couriermail/story/0,23739,21028569-953,00.html>

– from a report in The Age, 23 Jan 07

National access card 'too personal'

A government taskforce and doctors have raised major privacy concerns about draft legislation for the new access card.

The government-appointed watchdog overseeing privacy and consumer issues relating to the card says there are still major concerns about some of the information to be displayed.

The head of the taskforce, former Australian Competition and Consumer Commission chief Allan Fels, said the draft legislation also needed to make a strong statement that the new service was not a national identity card.

"We would prefer the legislation to be slightly more emphatic than saying it in the negative that it's not supposed to be an ID card," he told ABC radio.

<http://www.theage.com.au/news/national/national-access-card-too-personal/2007/01/23/1169330864199.html>

CLA's Jan 07 submission on the Access Card: <http://www.claact.org.au/pages/subs.php>

Queensland policeman charged with manslaughter

Senior Sergeant Chris Hurley is being charged with manslaughter over the death of Mulrunji Doomadgee in the Palm Island watchhouse in November 2004, the Queensland Government announced on Australia Day.

The government said a review by former NSW chief justice Sir Laurence Street concluded there was enough evidence to charge Sgt Hurley with manslaughter.

The Street review followed the Queensland Director of Public Prosecutions, Ms Leanne Clare, deciding not to prosecute the policeman for any offence, despite a coroner's finding that Sgt Hurley was responsible for the death of the 36-year-old Aborigine.

What CLA said before the latest decision:

Death should have no colour

...a coroner found as a fact that the dead person, an Aborigine, had been assaulted when in custody. The coroner also found that the blow or blows which caused the death probably occurred when the Aborigine was unconscious.

If a coroner found that a policeman had been assaulted by an Aborigine, leading to the policeman's death, and that the fatal blow probably occurred when the policeman was unconscious, civil libertarians would be arguing equally as strongly that the Aborigine should be charged with assault at the very least. So would the Queensland police, the police association and the DPP in Queensland, almost certainly.

The death, after an assault, of a policeman or an Aborigine should be treated equally by the law, which is why the policeman in this case should be charged and a court should decide guilt or innocence.

– Dr Kristine Klugman, Civil Liberties Australia

***** [Go to top](#)

US tribunal is not a 'proper' court, says Law Council

The Law Council of Australia has called on US lawmakers to ensure that David Hicks is not placed at the mercy of the new military commission process, urging that he should be released if he cannot be dealt with by a properly constituted court.

In a letter to members of the US Congress, the Law Council President, Mr Tim Bugg, has expressed grave concerns about the military commissions and has asked them to intervene.

"A specially designed but inferior and deficient system of justice to deal with people pre-ordained as terrorists diminishes the moral standing of our two societies," Mr Bugg said.

The Law Council's letter is available at www.lawcouncil.asn.au

For an analysis of the military commission's rules, see Human Rights First: <http://www.humanrightsfirst.org/index.asp>

For CLA comment on the Hicks' situation: <http://www.claact.org.au/pages/articles.php>

Government has betrayed Hicks, ex-PM Fraser says

Former PM Malcolm Fraser accuses the Howard Government of betraying Australia's political prisoner, David Hicks, a report in the *Sydney Morning Herald* said last month.

Mr Fraser is reported as saying he never thought he would see the day when Australia would stop providing justice to all its citizens.

Hicks, 31, has been detained by the US at Guantanamo Bay prison, Cuba, for five years after being captured among Taliban forces in Afghanistan.

"The way lies after lies after lies have been said about how he's going to be tried ... there is no respectable legal authority that I know of that has suggested those military tribunals are going to be anything more than a victor's tribunal," Mr Fraser said.

"The British started to outlaw evidence taken by torture 500 years ago...now we accept it in Hicks's case."
– original source, AAP

<http://www.smh.com.au/news/national/fraser-says-howard-betrayed-hicks/2007/01/01/1167500049167.html>

CLA tackles Attorney-General on sedition

At the prompting of CLA member Dr Helen Wiles, CLA is continuing to quiz Attorney-General Philip Ruddock on what he is going to do with Australian Law Reform Commission recommendations to remove 'sedition' from Australian law...and when he is going to do it.

CLA has exchanged three letters with Mr Ruddock, who in March last year commissioned an 'urgent' inquiry by the ALRC into sedition aspects of the 2005 anti-terror legislation.

Mr Ruddock received the 'urgent' report in July. Since, the 'urgent' report has sat on his desk, with no action other than dismissive comments about aspects of it at a press conference.

CLA President Dr Kristine Klugman's third letter in two months to Mr Ruddock said: "I asked you to provide a synopsis of the current timetable for government consideration of the ALRC recommendations. To reiterate, would you please advise me:

- What is the status is of the Australian Law Reform Commission recommendations on the sedition legislation?
- Have you personally rejected one or more of the recommendations, as media reports of 18 September 2006 indicate?
- Has the government considered all or any of the recommendations?
If so, which are accepted, which rejected and which have had no decision made?
- If the recommendations have not yet been considered, what is your intention as to the timetable for this to happen?
- Do you plan to enable further community input into the debate?
- When do you expect Cabinet will consider your recommendations?
- Will the accepted ALRC recommendations be enacted before the 2007 federal election?"

***** [Go to top](#)

CLA's values statement released, after member input

The 'Australian Fair Go values' statement, originally distributed to members in draft form for comment, has been officially released.

Civil Liberties Australia and Rights Australia combined to draft a statement of values as a discussion starter for national debate.

Is this statement of our core values taut and easily remembered, so Australians can live it every day? If not, how would you change it?

Are Australia's core values different from those of other countries? Or are there international values all peoples of the world should aspire to?

Should we adopt this as our national values statement?

We want an Australia which is:

For democracy, customary freedoms like free speech, personal rights and responsibilities, and a fair go for all Australians, old and new;

Against any form of intolerance or oppression to anyone;

Internationally, a responsible, contributing and leading nation;

Regionally, neighbourly and supportive of the countries and their peoples;

Governed through open structures, transparent and responsive to individuals, which protect everyone's basic human rights; and

Overall, respecting all Australian-born and immigrant residents, where everyone feels equally at home, where talent and effort are fairly rewarded, and where anyone who needs help receives it.

NOTE: A pleasing total of 13 CLA members took the trouble of responding to an email inviting comment on the 'values' draft statements. The great majority favoured the initiative, with only one opposing in principle. As was expected, various suggestions on wording were made. One stressed the need for brevity.

An excellent idea was to hold a public competition for filling in the words in the acrostic – FAIR GO. A competition run by a major newspaper would be ideal: we're working on it.

The 'final' version, above, incorporates suggestions of CLA members.

***** [Go to top](#)

Submissions, media releases and interviews

CLA made submissions in January to the Access Card taskforce's second round of consultation, and to the Privacy inquiry.

The Access Card submission ask for a comprehensive inquiry into Australia's national database and financial records laws. The issue is peripheral to the scope of the taskforce, but which should be their first recommendation, so that the Access Card legislation is part of a coordinated suite of laws in a fast-changing area of the economy.

The privacy submission highlights the anomaly of the PayPal online payment situation, whereby Australians formally agree to be bound by the laws of the USA and Singapore if they use the PayPal system in Australia.

<http://www.claact.org.au/pages/subs.php>

Media: CLA CEO Bill Rowlings did a radio interview on 2CC with Christian McKenzie concerning airline passenger details and privacy; CLA member Keith McEwan was interviewed by CLA member Bill Tully on Community Radio 2XX fm with particular reference to the new ACT prison.

Media releases: CLA issued three media releases in January.

Two concerned the issue of new laws targeting young drivers in NSW. CLA media spokesperson Anthony Williamson argued the laws were discriminatory and 'grossly unfair'. He also took the NRMA to task in a separate media release for being prepared to take the subscription payments of young drivers, but to having not represented their interests equally with those of other NRMA drivers in the debate over new laws.

The other media release concerned the potential banning of a book by the person intervention of the Attorney-General, Mr Ruddock (see story above).

For CLA media releases, go to: <http://www.claact.org.au/pages/media07.php>

– from a story by John Carvel and Lucy Ward, The Guardian, 24 Jan 07

Most say civil liberty curbs 'price worth paying'

Research in the UK has found that most people support compulsory ID cards, with phone tapping, curfews and tagging for terror suspects.

An overwhelming majority of British people were willing to surrender civil liberties to help tackle the threat of terrorism, a leading UK social research institute has disclosed.

The survey found 7 in 10 people think compulsory identity cards for all adults would be "a price worth paying" to reduce the threat of terrorism. In other answers, 8 in 10 say the authorities should be able to tap the phones of people suspected of involvement in terrorism, open their mail and impose electronic tagging or home curfews.

The findings come from the annual British Social Attitudes survey, based on interviews with a sample of 3,000 adults by the National Centre for Social Research.

<http://politics.guardian.co.uk/terrorism/story/0,,1997367,00.html>

***** [Go to top](#)

– from a story by Adam Liptak, NY Times, 26 Jan 07

Kafka meets Alice as US rule of law goes Bush

The Bush administration has employed extraordinary secrecy in defending the US National Security Agency's highly classified domestic surveillance program from civil lawsuits – plaintiffs and judges' clerks cannot see its secret filings; judges have to make appointments to review them and are not allowed to keep copies.

Judges must use computers provided by the US Justice Department to compose decisions.

Lawyers suing the government and some legal scholars say the procedures threaten the separation of powers, the adversary system and the lawyer-client privilege.

Justice Department officials say the circumstances of the cases, involving a highly classified program, require extraordinary measures.

A plaintiff lawyer in the case, Jon B. Eisenberg, said he bought a copy of Kafka's 'The Trial', "because I needed a refresher course in bizarre legal procedures". A federal district judge in the case, Garr M. King said the US Government's responses were "Alice in Wonderland".

The first appellate argument in the challenges, before the Sixth Circuit, in Cincinnati, was due for hearing on Wednesday 31 January 2007.

The US Government is arguing that the plaintiffs can't rely on a document which inadvertently came into their possession, and was later recovered by government agents.

"It's probably gone many, many places," Judge King said of the document at the August hearing. "Who is it secret from?"

A US Justice Department lawyer, Andrew H. Tannenbaum, replied: "It's secret from anyone who has not seen it." He added: "The document must be completely removed from the case, and plaintiffs are not allowed to rely on it to prove their claims."

Judge King wondered aloud about the implications of that position, saying: "There is nothing in the law that requires them to purge their memory."

Mr. Eisenberg, in an interview with Adam Liptak, said that was precisely the US Government position. "They claim they own the portions of our brains that remember anything," he said.

.....

– from a report by Eric Lichtblau and David Johnston, NY Times, 18 Jan 07

Court to monitor telephone taps in terror cases

The Bush Administration, in a surprise reversal, said last month that it had agreed to give a secret court jurisdiction over the National Security Agency's wiretapping (phone tapping) program and would end its practice of eavesdropping without warrants.

The decision capped 13 months of national debate over the reach of the president's wartime authorities and his claims of executive power, and it came as the US Administration faced legal and political hurdles in its effort to continue the surveillance program.

<http://www.nytimes.com/2007/01/18/washington/18intel.html?hp&ex=1169182800&en=31f17c266626030&ei=5094&partner=homepage>

Rejections high for FOI requests

A total of almost 2,500 requests made to the Australian Government under the *Freedom of Information Act 1982* (FOI Act) were refused in 2005-6, according to the FOI annual report.

This sorry rejection rate comes on top of the fact that, of the 38,987 requests granted during the year, only part of much of the requested documentation was released.

People made 41,430 FOI access requests. Most went to Immigration and Multicultural Affairs (14,627), Centrelink (13,817) and Veterans' Affairs (8,330).

In 85 per cent of cases, people wanted personal information. The other 15 per cent of requests were for other information, such as policy development and government decision-making.

The report is available at <http://www.ag.gov.au/foi>

Be ready for FOI fees to rise in 2008, after the next federal election, because Attorney General Philip Ruddock said: "FOI fees and charges have not increased since November 1986 when the Opposition was in government."

Information under FOI should be free, CLA says, because it is the information on the individual held by government that is being sought in the vast majority of cases.

Unfortunately, the Attorney-General does not understand that the Australian Government exists to serve the Australian people, not the other way around. He said that the Australian Government spent \$24m processing FOI requests at an average cost of \$601 per request.

Only 2 per cent of the total cost was recovered in fees and charges, Mr Ruddock said. Why was 2% recovered, CLA says.

***** [Go to top](#)

– from various reports, and the website, 20 Jan 07

Website offers whistleblowers untraceable leaking

A new website, Wikileaks, is developing an uncensorable Wikipedia for untraceable mass document leaking and analysis.

The interface is identical to Wikipedia and is usable by non-technical people. Organisers claim to have received more than 1.2 million documents (20 Jan 07) so far from dissident communities and anonymous sources.

"We believe that transparency in government activities leads to reduced corruption, better government and stronger democracies. Many governments would benefit from increased scrutiny by the world community, as well as their own people. Wikileaks will facilitate safety in the ethical leaking movement," the website says.

A "wiki" system is seen as more effective method leaking than simply publishing an article in the press or on a traditional website, because it allows collaboration on a global scale.

Kim Sawyer, an associate professor at the University of Melbourne and the vice-president of Whistleblowers Australia, said the website would "give us a mechanism to get stories out more into the international arena".

A Wikileaks spokeswoman said more than 1 million documents were awaiting publication.

<http://www.wikileaks.org/index.html>

– from an article by Clare Dyer, The Guardian, 24 Jan 07

'There is no war on terror'

The British Director of Public Prosecutions, Sir Ken Macdonald, has denied that Britain is caught up in a "war on terror" and called for a "culture of legislative restraint" in passing laws to deal with terrorism.

He warned that a "fear-driven and inappropriate" response could lead Britain to abandon respect for fair trials and the due process of law.

He acknowledged that Britain faced a different and more dangerous threat than that of IRA terrorism and that it had "all the disturbing elements of a death cult psychology".

But he said: "It is critical that we understand that this new form of terrorism carries another more subtle, perhaps equally pernicious, risk. Because it might encourage a fear-driven and inappropriate response. By that I mean it can tempt us to abandon our values. I think it important to understand that this is one of its primary purposes."

Sir Ken pointed to the rhetoric around the "war on terror" – which has been adopted by Prime Ministers after being coined by US President George Bush – to illustrate the risks.

"London is not a battlefield. Those innocents who were murdered on 7 July 2005 were not victims of war. And the men who killed them were not, as in their vanity they claimed on their ludicrous videos, 'soldiers'. They were deluded, narcissistic inadequates. They were criminals. They were fantasists. We need to be very clear about this. On the streets of London, there is no such thing as a 'war on terror', just as there can be no such thing as a 'war on drugs'.

"The fight against terrorism on the streets of Britain is not a war. It is the prevention of crime, the enforcement of our laws and the winning of justice for those damaged by their infringement, he said."

Sir Ken, head of the Crown Prosecution Service, told members of the Criminal Bar Association it should be an article of faith that crimes of terrorism were dealt with by criminal justice and that a "culture of legislative restraint in the area of terrorist crime is central to the existence of an efficient and human rights compatible process".

***** [Go to top](#)

– from Attorney-General's media release, 8 Jan 07

Australia has spent \$8bn on security

Australia has spent more than \$8 billion on security-related measures since 2001, Attorney-General Philip Ruddock said last month.

Mr Ruddock was releasing *Protecting Australia Against Terrorism 2006*, which outlines strategies on intelligence, law enforcement, border and transport security, defence and emergency management. For a copy, phone 02 6271 5770 or go to:

<http://www.pmc.gov.au/publications/index.cfm>

Mr Ruddock also released a booklet, *Good Security—Good Business*, to raise awareness among businesses of being prepared for any incident, including a terrorist attack. Hard copies can be ordered via the website – <http://www.tisn.gov.au/> – or by phoning 1300 656 863.

The Australian Government would commit more than \$19 million extra to the National Security Hotline, Mr Ruddock also said.

More than 88,000 calls, emails and letters had been received since the hotline opened in December 2002 and “law enforcement and security agencies have found it to be a valuable source of information”, he said.

No evaluation of information quality has ever been made public; it is thought that the hotline has not produced one viable terrorist charge. No evaluation has been made public on the number of people who have vindictively tried to get neighbours or acquaintances into trouble.

The Government has also committed \$7.6 million over four years to the Watch Office, which provides a 24-hour, seven-days-a-week point of contact for security and police agencies and co-ordinates the response to any incident or threat.

– contributed by Dr Neal Wilkinson

How the world will see the surge, by John Brown

This is an interesting article, written by an American on how the rest of the world sees the latest ‘surge’ of sending troops to Iraq, and what it means to allies of the US.

<http://www.commondreams.org/views07/0109-24.htm>

Scholarship opportunity for law graduates

The National Australia Bank is combining with Victoria’s Human Rights Law Resource Centre to confer an annual scholarship for postgraduate study in human rights law.

Nominations for the scholarship close on 9 February 2007.

The scholarship will be announced at the HRLRC Human Rights Dinner in Melbourne on 23 February 2007. More information, HRLRC director Philip Lynch at E: hrlrc@vicbar.com.au

The February 2007 edition of the HRLRC’s *Human Rights Law Resource Bulletin* includes:

- Opinion about the relationship between democracy and rights charters by Dr Helen Szoke and Matthew Carroll of the Victorian Equal Opportunity and Human Rights Commission;
- Information about the UN Human Rights Committee’s draft General Comment on the Right to a Fair Hearing and Equality before the Courts; and
- A casenote on a recent decision of the European Court of Human Rights regarding access to adequate healthcare for prisoners.

For a copy by email, <mailto:secretary@claact.org.au> with your request in the subject line.

***** [Go to top](#)

– from a Human Rights First email, Jan 07

Coercive interrogation value is a beat-up

Coercive interrogation techniques provide minimal, if any, intelligence value and were likely to erode intelligence-gathering in the long-run, according to a new report* by a group which advises the US director of national intelligence, Human Rights First reported last month.

In a broad study of interrogation methods, the Intelligence Science Board concluded that a lack of research into effective interrogation techniques has led to experimentation and to the kinds of abuses documented at Abu Ghraib, Guantanamo, and elsewhere.

Abusive interrogation techniques also make intelligence-gathering harder by undermining US legitimacy and support for counterterrorism actions, the report said.

The US Administration has taken steps to outlaw abusive interrogation techniques in recent months, but loopholes remain.

A new Army field manual** released in September requires all U.S. military personnel to abide by Geneva Conventions protections when interrogating detainees but does not apply to CIA interrogations in secret prisons.

* <http://action.humanrightsfirst.org/ct/41w9zX614B3i/>

** article on field manual: http://action.humanrightsfirst.org/ct/b1w9zX614Be_/

– from an AP story, by Jan Silva, 23 Jan 07

Britain, Germany, EU States knew about secret CIA flights

A special committee of the European Parliament approved a report in Brussels last month alleging Britain, Poland, Germany, Italy and other EU nations were aware of secret CIA flights over Europe.

The report also says they knew about abduction of terror suspects by US agents into clandestine detention centres.

The committee defied attempts by centre-right lawmakers to water down the report, produced after a year's investigation into CIA activities in Europe.

The committee also accused EU foreign policy head Javier Solana and other senior officials of not cooperating and not revealing all they knew about the US secret kidnapping and detention program.

Conservatives managed to win one crucial amendment, Jan Sliva reported. The report says evidence gathered does not prove that CIA secret prisons were based in Poland. It was that allegation which sparked the investigation in November 2005.

The entire 785-member European Parliament will vote on the report in mid-February.

– from an article by Sewell Chan, New York Times, 23 Jan 07

Scanners keeping track of workers become pervasive

The New York City administration is spending \$180 million on technology to keep track of the movement of employees – one agency makes its workers scan their hands each time they enter and leave the workplace.

Several unions have vowed to resist the growing use of biometrics — the unique identifying qualities associated with faces, fingers, hands, eyes and other body parts. The unions called the use of biometrics degrading, intrusive and unnecessary.

At a medical centre in Brooklyn, nurses carry radio-frequency identification tags that allow their movements to be tracked.

The town of Babylon in rural New York installed global positioning system technology last year in most of its 250 vehicles, including snow plows and dump trucks; drivers complained that the system intruded on their privacy.

Unions say that they support the full automation of timekeeping, including electronic submission of timesheets, and that their complaint is limited to the use of biometric scanners.

Cecelia McCarthy, an official in the union Organization of Staff Analysts, said one worker complained after a colleague with an injured hand was asked to remove a bandage and place the hand — with an open finger wound — on the machine.

Other employees call the scanners Orwellian. “The body of my person, which includes my palm, belongs to me, and me alone,” one employee wrote on an internal department Web site last June, after plans for the hand scanners were announced. “It is private.”

<http://www.nytimes.com/2007/01/23/nyregion/23scanning.html?adxnnl=1&adxnnlx=1169547807-Y5qr937DsqRXy4/VMnypsq>

***** [Go to top](#)

Police whistle up a new way to work sources

The European Federation of Journalists and the UK's National Union of Journalists have both condemned British police after it emerged they had obtained the mobile phone records of a British journalist in an attempt to track down his sources.

Suffolk police obtained the records of Mark Bulstrode, a reporter for East Anglian Daily Times, after he had approached them with information regarding the reopening of a case, information which was not in the public domain.

The paper decided not to run the story due to its delicate nature, but Bulstrode became suspicious and applied for the police records under the Data Protection Act. It took seven months for the police to admit they had accessed his phone records.

British police are permitted to obtain phone records if they believe a criminal act has been committed, but in this case there was no criminal act.

The EFJ and the NUJ are concerned that such actions will make it harder for journalists to contact whistleblowers and convince them to tell their story.

For more information visit: <http://www.nuj.org.uk/inner.php?docid=1554>

– from an article by Ralph Blumenthal, New York Times, 17 Jan 07

US county's wrong conviction record questioned

A 50-year-old Dallas man whose conviction of raping a boy in 1982 cost him nearly half his life in prison and on parole won a court ruling last month declaring him innocent.

The parolee, James Waller, was exonerated by DNA testing, the 12th person since 2001 whose conviction in Dallas County has been overturned long after the fact as a result of genetic evidence, lawyers said.

“Nowhere else in the nation have so many individual wrongful convictions been proven in one county in such a short span,” said Barry Scheck, co-founder of the Innocence Project, the legal clinic that championed Mr Waller's case.

Mr Scheck said those 12 such instances are more than have occurred anywhere else except the entire states of New York and Illinois since the nation's first DNA exoneration, in 1989. Dallas County's population is 2.3m, or about 1/10th the total population of the State of Texas.

.....

– from an article by Fernanda Santos, NY Times, 24 Jan 07

DNA frees man after 15 years in jail for murder

Roy Brown, who spent 15 years in prison for murder, was released late last month after DNA tests on a man's exhumed body matched saliva on a nightshirt at the crime scene.

“Changes have got to be made, man,” Mr Brown said outside the court. “They say the wheels of justice move slowly, but you know what? The wheels of justice are flat.”

Mr. Brown, 46, is the eighth person in New York State exonerated through DNA evidence in just over a year.

***** [Go to top](#)

– from an article by Sheryl Gay Stolberg, NYT, 18 Jan 07

Genetic Privacy Bill likely in USA

Long-stalled legislation to safeguard genetic privacy may soon pass the US Congress, reports say.

The Bill would encourage millions of Americans to undergo testing that could lead to prevention and treatment of cancer and other diseases, according to health officials.

For years, scientists and patients' advocates have pushed for legislation barring employers and insurance companies from discriminating based on the results of genetic tests. A so-called genetic discrimination bill passed the US Senate unanimously in 2003, but died in the House. The bill was reintroduced last month, with Congress now under Democratic control, which gives the bill's backers cause for optimism.

– from an article by Laura Mansnerus in the NY Times, 3 Jan 07

US State of New Jersey may end death penalty

A legislative commission recommended last month that New Jersey (NJ) become the first state in the USA in 35 years to abolish the death penalty.

The report of the New Jersey Death Penalty Study Commission (NJDPSC) found “no compelling evidence” that capital punishment serves a legitimate purpose, and increasing evidence that it “is inconsistent with evolving standards of decency.”

A year ago NJ joined Illinois and Maryland in imposing moratoriums on executions as growing unease became evident among politicians and the public about capital punishment.

NJ's last execution was in 1963; it now has only nine men on death row, Mansnerus wrote.

The 13-member NJDPSC included two prosecutors, a police chief, clergy members and murder victims' representatives. It has been meeting for six months and has heard witnesses at five public hearings before issuing its 127-page report.

“The commission recommends that the death penalty in New Jersey be abolished and replaced with life imprisonment without the possibility of parole, served in a maximum security facility,” the report said. “The commission also recommends that any cost savings resulting from the abolition of the death penalty be used for benefits and services for survivors of victims of homicide.”

If the NJ legislature abolishes the death penalty, it will be the first state to do so since the US Supreme Court stopped all executions in 1972 — after which 38 states rewrote their laws to reinstate the practice. NJ restored the death penalty in 1982.

But a repeal would be in line with a nationwide retreat from executions, with the annual count of those killed declining by nearly half since 1999.

The *New York Times*, in an editorial entitled *Rethinking the Death Penalty*, said:

“New Jersey could take the lead among states in abolishing the death penalty – it is the right thing to do, and not just because capital punishment is barbaric and a poor deterrent. It has become increasingly clear as the use of DNA evidence has grown that there is simply too great a risk of making an irreversible mistake.

“(New Jersey's decision) is likely to have significant influence both inside and outside the state. It comes as about 10 of the 38 states with death penalties have suspended executions and as recent developments, like DNA exonerations and a botched lethal injection in Florida (in December 2006), have created a growing unease about executions.”

Blast of civil liberties from the past

See/hear how TV character Andy Griffith teaches a very young Ron Howard about American values in relation to eavesdropping. Commentators have contrasted this video with the current situation in America under the Patriot Act.

file: <http://www.youtube.com/watch?v=4CvoC551i2E>

***** Go to top

– from Human Rights First email, 6 Jan 06

FBI raises questions over interrogating contractors

A 2004 report on abuses at Guantanamo Bay, released by the FBI early last month, suggests that private contractors may have played a substantial role in interrogations.

The FBI documents – <http://foia.fbi.gov/foiaindex/guantanamo.htm> – also detail new instances of mistreatment, including the wrapping of a detainee's head with duct tape and an interrogator squatting over a Koran.

Private contractors had been exempt from liability under the Uniform Code of Military Justice except in wartime, according to the Human Rights First (HRF). As a result, contractors had largely escaped prosecution in cases of wrongdoing.

But a clause inserted into the US Defense Department's 2007 budget legislation placed new restrictions on contractors by holding them accountable for their actions in military operations, regardless of whether part of war efforts, HRF said.

More info: <http://action.humanrightsfirst.org/ct/s1w9zX61rQ2L/>

– from GAP* media release, 12 Jan 07

US Senate tries for whistleblower protection again

The US Senate's Homeland Security and Governmental Affairs Committee has moved quickly to plug a loophole created in May 2006 when the Supreme Court's *Garcetti v. Ceballos* decision canceled constitutional free speech rights for government workers.

The *Federal Employee Protection of Disclosures Act* S.274 closes the loophole as well as introducing a general overhaul of the Whistleblower Protection Act (WPA). The reform was killed by political manoeuvring last year.

Specifically, the legislation would:

- Apply the WPA to all lawful communication of misconduct, restoring “no loopholes” protection and cancelling the effect of *Garcetti v. Ceballos* on federal workers.
- Codify protection against retaliatory investigations, giving whistleblowers a chance to end reprisals in their early stages.
- Provide specific authority for whistleblowers to disclose classified information to Members of Congress on relevant oversight committees or their staff.
- Strengthen the Office of Special Counsel's authority to seek disciplinary sanctions against managers who retaliate.

* GAP is a non-profit, non-partisan advocacy group with offices in Washington and Seattle.

– Mary Landers, Whistleblowers Australia

WHAT ' S DOING?

16 Feb, Melbourne: Human Rights Education conference, keynote speaker Rev Tim Costello (World Vision). Info: <mailto:kboin@unimelb.edu.au> or <mailto:human-rights@unimelb.edu.au>

16 Feb, Sydney: Constitutional Law conference and dinner, Art Gallery of NSW, dinner at NSW Parliament House, details: www.gtcentre.unsw.edu or (02) 9385 2257.

20 Feb, Melbourne: Peter Brett Memorial lecture: Prof. Paul Marcus of the USA, *Capital Punishment in the US and Beyond*. Website: <http://www.law.unimelb.edu.au/>

22 Feb, Melbourne: Prof James Hathaway of the USA, Why Refugee Law Still Matters. <http://www.law.unimelb.edu.au/>

26 Feb, Melbourne: Reflections on Human Rights Charters, Sir Nigel Rodley, vice-chair, UN HR Committee, 7.30pm, DLA Phillips Fox, 140 William St, Melbourne. Details E: <mailto:hrlrc@vicbar.com.au> W: <http://www.hrlrc.org.au/>

27 Feb, Melbourne: *Freedom, Respect, Equality, Dignity*: Victorian Equal Opportunity Commission human rights conference, For further information: <mailto:slavka.scott@eoc.vic.gov.au>

24 March, Canberra: **CLA's AGM**, Yarramundi Aboriginal Cultural Centre, beside Lake Burley Griffin. Details <mailto:secretary@claact.org.au> or <http://www.claact.org.au/> and check out 'Calendar'

25-27 March, Canberra: 'National Day of Shame' and Canberra Freedom Ride (by bus from Sydney), 10-year anniversary of the overturning by the Australian Parliament of the Northern Territory's Rights of the Terminally Ill Act, which permitted a legal, lethal, voluntary injection. Details: <mailto:contact@exitinternational.net> or phone 1300 10 3948

31 March–1 April, Canberra: Refugee conference, Manning Clark House, with Julian Burnside

14-23 April, Darwin: Human rights training program for Indigenous advocates: for community advocates working for Indigenous rights in Australia and Indigenous peoples and minorities in the Asia-Pacific. Details: <http://www.dtp.unsw.edu.au/>

17-19 May, Windsor (Canada): Citizenship, Identity, and Social Justice conference, Centre for Studies in Social Justice, U. Windsor. Info: <http://www.civicus.org/new/media/CitizenshipIdentityandSocialJusticeconference.pdf>

28-30 June, Canberra: *'Restoring the Rule of Law in International Affairs'*, conference of A&NZ Society of International Law, National Museum of Australia, host Centre for International and Public Law, ANU. Details: Kavitha Robinson <mailto:cipl@law.anu.edu.au>

26-30 August, 2007, Melbourne: Australasian Council of Women and Policing's Fifth Australasian Women and Policing conference, Carlton Crest Hotel, Melbourne. More info: acwap@ozemail.com.au

2010:

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

***** [Go to top](#)

THE LAST WORDs :

Is it alleged that Mr Ruddock is presumed to be going ga-ga?

"The alleged plot to blow up planes leaving Heathrow Airport in August proves that terrorism continues to be a serious global threat," Mr Ruddock said (*direct, unaltered quote from a media release by the Australian Attorney-General on 8 Jan 07*).

When an Attorney-General says publicly that an "alleged plot" ... "proves" anything, the Attorney-General may have reached his use-by date.

At the very least, he does not understand what the presumption of innocence means - as is further demonstrated by how the Australian Government is not going in to bat for David Hicks.

– from the Sydney Morning Herald, *Column 8*, 28 Dec 06

Security-approved by the Workers!

Remember discussions of photo ID, birth certificates and driver's licences? Well, this, as the Americans would say, beats all.

For the information of members and guests: "Whilst trying to help my non-driving sister renew her passport", writes Mary Hickson, "we came upon a novel way of proving one's existence without a licence. After several exasperating experiences with bureaucracy (having been born overseas during the war, my sister also lacks a birth certificate), the local postmaster advised her to join the nearby Revesby Workers' Club.

She did so, and was able to renew her passport using her (Revesby Workers) membership card as ID. As a non-drinking non-gambler, I don't believe she has got much use out of her membership.

ENDS #### ENDS #### ENDS ####

CLArion welcomes contributions. Please send items by email to <mailto:secretary@claact.org.au> – please include your name and contact details and details of where the story came from so we can credit the original source, if it is not you. Post clippings to Box 7438 Fisher ACT 2611.

***** [Go to top](#)

AGM: Saturday 24 March 2007 at 4pm, at Yarramundi Reach Aboriginal Cultural Centre, Canberra. Following the AGM, there will be a speaker on *Aboriginal History of the Canberra Region*, plus a barbecue (it's the last day of daylight saving, so it should be light until 7.30pm)

Nominations: There are eight nominations so far for Board positions for 2007-9: Kristine Klugman (current President), Vic Adams, Amanda Alford, Bill Rowlings (current CEO and secretary/treasurer), James Staples, June Verrier, Anthony Williamson and Lance Williamson. All those nominated are current board members, and are standing again. (Ms Alford, Mr Lance Williamson and Dr Verrier joined the board in later 2006/early 2007). There can be up to 12 on the board. If any member would like to nominate, please send your name by email to the secretary by 27 February (you are free to provide a 300-word background on yourself if you wish). If no nominations are received, the existing board will be declared re-elected and there will not be a vote for the board at the AGM. The board is particularly interested in hearing from anyone with the time and skills to take over treasurer or membership duties.

***** [Go to top](#)

(ENDS Notice)