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Busy year expected in 2007

This year will see a federal election, probably late in 2007, and a NSW election on 24 March.

In election periods, the political climate is intensified and people's rights – particularly those of minorities or people on the fringes of society – can be severely trampled on.

CLA members will need to be especially vigilant, and be prepared to be specially active, during 2007.

The year begins with a visit back to Australia of CLA's Christopher Michaelson, who keeps us up with the latest happenings in the 55-member Organisation for Security and Cooperation in Europe, where he works on human rights issues. If you would like to meet Chris while he is here, email Kris Klugman <mailto:president@clact.org.au>

In January, CLA will make a submission to the Parliamentary Committee inquiring in to the security treaty with Indonesia.

We are also starting to take more interest in media issues across Australia, including the rights of freelance journalists to attend State Premier's and Ministers' press conferences. We'll be talking with CLA member, Michael White, who heads the Media Entertainment and Arts Alliance in the National Capital.

This month sees our annual comedy-with-a-twist-of-liberties outing, to see *Keating!* at the end of the month. It's the social get-together we have to have!

A cartoon exhibition is in the planning stages, under a CLA team being led by Dr June Verrier.

The board will meet in early February, as a prelude to the annual general meeting on 24 March 2007 at 4pm in the Yarramundi Aboriginal Cultural Centre. Details: <mailto:secretary@clact.org.au> or under 'Calendar' on the website, <http://www.clact.org.au/>

The CLA Goulburn group is expected to meet in February and ask the main candidates for the seat of Goulburn in the NSW election to explain their stances on civil liberties and human rights issues.

Keep 14 March, from 6pm, free for our annual autumn public meeting, probably in central Canberra.

...and don't forget to diarise the AGM at 4pm on Saturday 24 March 2007, at the Yarramundi Aboriginal Cultural Centre.

THE LAST WORD: Have we got a s-e-c-r-e-t for you?

You wouldn't believe how SECRET information slips through systems inside the 'world's best' intelligence organisations. Read how a top US spy agency was spaced out when the supposedly most secure information got out. See article at end of this bulletin.

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– from UNity, e-newsletter of the UN Assn of Australia, 8 Dec 06

Intelligence committee calls for independent reviewer

The Australian Parliament's intelligence committee has backed a call by Civil Liberties Australia (CLA) for a thorough, over-arching review of all terrorism laws passed since 11 September 2001.

The committee wants an independent person appointed to monitor terrorism laws daily.

The bi-partisan committee's agreement with CLA proposals is the first breakthrough in having Australian Parliamentarians state publicly that the nation's terrorism laws have gone too far, require an overall assessment, and need much more robust and regular monitoring.

The Parliamentary Joint Committee on Intelligence and Security (PJCIS) tabled its report on Australia's terrorism laws in Parliament early last month..

The committee recommends amending terrorism offences and better communication and coordination with Arab and Muslim Australians. It endorses most of the recommendations of the Sheller Committee Report, tabled in June.

Federal Parliament has passed more than 30 pieces of 'anti -terror' legislation since the aircraft attacks on American on 11 September 2001. The terrorism law regime differs from normal criminal law in several important ways.

Australia has a comprehensive legal framework for deal with terrorist crimes, but, to date, Parliamentary oversight had been sporadic and fragmented, PJCIS says.

For more information, chairman David Jull on (02) 6277 2182 (Parliament House) or 07 5580 0355 (electorate office), Jane Hearn on (02) 6277 4650 and for a copy of the report:

<http://www.aph.gov.au/house/committee/pjcis/securityleg/index.htm>

MEANWHILE...

Anticipating the need which was ultimately identified by the Parliamentary Committee (see above), CLA's 2007 intern is right now collating information about how the worst of the anti-terror laws impact on Australians, and what we could do about them longer term.

Amanda Alford, completing her Arts/Law degree at ANU, is undertaking a three-month research program in the Senate to catalogue, assess and advise on how the Parliamentary Committees and Non-Government Organisations (NGOs) can start to plan for reviewing post-2001 legislation over the next 10 years.

Alford's study will be the first in Australia to address the overall impact of the laws.

CLA expects her work to start framing the debate over eventually returning Australia to the open, transparent society we enjoyed before September 2001.

She began in December 2006, and will complete her research with a 6,000-word report in February 2007. Ernst Willheim is her CLA supervisor (in conjunction with Mr Harry Evans), while Peter Ford is her ANU academic supervisor.

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CLA members active over Palm Island case

CLA members have been active in calling on the Queensland Government to at least lay assault charges against a police officer on Palm Island.

The officer, Senior Sergeant Hurley, in 2004 arrested an Aborigine for abusive language, dragged him from a paddy wagon into the police station...and less than an hour later urgently summoned an ambulance for the man, who was declared dead.

A coroner recently found formally that Senior Sergeant Hurley had hit Mr Doomadgee a number of times, causing his fatal injuries.

According to autopsies detailed in the coroner's report, Mr Doomadgee died on the floor of the Palm Island watchhouse with four broken ribs, a liver almost "cleaved in two" and with a least 1 1/2 litres of blood in his abdominal cavity.

The Queensland Director of Public Prosecutions refused to lay a charge against the police officer. The Queensland Government is in the process of appointing a two-person review panel to analyse the DPP's decision.

CLA President Kris Klugman, Keith McEwan and Bill Rowlings have been leading the letter-writing and radio interview campaign.

– from A-G's media release, 22 Dec 06

McMillan appointed to head ACLEI

Professor John McMillan is Acting Integrity Commissioner for the Australian Commission for Law Enforcement Integrity (ACLEI),

ACLEI, established by the *Law Enforcement Integrity Commissioner Act 2006*, began formally on 30 December 2006. Its core function is to investigate corruption in the Australian Crime Commission and the Australian Federal Police.

Professor McMillan has been Commonwealth Ombudsman (CO) since 2003. Deputy Ombudsman Dr Vivienne Thom will act as CO while Professor McMillan is at ACLEI.

The Australian Government is in the process of identifying a person to take up a long-term appointment as Integrity Commissioner, Attorney-General Philip Ruddock said.

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Accountability 'at all time low'

The Federal Government had allowed public accountability standards to sink to an all time low while demanding a level of accountability and responsibility of corporations much greater than their own, then-shadow minister for public accountability, Mr Kelvin Thomson, said in commenting on the Cole Inquiry report into Australian Wheat Board bribes to Saddam Hussein's regime.

Mr Thomson is now the Shadow Attorney-General, following Mr Kevin Rudd's becoming Opposition Leader. CLA expects to hold a meeting with Mr Thomson soon.

– based on a report by Jason Burke in the Sunday Observer, 10 Dec 06

Britain rejects concept of 'war on terror'

The British Foreign Office has asked ministers to ditch the phrase 'war on terror', invented by US President George Bush, to avoid stirring up tensions within the Islamic world.

This seemingly tiny chink in the 'axis of righteousness' – US, UK, Australia – response to the 11 September 2001 aircraft attacks on New York and Washington may have far wider ramifications than first apparent.

For example, if there is no 'war' on terror, a significant plank of the US legal and constitutional position is voided.

There can be no enemy combatants; the US Supreme Court's ruling that the Geneva Conventions apply is made null; and the Presidential approvals for torture, and kidnapping and illegal smuggling across international borders of foreign nationals, are suddenly vulnerable to normal legal challenges.

CLA and other liberties and rights groups worldwide have been arguing for years that the concept of a 'war' on terror is a semantic nonsense. Yet it is on this Bush rhetorical flourish that the US nation has based its Middle East policy, invaded another country, and subverted its own notions of justice and its legal system for half a decade.

Australia has deputed itself to follow suit, with Prime Minister Howard and Attorney-General Ruddock the leading lemmings in the rush over the cliff of common sense.

Their startling denial of linguistic reality has cost one Australian – David Hicks – five years in a US concentration camp, beyond the reach of the world's justice. If there is no 'war' on terror, Hicks cannot be convicted of the only charges, since made void, ever made against him.

The British Foreign Office's shift on using the phrase 'war on terror' marks a turning point in British political thinking about the strategy against extremism and underlines the growing gulf between British and American approaches to radical Islamic militancy.

A US State Department spokesperson last month told *The Observer* there was no question of dropping the term. 'It's the President's phrase, and that's good enough for us,' she said.

Because its leader mashes the English language, the US nation is going into moral decline.

New Oz study show links between crime and camera

Crime and CCTV in Australia: Understanding the Relationship, released 5 Dec 06

Researchers studied the impact of closed-circuit television (CCTV) on recorded crime in two Gold Coast suburbs (Surfers Paradise and Broadbeach), as well as selected Queensland Rail (QR) City train stations.

The study used police-recorded crime so they could do time-series analysis to determine the effectiveness of CCTV.

Researchers observed operational practices in a Gold Coast control room, the monitoring strategies adopted, why monitoring was initiated, the types of incidents surveilled and the targets of surveillance.

A survey of QR commuters, Gold Coast residents and business traders analysed the impact that CCTV had on the wider public and gained information regarding people's experiences with CCTV and their perceptions relating to privacy.

Info: Helen Wells, Criminology, Bond U 07 5595 2684 or <mailto:hwells@staff.bond.edu.au>
For a copy of the study, go to http://epublications.bond.edu.au/hss_pubs/70

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– from UNity, UN Assn of Australia e-newsletter 30 Nov 06

Real purpose of new detention centre?

Democrat Senator Andrew Bartlett has queried the excessive security arrangements at the new Christmas Island detention facility centre and questioned what the high-tech 'prison' will be used for.

"It can't be for a small number of people who already mingle in the community or for the small number of people who arrive annually," he said. "The measures being taken to secure this site are just ridiculous," he said.

Senator Bartlett has visited Christmas Island twice, and has viewed the current detention facility, the location of the new one and met with detainees.

"No wonder there are persistent rumours that the new centre is being built for other purposes," he said. "If the centre is to be used only to detain asylum seekers, the security measures are both extreme and unnecessary," he said.

– from an A-G media release, 13 Dec 06

Three new censors appointed

Attorney-General Philip Ruddock has appointed three new members of the Classification Board (that is, three additions to panel of 'censors').

The Sydney-based board censors films, publications and computer games on behalf of the Australian Government, State Governments and Territory Governments, and gives them ratings ('classifications').

The three are Joseph Milkota, 39, of Sydney; Rosalea Oberdorf, 50, from Maleny, Queensland; and Tracy Carthew, 48, from Brisbane. Each appointment is for three years from 13 December 2006.

Croucher appointed ALRC commissioner

Mr Ruddock in mid-December announced the appointment of Professor Rosalind Croucher to the Australian Law Reform Commission (ALRC) for three years from 5 February 2007.

Professor Croucher has 25 years as an academic lawyer, including seven in her current position as Dean of Law at Macquarie University.

She is a Foundation Fellow of the Australian Academy of Law, Fellow of the Australian Academy of Forensic Sciences and Royal Society for the Encouragement of the Arts, Manufactures and Commerce, and an Honorary Fellow of the Australian College of Legal Medicine.

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– from a report by Tim Dick in the Sydney Morning Herald, 18 Dec 06

Judge blasts terrorism laws

Parts of Australia's terrorism laws may be unconstitutional, former High Court judge Michael McHugh said last month.

Mr McHugh said the ability to detain people not suspected criminals was dubious, as were control orders imposed on people who have not been convicted of any offence. He also criticised the prohibition on praising acts of terrorism.

Writing in the *Australian Bar Review*, Mr McHugh questioned the power of the Australian Security Intelligence Organisation (ASIO) to secretly detain people for seven days even if they were not suspected of anything.

"There must be doubt as to the constitutional validity of these powers in so far as they apply to citizens who are not suspected of offences," Mr McHugh said.

He said restrictive control orders imposed on people who had not been convicted of anything appeared to be invalid because they breached the separation of powers between government and the judiciary.

<http://www.smh.com.au/text/articles/2006/12/17/1166290412420.html>

– from Roger Clarke

ACT Human Rights Office audits detention centres

The first human rights audit was conducted of the Quamby Youth Detention Centre in 2005, and the second is under way into the adult remand centres in the ACT.

The audits are a mechanism for identifying and remedying human rights infringements in environments where people are particularly vulnerable and where for example, Indigenous people tend to be over-represented.

Contact person is Dr Pene Mathew <mailto:human.rights@act.gov.au> or <http://www.hro.act.gov.au/>

– from an AAP report, 18 Dec 06

Police watchdog snares phone-tap rights

Victoria's police corruption watchdog has been given new phone-tapping powers after Federal Attorney-General Philip Ruddock withdrew his objection to the proposal.

Mr Ruddock has declared the Victorian Office of Police Integrity (OPI) to be an agency under the federal Telecommunications (Interception and Access) Act.

This gives the office the ability to apply for warrants to intercept telephone calls while investigating incidents of alleged corruption and misconduct within the Victorian police force.

Similar bodies in other states have had the power for over 12 months, but concerns over who would oversee the power in Victoria meant Mr Ruddock had delayed granting the Victorian OPI the same authority, a spokesman for Mr Ruddock said.

Victoria has established a Special Investigations Monitor to oversee the phone-tapping powers, meeting Mr Ruddock's concerns.

Details: <http://www.theage.com.au/news/national/police-watchdog-snares-phonetap-rights/2006/12/18/1166290460963html>

Canada strengthens accountability

The Canadian Federal Accountability Act received Royal Assent on 12 December 2006. Under the Act:

- All corporate and union donations to political parties and candidates are banned;
- The amount an individual can donate to a party or candidate is reduced to \$1000 a year, as is the contribution an individual can make to their own campaign;
- A new Commissioner of Lobbying is created, as an agent of Parliament;
- Ministers, ministerial staffers and senior public servants are prohibited from lobbying the Canadian Government for five years after leaving office;
- The role of the Ethics Commissioner and the Auditor General is strengthened;
- Transparency of the commissioning of public opinion research and advertising is increased;
- An independent Public Servants Disclosure Protection Tribunal is created, to increase protection for whistleblowers.

More info: http://www.faa-lfi.gc.ca/index_e.asp

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2.34% of Centrelink employees guilty of privacy breaches

A total of 585 Centrelink staff – out of 25,000 total staff – were sanctioned over 12 months for code of conduct violations ranging from 19 sackings to warnings.

As well as the 19 dismissals, 92 other people resigned.

More than 300 people had their wages cut or were fined, with most of the rest receiving demotions, reprimands or warnings, Centrelink chief executive officer, Jeff Whalan, announced in an August 2006 media release.

Five cases were referred to the Australian Federal Police or Director of Public Prosecutions.

The Centrelink 2005–06 annual report released in November 2006 reveals Centrelink privacy officers actually investigated 1267 reported incidents during 2005-6. If all these were found to be guilty, it would mean 5% of Centrelink staff were involved in privacy breaches.

Even 2.34% is deplorable in terms of privacy breaches for the main government agency behind the new national ID card due to be introduced in 2008 by Minister Hockey.

Of the enquiries finalised in 2005–06, the Centrelink annual report says, 426 incidents were substantiated as breaches of privacy/confidentiality. Eighteen per cent related to employees breaching conflict of interest rules in the Australian Public Service Code of Conduct.

The five cases with the AFP/DPP have not yet been finalized.

– from a report by Nick O'Malley in the SMH, 11 Dec 06

Offshore banking a risk to customers, union warns

Australian banks sending work offshore are risking fraud on their customers, according to an advertising campaign launched by the Finance Sector Union.

When a bank sends jobs to India it is not just the jobs that go, but information, such as about driver's licences, passports, signatures, earnings, assets, debts, credit cards and account details, the union says.

And Australian privacy laws do not apply to other countries, the radio advertisement says.

That is why, the Finance Sector Union says, it is calling on banks to protect personal data, and thousands of Australian jobs.

The union has been fighting the growing trend for financial institutions to send their behind-the-scenes work to countries such as India where labour is cheaper.

The union's secretary, Paul Schroder, denied the ads were racist, and said: "We are at a complete loss [to know] what legal remedy people would have if their data was stolen."

<http://www.smh.com.au/text/articles/2006/12/10/1165685553938.html>

CLA member's name added to honour walk

A member of CLA was added to the ACT Honour Walk last month.

"Bishop Pat Power has been recognised for devoting his life to nurturing and caring for those in our community who seek spiritual, emotional and pastoral guidance," ACT Chief Minister Jon Stanhope said.

"Bishop Power has been providing a voice for those in the Canberra community who have difficulty speaking for themselves, and has always been prepared to speak out against prejudice and inequality, both within the Catholic Church and within the community."

The ACT Honour Walk recognises individuals or groups, from across all categories of endeavour who have made a significant and sustained contribution to the ACT.

Others honoured on the same day were TV pioneer George Barlin AM, military historian Charles Bean, health and nursing educator Sylvia Curley OAM and botanist/conservationist Dr Nancy Burbidge AM DSc.

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UK ID cards to be introduced in 2009

The British government has abandoned plans for a giant new computer system to run the UK's national identity cards scheme.

Instead of a single multi-billion pound system, information will be held on three existing, separate databases.

Home Secretary John Reid denied this was a "U-turn" saying it would save cash, boost efficiency and cut fraud.

Under the new approach, all non-Europeans already in the UK (and not just new arrivals) will also have to register biometrics, such as fingerprints or iris scans, from 2008.

The controversial National Identity Register (NIR) was originally proposed as a single "clean" computer system built from scratch to avoid repeating mistakes and duplications in the government's computer systems.

Now the information will be spread across three existing IT systems, including the Department of Work and Pensions' (DWP) Customer Information Service, which holds national insurance records.

Mr Reid said the card would contain basic identification information including the name, address, gender, date of birth and photo of the cardholder. A microchip would also hold biometric information.

Campaign group No2ID said "mixing up" new data with existing data meant the system would be "even less secure than originally suggested".

The idea that this could then be integrated with banks' chip and pin system, as the Home Office had proposed, was "farcical" in practical terms, a spokesman added. "Taken together, it means the whole of government will be on your back at all times," he said.

– from Human Rights First email, 9 Dec 06

Senators move to give some rights back to Gbay detainees

Senators Arlen Specter, a Republican, and Patrick Leahy, a Democrat, introduced legislation to the US Congress in early December to allow Guantanamo Bay (Gbay) detainees once again to challenge their detentions in civilian courts.

The legislation was largely symbolic, but signaled that Senator Specter would support such a measure when the Democrats take over Congress in January 2007.

The US Government asserts that the Military Commissions Act of 2006 strips detainees of the right to habeas corpus. At a hearing last month, Leahy added that he and other Democrats intend to look into a range of measures taken by the Bush Administration to pursue the 'war

on terror', including interrogation and treatment of detainees, wiretapping (phone tapping), and data-mining operations.

More: <http://action.humanrightsfirst.org/ct/Cpw9zX61ZcV-/>

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– from Saudi Press Agency, 26 Dec 06

Saudis release 29 former Gbay detainees

Jeddah, Saudi Arabia: 28 Saudi citizens and one Saudi by birth, previously held at Guantanamo Bay, have been freed in the kingdom, according to the Ministry of Interior's spokesman for the Minister, Major General Mansour bin Sultan Al-Turki.

– from an analysis by (US) First Amendment scholar, Charles Haynes, 26 Nov 06

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

— The First Amendment to the US Constitution

Americans support First Amendment, even in wartime

American support for the First Amendment appears to be on the rise.

At least that's Charles Haynes' optimistic reading of the 2006 State of the First Amendment survey just released by the First Amendment Center.

Four years ago — in the aftermath of 11 September 2001 — almost half of the American people (49%) agreed that “the First Amendment goes too far in the rights it guarantees.” But each year since then the numbers have dropped. Today, only 18% of Americans think the First Amendment goes too far.

Should musicians, for example, be allowed to sing songs with lyrics that others might find offensive? Sixty-three percent say they should, up from 56% last year.

What about the far more sensitive topic of religion: Should people be allowed to say things in public that might be offensive to religious groups? According to the survey, 55% agree that people have that right, up from 48% in 2005.

Americans also value a free press, but with reservations. Although 47% believe the press has the right amount of freedom (and 10% think the press should have more), a significant 40% say that the press has “too much freedom.”

History says people are more willing to support restrictions on the press during a national crisis. That's why it's somewhat heartening to learn that 66% of Americans agree that newspapers should be allowed to publish stories that criticize the government, even during wartime.

– from media reports, 25 and 31 Dec 06

Two countries use special days for hangings

Japan reverted to hanging people on Christmas Day, after a 15-month gap, killing four men, two aged in their 70s.

Iraq celebrated New Year's Eve by hanging Saddam Hussein.

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New UN Secretary-General

South Korean Ban Ki-moon takes over as secretary-general of the United Nations on 1 January 2007.

– from NY Times, Op-Ed article, by Robert E. Precht, 1 Dec 06

Jury is about to be out in Japan

Japan is about to embark on a democratic experiment – reinstating jury trials.

After 60 years, the country is planning to bring back a jury system.

From 2009, Japan will institute a jury system called saiban-in. Juries of three law-trained judges and six citizens chosen by lottery will decide criminal cases by majority vote.

Since 1943, verdicts have been decided by three-judge panels, leaving citizens with no voice in a system in which virtually all criminal trials end in a conviction.

Japan's democratic experiment will be closely watched by the rest of Asia, Robert Precht wrote in the NY Times.

“South Korea is considering establishing a jury system. Reformers in China, Taiwan and Thailand are calling for greater involvement of citizens in their legal systems.”

Robert E. Precht is a co-director of the Juries and Democracy Program at the Maureen and Mike Mansfield Center at the University of Montana, USA.

– from a story by Alan Travis, Guardian 1 Dec 06

Public to be sold shares in new prisons

The British public will be able to buy shares in new prisons under a "buy to let" scheme being considered by the UK Home Office.

The idea has been floated to find the extra money needed for 8,000 new prison places.

The public would invest in a new-style property company that would build jails and then rent them out to private prison operators, providing a steady guaranteed dividend from the "rental income".

The British Government's punitive penal policy has seen prison numbers rise relentlessly over the past 10 years and would appear to guarantee a steady stream of rental income with no apparent shortage of prison "tenants".

The prison population in England and Wales passed the 80,000 mark for the first time in late November, with 85 of the 139 prisons in England and Wales officially declared to be overcrowded.

The probation officers' union described the "buy to let" scheme as absurd.

However, CLA supports the British Government's move, lest they do a deal with the Australian Government for Australia to take excess prisoners, as has happened in the past.

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International kidnapping: 11 EU 'countries knew'

Eleven European Union governments — including Britain, Poland and Germany — knew about secret CIA prisons operating in Europe, a draft European Parliament report says.

The report calls on governments to launch their own inquiries to determine if human rights laws were violated.

EU Justice and Home Affairs Commissioner, Franco Frattini, has warned governments they may have violated EU law if they knew about CIA international kidnappings (called 'renditions' by the US) and secret flights.

– from a media release by CagePrisoners, 13 Dec 06

72 prisons worldwide illegally detain Bush kidnapes

'Disappearances' worldwide in President Bush's 'War of Error' have formed an integral part of the US Administration's program of secret detention.

A report by the activist group, Cageprisoners, entitled *Beyond the Law: The War on Terror's Secret Network of Global Detentions*, highlights how far-reaching is the network of countries housing kidnapes, generally at the behest of the US government.

The report shows that out of the 120 prisons identified worldwide, 72 have been, or are currently being used by the US to interrogate detainees.

The report consists of a list of detention facilities, an accompanying document to explain the terms and provide analysis of the findings, and finally a map, pinpointing the network of ghost detention sites worldwide:

Beyond the Law: Report: www.cageprisoners.com/beyondthelaw.pdf

Beyond the Law: List of Prisons: www.cageprisoners.com/beyondthelaw_prisonlist.pdf

Beyond the Law: Map of Global Network: www.cageprisoners.com/beyondthelaw_map.pdf

– from Law and Security Digest of Human Right First, 15 Dec 06

US Navy finds solitary may violate detention standards

A previously undisclosed report by the Navy's inspector general found that detainees held as "enemy combatants" in a US military brig were subjected to solitary confinement that may have violated US detention standards, according to a report last month in the Washington Post.

Ali Saleh Kahlah al-Marri, a Qatari student, and Jose Padilla, a US citizen, both say they suffered cruel and inhuman treatment while held in a military brig in South Carolina.

The deputy inspector general, who reported the findings in 2004, wrote that detainees had limited contact with others and that extended solitary confinement can be considered a form of inhumane treatment.

Meanwhile, the United States is continuing to hold a number of detainees at Guantanamo Bay in solitary confinement.

David Hicks, who has reportedly been held in solitary confinement for up to 23 hours a day, has suffered severely deteriorating mental health as a result, Human Rights First reported.

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– from UNity, the UN Assn of Australia e-newsletter, 30 Nov 06

Release Suu Kyi, says UN official

Myanmar's government should release political prisoners, especially democracy leader Daw Aung San Suu Kyi, open up the political process and take "concrete steps" to address other areas of global concern, a top UN political officer said after meeting with the UN Security Council late last year.

Under-Secretary-General for Political Affairs Ibrahim Gambari briefed the 15-member body on his four-day trip to Myanmar, when he met with top government officials, including Senior General Than Shwe, as well as Suu Kyi, who has been under house arrest for 10 of the past 16 years.

The five major issues he raised were political prisoners, humanitarian access, a more inclusive political process, the International Labour Organisation (ILO), and a cessation of hostilities against the ethnic minorities, particularly in Kayan state, he said.

– excerpt of article on US Administration v. one Beatle, by Jon Wiener, Guardian, 19 Dec 06

FBI had taps on Lennon

“In some ways Lennon was naive. When he moved to New York, he thought he was coming to the land of the free. He had little idea of the power of the state to come down on those it regarded as enemies,” Jon Weiner wrote.

“His claim that the FBI had him under surveillance was rejected as the fantasy of an egomaniac, but 300 pages of FBI files, released under freedom of information after his murder, show he was right.”

The FBI was still withholding 10 documents on the grounds that they contained "national security information provided by a foreign government" until last month. They turned out to be innocuous MI5 documents on Lennon's radical days in London.

– from an article by Kevin Poulsen, Wired News, Dec 06

Data leaks reach the 100 million mark

Last month, the number of data breaches in the USA over the past two years reached 100 million, according to Kevin Poulsen, senior editor for Wired News.

Writing in his blog (blog.wired.com/27bstroke6/), he said:

“Rapid-fire announcements this week by UCLA (800,000 records) and Aetna (130,000) moved the total to the threshold, when Boeing revealed yesterday that a laptop recently stolen from an employee's car contained names, Social Security numbers and other data on 382,000 current and former employees of the aerospace giant — bringing the total to a grim 100,152,801 records (as of this post).”

In the UCLA attack, someone had been entering the restricted database – which contained the names, addresses, Social Security numbers and other private information of current and former students and faculty – for more than a year before the breach was discovered.

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New UN Convention tackles international kidnapping

On 20 December 2006, the UN General Assembly adopted the “International Convention for the Protection of All Persons from Enforced Disappearance”.

The new convention aims to overcome the current impunity of people responsible for enforced disappearances.

However, it will only be effective if widely adopted, including by the USA.

Zimbabwean NGO claims activists beaten

More than 60 protesting Zimbabweans, some carrying babies, were arrested and at least 40 were allegedly assaulted by the police in the country's second city, Bulawayo, in late-November 2006.

“The level of police brutality was shocking,” said Annie Sibanda, of the activist organisation Women of Zimbabwe Arise (WOZA), which had organised a peaceful march to mark the launch of a ‘People's Charter’, a declaration on political and economic rights.

For more information, see <http://www.irinnewsorg/report.asp?ReportID=56566>

Lobbying begins for Human Rights seat

Nordic countries have agreed on Denmark as their candidate to replace Finland when its term on the Human Rights Council expires in June 2007.

The next election for HRC members will take place before the end of May 2007.

Thirteen of the founding members' terms will expire in May, and their seats will need to be filled with other states from the region, or by renewal of the current member states' terms. (Members can serve two consecutive terms but will not be eligible for immediate re-election after that, in order to prevent *de facto* permanent membership.)

With the outcomes of the two special sessions seen as favoring Muslim countries, the HRC has been criticized for a lack of balance.

The number of members on the Council from the Organization of the Islamic Conference (OIC) – currently 18 out of 47 Council members – is seen as playing a major role in the current tension within and around the Council.

The terms of OIC members Algeria, Bahrain, Indonesia, Morocco, and Tunisia will expire in 2007. If they are replaced with non-OIC members of the African and Asian groups, it is thought that HRC dynamics could shift. However, it is also possible these countries could be re-elected for a second term.

Another outstanding question about the make-up of the Council is whether the United States will run for a seat, given their original opposition to the HRC.

The General Assembly elected the 47 members in May 2006. It then randomly assigned term expirations to each member to set up the staggered term system.

“Those states whose membership expires in 2007 will have had only a one-year term, and those with 2008 expirations will have had only a two-year term.

– from Tessa Scrine, Bahai'i community

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No Australian on UN's expert law body

The International Law Commission (ILC) is one of the expert bodies of the UN's General Assembly; its purpose is to codify and promote international law.

The General Assembly held elections for the members of the ILC on 16 November. The new or re-elected members' terms will run from 1 January 2007 to 31 December 2011.

The ILC consists of 34 members, who are not States but individuals serving in their personal capacity, nominated by their own or another country.

No Australian was nominated.

The membership term is five years, and members are eligible for immediate re-election, with no limits, which means that effective permanent membership on the commission is possible.

This year, 22 out of 34 members were re-nominated for election. <http://www.un.org/law/ilc/>

– from an article by Howard French, International Herald Tribune, 8 Dec 06

Humiliation of sex workers in public provokes backlash

Social outcasts and supposed criminals – prostitutes and a few pimps – were paraded in front of a jeering crowd, their names revealed, and then taken to jail without trial...with the event being shown on TV in China.

Authorities used the public shaming as the inaugural event in a two-month campaign in the southern Chinese city of Shenzhen to crack down on prostitution, which is illegal in China but practiced everywhere.

Marching 100 or so prostitutes, dressed in yellow smocks, before cameras must have seemed like a clever way of launching a battle against the sex trade.

What authorities in Shenzhen, an industrial boomtown next to Hong Kong did not anticipate was an angry nationwide backlash.

Many people throughout China sympathised with the prostitutes over violation of their human rights and expressed outrage in one online forum after another.

As they grow more prosperous, Chinese people seem to be taking individual rights much more seriously, CLA notes.

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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

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'

30 March, Canada: application deadline for mid-year course on refugee issues, Toronto: eight-day course for academic and field-based practitioners working in the area of forced migration. For more information, see: http://www.hrea.org/erc/Calendar/display.php?doc_id=3630&month=6&year=2007

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; discussing citizenship as rights and responsibilities linked to membership in a political community. More information, <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. Call for papers deadline is 30 Dec 2006. 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**.

CLA activities report for December 2006

- Meeting with Ernst Willheim and Amanda Alford to sign documents for internship on topic of review of terror laws, in conjunction with Clerk of the Senate Harry Evans.
- Meeting with MLA Deb Foskey, Kate Taylor and Andrew Collins re ACT Policing annual report 2006-7.

- Attended all-day forum, *Pacific Update*, at National Gallery of Australia to discuss civil liberties groups in the Pacific.
- Attended demonstration in support of David Hicks, outside ACT Legislative Assembly. CLA members Wayne Berry and John Parnell were speakers, and many other CLA members were present.
- 10 December: Third birthday of CLA.
- Meeting with athletics teacher Peta Virgo at Queanbeyan, discussion re possible TV advertisement
- Attended presentation by Clinton Fernandes at NLA on rights and restrictions in West Papua.
- Meeting with Deputy Director Canberra Museum and Gallery Mark Van Veen re cartoon exhibition 2008, chaired by CLA member Dr June Verrier
- Interview Radio 2XX, half hour, with Bill Tully, President Kris Klugman and CEO Bill Rowlings, focusing on Palm Island Aboriginal death in police custody.

THE LAST WORD: Have we got a s-e-c-r-e-t for you?

“Worse, data errors that allow information to leak can often go undetected.

“Five years ago, Zalmay Azmi — currently the chief information officer of the FBI — was working at the (US) Department of Justice on a data-sharing project with an intelligence agency. He requested data that the agency was supposed to have scrubbed clean of all classified info. Yet when it arrived, it contained secret information.

“What had gone wrong? The agency had passed it through filters that removed any document marked “secret” — but many documents were stamped “SECRET,” in capitals, and the filter didn’t catch the difference.

The next time Azmi requested documents, he found yet more secret documents inadvertently leaked. This time it was because the documents had “S E C R E T” typed with a space between each letter, and the filter wasn’t programmed to catch that either.”

– extracted from *Open-Source Spying*, by Clive Thompson, 3 Dec 06, New York Times

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CLArion welcomes contributions. Please send any 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.
