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Media faces further attack on free speech

Media outlets could be stripped of profits and forced to publish corrections under draconian privacy laws proposed for NSW.

The plan would expose the media to new litigation and penalties, including court-ordered apologies, the destruction of documents and payment of damages.

The scheme, drawn up by the NSW Law Reform Commission, has been widely denounced for failing to strike an appropriate balance between privacy and freedom of speech, Chris Merritt reported in *The Australian*.

Attacks on free speech such as these by the 'establishment' are mileposts on a continuum of restrictive legislation as Australian society and culture is being swept further towards repression, CLA's CEO, Bill Rowlings, commented.

http://theaustralian.news.com.au/story/0,20867,21979450-7582,00.html?from=public_rss

Copy of the report:

http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_r108toc

ACT prisoners chipped as part of a new RFID trial

In a trend that will flow through to other Australian prisons, Canberra's new prison will trial an RFID* tracking program for its inmate population, despite concerns it will infringe inmates' civil rights.

The Alexander Maconochie Centre (AMC), to open August 2008, will employ real-time prisoner tracking via an RFID chip worn around the wrist or ankle, *Computerworld* reported last month.

It will be the first prison in Australasia to use an RFID system, at an estimated cost of \$1.2 million and in a program which will be a pilot for other Australian prisons.

The system will have a refresh rate of around two seconds, with a range that covers the entire prison. The chips (bracelets or wristlets) will be worn by wardens as well as prisoners.

* RFID Radio Frequency Identification

– report by Dylan Bushell-Embling, 26 Jun 07

<http://www.computerworld.com.au/index.php/id:774240213:fp:16:fpid:1>

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LAST WORD: Guantanamo os really Cuba Club Med

It turn out that Mo Davis, the US military officer who prosecuted David Hicks, is in reality the PR guy for another establishment in Cuba. Read how he describes the 'Cuba Club Med' that we'd all like to visit - see last story in this newsletter.

Board discusses WA Rights Bill, internships, free speech

The CLA Board of Directors was to discuss its submission to the WA Human Rights Bill consultative process at a meeting on Sunday 1 July 2007.

At the request of consultative process chair, Fred Chaney, CLA is to make an early submission on lessons learned from the ACT consultative process five years ago.

CLA has interviewed the four-person ACT consultative committee – the ANU's Professor Hilary Charlesworth, media advisor to the ACT Chief Minister, Penelope Leyland, Indigenous Law Professor Larissa Behrendt, and ACT Human Rights Commissioner, Dr Helen Watchirs – and is preparing a submission.

In other major items for the July board, the shape of a cooperative internship program with the University of Canberra (and, potentially, with the Australian Catholic University) will be discussed, as will finalizing and finances for the CLA Cartoon Exhibition.

The exhibition opens 8 October at the ACT Legislative Assembly, and is expected to tour other Australian Parliaments, as well as regional and rural centres, in 2008 and beyond.

Australia to ratify disabilities convention

The Australian Government planned to ratify the *United Nations Convention on the Rights of Persons with Disabilities*, Attorney-General Philip Ruddock said last month.

The Government will review Commonwealth, State and Territory legislation to ensure domestic law is consistent with the obligations in the convention.

An analysis of possible impacts, including the results of extensive community consultation, will also be completed and tabled in Parliament, together with the convention, he said.

– A-G media release 122/2007 *Working together...rights of people with disabilities*

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SA MP calls for lie detector tests for families

Electronic lie detector tests could be used in youth and family courts to ease the burden on "overworked and stressed" staff, an Independent South Australian Member of the Legislative Council, Ann Bressington, said last month

She proposed an Australian polygraph company tests 12 people as part of her own trial into the testing method in considering its viability for use in courts, according to a report by Nick Henderson.

"Polygraphs have been scientifically proven to be over 96 per cent accurate and go a long way to eliminating human uncertainty or bias," she said. "My research shows that the accuracy and efficacy of the polygraph techniques is such that they have been used in 36 states in the USA for the past 15 years."

She said Families SA, which did not investigate more than 10,000 reports of child abuse in 2005-06, could use the test to determine a complaint's credibility.

A spokesman for Attorney-General Michael Atkinson said lie detectors were not considered reliable in any Australian jurisdiction and the State Government did not support their use in courts.

Claims for the reliability of polygraphs are often much boosted by their marketers, CLA's CEO Bill Rowlings said. "Their use has been formally rejected in Australia all the way up to the High Court, and people advocating them seem to be more swayed by US TV fiction than by properly-conducted research facts."

<http://www.news.com.au/adelaidenow/story/0,22606,21856612-2682,00.html>

Australian Bar honours Michael Mori

The Australian Bar Association has formally honoured US military lawyer Major Michael Mori for his strong defence of convicted terrorism supporter David Hicks.

Major Mori was presented with an honorary membership at the Bar Association's conference dinner in Chicago in June. Association President Stephen Estcourt said Major Mori's advocacy for the Australian former Guantanamo Bay detainee was "fearless and passionate".

Federal Government supports Papua as part of Indonesia

The Federal Parliament's Treaties Committee has released a report recommending the Federal Government ratify a security treaty between Australia and Indonesia.

The agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation, also known as the Lombok Treaty, provides a foundation for cooperation between Australia and Indonesia on traditional and non-traditional security matters. It covers cooperation on defence as well as transnational crime, people trafficking and illegal fishing.

The committee also recommended that the Federal Government:

- Continue to address widely expressed concerns about human rights in Indonesia with the Indonesian Government and in appropriate international fora;
- Increase transparency in defence cooperation agreements to provide assurance that Australian resources do not directly or indirectly support human rights abuses in Indonesia;
- Encourage the Indonesian Government to allow greater access for the media and human rights monitors in Papua; and
- Engage in a campaign to increase public support for the Australia-Indonesia relationship.

One of the key provisions, Article 2(3), is a commitment not to support or participate in any activities which constitute a threat to the stability, sovereignty or territorial integrity of the other party. The committee is aware of the concern generated by this article but is satisfied that the commitment is limited to the Federal Government and will not restrict the rights of private citizens in Australia who may wish, for example, to rally in support of Papuan independence.

CLA made a submission to the committee (see CLA's or committee's website), and welcomes the first three sentiments expressed in the dot points above. However, CLA believes it is extremely dangerous ground for the Australian Government to start promoting, by a 'campaign' which will presumably include public relations and advertising, support for another country.

CLA believes this recommendation of the committee is the thin edge of a wedge designed to expand the government's wasteful public advertising and PR to the international arena.

The Democrats have decided to oppose the security - police and secret services - parts of the treaty.

Opposing Australia entering into tighter security arrangements with Indonesia, Democrats' Deputy Leader Senator Andrew Bartlett, a member of the treaty committee, pointed to the risk of Australia turning a blind eye to Indonesia's human rights record.

His dissenting comments echoed CLA's submission, which pointed to the danger of human rights abuses in Papua continuing, and Australian Federal Police putting more Australian on death row by their cavalier attitude to information and intelligence exchange with Indonesian police and security services.

For a copy of Report 84 phone 02 6277 4002 or access via the web at:

<http://www.aph.gov.au/house/committee/jsct/6december2006/report.htm>

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Open slather for police and ASIO to ID card database

Police and intelligence officials will not need a warrant to obtain personal information stored on the databank of the proposed national smartcard under draft legislation made public last month.

The draft, released to allow two months of public scrutiny, allows details to be disclosed on the written request of senior officers, Mark Metherell reported in the Sydney Morning Herald.

The access privileges apply to Dept of Immigration officials also, according to ss. 109-112.

<http://www.accesscard.gov.au/resources/pdf/Human-Services-Enhanced-Service-Delivery-Bill-2007.pdf>---

Police able to monitor suspects' contacts in child porn

Police will have wide-ranging powers to intercept phone calls, emails and text messages of anyone connected to child pornography suspects, under new federal laws.

An innocent person could be monitored if connected to someone under suspicion in a child pornography investigation.

The measures extend powers brought in last year against terrorism. Attorney-General Philip Ruddock told Parliament the new legislation would apply to any child pornography investigation.

– from a report by Tom Allard and AAP, SMH, 15 Jun 07

<http://www.smh.com.au/text/articles/2007/06/14/1181414469712.html>

US citizens have more email rights than Australians

On 16 June, the Sixth Circuit court of appeals ruled that portions of the Stored Communications Act violate the Fourth Amendment (of the US Bill of Rights) protection from unreasonable searches and seizures.

In Australia, interception legislation passed in 2006 allows police and security services to access all emails of all Australians, and requires Internet Service Providers (ISPs) to store all emails for six months so they can be combed for information.

However, in *Warshak v. United States*, the court found that an individual has a reasonable expectation of privacy in emails stored at an ISP.

Therefore, the court held, when the US government seeks to obtain the contents of emails stored at an ISP, it must either use a warrant or notify the owner of the email account that a subpoena has been issued.

<http://www.ca6.uscourts.gov/opinions.pdf/07a0225p-06.pdf>

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Civics and electoral education report published

Federal parliament's Electoral Matters Committee's report on civics and electoral education has 17 recommendations highlighting "significant opportunities to better engage key sections of the population in electoral matters and to improve the quality of civics education".

Translated, says CLA's President Dr Kristine Klugman, that means the Australian Government has carte blanche to embark on a thinly-veiled propaganda campaign using expensive TV advertising and PR spin.

According to the report, surveys of young people show that Australians between the ages of 15 and 35 typically have limited knowledge of Australia's political history and political system, and have little interest in Australian political affairs.

Yes, says CLA. But teach them how to lobby government, and how to campaign for positive changes to laws that affect their lives...not how long the mace is, or how many tonnes of concrete went into building Parliament House.

"One member of the committee, Senator George Brandis, who is now inexplicably a Minister, was unable to understand what the word 'empowerment' really means," Dr Klugman said. "He was totally dismissive of CLA's proposal that people should be taught how to mount campaigns aimed at their local politician to get the Australian Parliament to change laws that the people believe are wrong, or are hurting them.

"Fortunately, other members of the committee appeared to understand the meaning of democracy somewhat better than this now-elevated anachronism."

The committee's report also examines the quality of civics education provided to Indigenous and migrant Australians.

Report: <http://www.aph.gov.au/house/committee/em/education/report.htm>

Hard copy: email <mailto:jscem@aph.gov.au> or 02 6277 2374.

Same Sex report launched at ACT HR forum

A capacity crowd of 110 people attended as federal Human Rights Commissioner and Commissioner responsible for Disability Discrimination, Mr Graeme Innes, launched the report *Same Sex, Same Entitlements*, at the ACT Legislative Assembly in late-June.

He said the inquiry had found 58 federal laws which discriminate, including employment, workers compensation, tax, superannuation, age, migration etc

Same sex couples are 'second class citizens, first class tax payers', he said.

Of the 20,000 same sex couples in Australia, 20 per cent were raising children, yet they are not recognised as parents for financial benefits. The law needs to recognise same sex as legal and legitimate parents, by changing the definition of marriage.

'Gay and lesbian just want equal treatment, a fair go'. And in the latest Galaxy poll, 71% of Australians agree.

The report was tabled in Parliament in mid-June. "The government will now give careful consideration to the recommendations of the report," said Attorney-General, Philip Ruddock.

Among other speakers at the ACT forum were Wayne Morgan of the ANU Law School, on sexual vilification, who argued that the law needed to change to reverse the onus of proof – once a complainant reached a threshold there was a legitimate case, the respondent should be required to disprove discrimination, he said.

Prof Margaret Thornton of the ANU pointed to the difficult environment for social justice, with the predominance of neo-liberal governments, market focus, globalisation and free trade. The focus has shifted from workers' rights to employers' prerogatives, she said..

Dr Helen Watchirs, the ACT Human Rights Commissioner, commented on the current debate on federal intervention in NT aboriginal communities and the need for a HR-complaint approach. She revealed that the human rights audit of the ACT's main remand centre would be released early in July.

– Dr Kristine Klugman

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Journalists each fined \$7000

Herald Sun journalists Michael Harvey and Gerard McManus were fined \$7000 each last month for refusing to reveal a confidential news source.

Attorney-General Mr Ruddock said it would be inappropriate to comment specifically on the decision.

He pointed out that the Federal Government recently passed legislation to protect confidential communications between journalists and their sources. However this protection only exists in federal, NSW and ACT courts.

The reforms to the *Evidence Act 1995* involve a new confidential relationships privilege which allow the courts to balance the public interest in ensuring a free press against the public interest in ensuring all relevant evidence is before the courts.

Mr Ruddock said the Federal Opposition had confused the need to protect journalists' sources with the issue of the rights of whistleblowers.

Under the *Public Service Act* members of the public service who report breaches of their Code of Conduct are protected from victimisation and discrimination.

"I would expect a public servant to raise their concerns through all lawful methods of complaint before considering a media leak is necessary," Mr Ruddock said. This statement will undoubtedly be used in future cases to prove that the Attorney-General supports media leaks when public servants' complaints, properly reported, have not been acted on.

That was exactly the situation which faced someone in Customs, over security at major Australian airports, who leaked details of a report that was being ignored. Customs officer Allan Kessing was given a nine-month suspended prison sentence last month – though he continues to deny the offence – for leaking two "protected" reports on airport security that sparked a major overhaul of Australia's aviation policing.

Under Mr Ruddock's public statement, Mr Kessing should be pardoned.

Democrats Bill aims to protect PI disclosers

Australian Democrats accountability spokesperson Senator Andrew Murray last month tabled his reformulated whistleblowing bill.

The Public Interest Disclosures Bill 2007 picks up on the best – and corrects the worst – of federal state and territory legislative frameworks dealing with the disclosure of information in the public interest, Senator Murray said.

The bill has three principal objectives, to:

- make disclosing information in the public interest easier;
- ensure such disclosures are properly dealt with; and
- protect people who disclose information in the public interest, including removing legal liability and penalising workplace victimization.

Public sector whistleblowers perform an essential public service in combating criminality, corruption or misconduct in the workplace, Senator Murray said.

"(The bill) is designed to recognise that genuine public sector whistleblowers do us all a favour and deserve our full support. In doing so, it provides powerful protections for public sector workers who blow the whistle.

"This bill is essential for the health and integrity of our democracy. It should be passed in the public interest and for the greater good," Senator Murray said.

For a copy of the bill:

http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?ID=2582&TABLE=BILLS

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Irresistible ID card meets 2007's immovable election

Not quite dead yet, but getting close ...that's the verdict of Australian Privacy Foundation anti-card campaign director, Anna Johnston, on the proposed Access – or identity – card.

She said the federal government would not introduce a Bill, as previously announced, but would publish another 'exposure draft', and have more consultation, with no debate in federal parliament before the election. Cabinet had voted to put the project on "indefinite hold", the media reported.

Ms Johnston said that the government had spent \$40 million in 2006-7 on advisers alone (\$24m just to lead advisers Booz Allen Hamilton) and had already put out the major IT contracts for tender.

“Yet they were no closer to addressing key policy issues (like how concessions will work, how registration would work, integration with State govt systems, will there be a PIN on the card, etc, etc) than they were this time last year.

“Where did all that money go? At what point do we taxpayers start demanding our money back?” she said

However, in late June the Department of Human Services was still advertising for lawyers - ‘several positions’ – to work on the ‘access card scheme’.

The department had said it would begin registrations for the access card in April and May 2008, but has conceded it would be late-2008 before Australians start signing up, according to a report in the IT Section, *The Australian*, on 5 Jun 07.

Smart firm picks up ex-Minister’s cards

Recently-resigned Howard Government Minister Ian Campbell has joined the board of a Perth-based IT company interested in tendering for the controversial \$1.1 billion Smartcard project - one of the former Senator's key responsibilities.

Senator Campbell announced his retirement from the Australian Parliament in May, forced to resign after admitting meeting disgraced former WA premier Brian Burke.

In government, Mr Campbell headed the Human Services Department, which controls the Smartcard project, which is planning to issue 16 million photographic identity cards for Australians, replacing the Medicare and other cards.

The IT company has contracts with a number of federal and state government departments including Prime Minister and Cabinet, Elizabeth Gosch wrote in *The Australian*. A spokesman for ASG was quoted as saying the company would continue to seek state and federal government contracts.

<http://australianit.news.com.au/story/0,24897,21896387-15306,00.html>

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‘Cole’ Bill shuts silo shute after wheat escape

A new law introduced last month aims to counter the breaking of UN sanctions regimes and bribing people overseas.

A response to the first three recommendations made in the Cole Inquiry Report, the *International Trade Integrity Bill 2007*:

- creates offences for breaching UN sanctions and for giving wrong information about sanctioned imports or exports;
- imposes up to 10 years jail for people;
- creates fines for individuals or companies in relation to how much money was involved;
- gives Government agencies more power to compel the giving of details;
- strengthens laws aimed at bribery of foreign officials; and
- makes tax laws consistent with foreign bribery laws and narrows tax deductions for payments to foreign officials.

Moss trades local Health for federal Integrity

Philip Moss has been appointed federal Integrity Commissioner, overseeing the investigation of corruption in federal law enforcement agencies.

Commonwealth Ombudsman, Professor John McMillan, had been acting in the position for six months. He returns to his Ombudsman role from 23 July 2007 when

Mr Moss begins his a five-year term. Mr Moss moves into the Integrity role from the position of Health Services Commissioner in the ACT Human Rights Commission.

The Integrity Commissioner is supported by the Australian Commission for Law Enforcement Integrity (ACLEI), which began on 30 December 2006 under the *Law Enforcement Integrity Commissioner Act 2006*.

ACLEI is an independent body with royal commission and telecommunications interception powers to detect and investigate corruption in agencies including the Australian Federal Police and the Australian Crime Commission.

Information: <http://www.aclei.gov.au/>

Howard derails police checks on journalists

Prime Minister John Howard personally intervened to derail a proposal for Australian parliamentary journalists to undergo compulsory police checks, according to reports out of Canberra.

The Media Alliance and Press Gallery Committee raised strong objections to the plan, which posed serious threats to press freedom, they said. "This decision is a victory for free speech," said Alliance federal secretary Chris Warren.

<http://www.alliance.org.au/> has more details.

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Media criticises Queensland's proposed legal gag

The MEAA has written to the Queensland Law Society condemning the draft Legal Profession (Solicitors) Rule 2007, an Act which would censor communications between solicitors and journalists.

"If this rule is introduced in its present form, press freedom as it relates to free journalistic processes of news-gathering and obtaining/verifying information will suffer yet another set back," said Alliance Queensland secretary David Waters.

Indonesia is improving human rights – UN expert

Human rights defenders in Indonesia's province of West Papua continued to face torture, arbitrary detention and harassment from the country's police, military and security forces, an independent UN expert has reported.

He was speaking after a week-long visit to the Asian archipelago, but said some positive steps had been taken in the legal realm.

Hina Jilani, the Secretary-General's Special Representative on the situation of human rights defenders, said she had received "credible reports" of such activities, as well as attempts to interfere with defenders' freedom of movement.

Report: <http://www.un.org/apps/news/story.asp?NewsID=22883&Cr=indonesia&Cr1=>

HR Council will work on a majority

The UN Human Rights Council agreed last month to a new set of procedures that will allow the council to censure any human rights abusers if a simple majority of countries vote to support such a move.

China had campaigned to require a two-thirds majority.

The council also voted to end permanent investigations of Cuba and Belarus, but kept nine countries including Sudan and North Korea on the list of continued scrutiny.

- *UNity*, UN Assn of Australia e-newsletter, 24 Jun 07

Highest judicial authority is appointed

The President of Timor Leste, Dr José Ramos-Horta, swore in the President of the Court of Appeal, Dr Cláudio de Jesus Ximene, in Dili last month.

Dr Ximenes, an East Timorese with 21 years' experience as a judge in Portugal, has been officially reappointed as a Judge and President of the Court of Appeal, and also President of the Supreme Council of the Judicial Magistrature.

The Court of Appeal is the highest judicial organ in the Democratic Republic of Timor-Leste, with complete jurisdiction over the entire country. It is an independent body, charged with making the final decisions on all judicial matters, including decisions on constitutional-judicial and electoral matters. The Court's decisions overrule the decisions of any other authority in the country.

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Battle of rights taking place in Europe

Europe is debating whether the proposed new Charter of Fundamental Rights should be legally enforceable throughout the European Union.

The charter is a comprehensive catalogue of human, civil and social rights agreed by the EU in 2000 but never enforced. Though it will not be at the heart of any new treaty, the German government, chairing a recent summit, said it should still be referred to as "legally binding".

The charter enshrines everything from the right to strike to the right to preventative medical treatment.

The charter formed chapter two of the proposed European constitution that died two years ago after France and the Netherlands voted against it.

UN rapporteur finds US guilty of breaching human rights

Last month, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Sheinin, issued a preliminary report accusing the US of violating human rights in its counter-terrorism efforts.

The report criticized post-11 Sept 2001 legislation, including the Patriot Act and the Military Commissions Act of 2006.

Sheinin also condemned the US's extreme interrogation practices, stating that they "amounted to torture or inhumane treatment under international law."

The final report will be presented to the 47-nation U.N. Human Rights Council in a few months.

<http://action.humanrightsfirst.org/ct/W1w9zX613Qmm/>

– from Human Rights First email, 1 June 07

Gay inmates get conjugal visits in California

Gay and lesbian prisoners in California can stay overnight with their partners under a new prison policy, believed to be the first time a US state has allowed same-sex conjugal visits.

The move follows a 2003 California law providing equal rights for registered domestic partners in California, including those of the same sex and non-married heterosexuals. Gay and civil rights groups had threatened to sue to permit the conjugal visits in prisons, which they say have been slow to enact changes promised by the law.

– from an article by Jesse McKinley, NY Times, 3 Jun 07

UK plumps for a DownUnder Oz Day UpAbove

Apparently keen to learn from Down Under, British Ministers plan to introduce a national British day as part of a citizenship 'revolution', including tightening rules for migrants and instilling community pride in 18-year-olds about to vote.

The plans include giving every teenager in the UK a citizenship pack as they're eligible to vote, allowing migrants to become British citizens only after they demonstrate good behaviour and a willingness to integrate.

The national day would mimic Australia Day, according to The Guardian newspaper. Communities Secretary, Ruth Kelly, and the Minister for Immigration, Liam Byrne, are behind the proposals.

<http://www.guardian.co.uk/immigration/story/0,,2095519,00.html>

CLA member Zoya Patel, a student at Narrabundah College, comments:

Why do migrants have to show 'good behaviour and a willingness to integrate'? Shouldn't 'all' British citizens show a willingness to integrate with the laws and customs of their country? Shouldn't they all regularly demonstrate good behaviour? Isn't that just part of being a human being?

Also, teenagers, eh? What, now teenagers who have been living there their whole lives have to learn how to be a citizen of their own country? and this is based on Australia Day? How seriously flawed is that!

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Gitmo*: A National Disgrace

(Extract from editorial, New York Times, 6 Jun 07)

The Guantánamo camp was created on a myth — that the American judicial system could not handle prisoners of “the war against terror.” It was built on a lie — that the hundreds of detainees at Gitmo are all dangerous terrorists. And it was organized around a fiction — that Mr. Bush had the power to create this rogue system in the first place.

It is time to get rid of it.

Human rights law applies in Iraq killing, lords rule

The House of Lords has ruled that UK human rights law applies over an Iraqi civilian who died in UK custody in Iraq.

The law lords decided that the UK was obliged to conduct an independent investigation into the death of Baha Mousa, who died after sustaining 93 separate injuries in Basra in 2003.

In a four-to-one verdict, the lords ruled that the UK's obligations under the European Convention on Human Rights applied to the conduct of British troops in Iraq.

They upheld a court of appeal ruling of December 2005 that the UK authorities had "extra-territorial jurisdiction" concerning Mr Mousa, a 26-year-old hotel worker.

But the families of five other Iraqi civilians killed in different incidents in Basra, but who were not in detention, were told their cases were not covered by UK human rights law, Matthew Weaver reported in The Guardian.

<http://www.guardian.co.uk/Iraq/Story/0,,2101835,00.html>

Ghana civil society proposes elected African Parliament

Ghanaian civil society groups have proposed the setting up of a legislating African Parliament directly elected by universal suffrage based on proportional representation as one of the means of establishing and consolidating United States of Africa. The convener of Ghana- African Union Civil Society Coalition, Emmanuel Akwetey, on behalf of the coalition, also proposed the expansion of the Executive Council of the African Union to include chairpersons of the ministerial conferences. For more information, see

http://www.thestatesmanonline.com/pages/news_detail.php?newsid=3677§ion=1
www.thestatesmanonline.com/pages/news_detail.php?newsid=3677§ion=1

– from Civicus newsletter, 6 Jun 07

Timor Leste offers clemency to criminals

Criminals in Timor Leste are being offered clemency for crimes over the past year under a new bill passed by the fledgling nation's parliament early in June.

The new law aims to help the nation move forward from last year's crisis in which 37 people were killed. But analysts fear the law could spark new tensions as the nation returns to the polls to elect a new government.

Government minister Jose Teixeira denies it is a "blanket amnesty", saying murderers and rapists would not be eligible to apply.

The law offers criminals the chance to apply for clemency for "appropriate" crimes committed between April 2006 and April 2007. Prosecutors are grappling with thousands of cases following last year's crisis within the new justice system.

President Horta has until early July to sign the bill, or refer it to the Court of Appeal for a decision on its constitutionality.

- AAP report, supplied by Judicial System Monitoring Programme (JSMP)

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Fifteen more US states pass lass against national ID card

Fifteen more US states have opted out of the controversial REAL ID national identification system by passing anti-REAL ID legislation.

As well, more than 60 organizations have joined a campaign against REAL ID.

There are bills in both the US House and Senate to repeal the national identification scheme.

The Department of Homeland Security's Data Privacy and Integrity Advisory Committee refused to endorse the draft regulations, stating that they did not resolve problems with privacy, redress, management controls, and more.

– from Prof. Roger Clarke, chair, Australian Privacy Foundation

<http://www.privacycoalition.org/stoprealid/>

FBI'S proposed anti-terror database may threaten privacy

The US Government Accountability Office released a letter last month requesting an investigation of a proposed FBI anti-terror database that may curtail individuals' civil liberties and privacy rights.

The FBI has asked Congress for \$12 million to establish, under the guidance of the Foreign Terrorist Tracking Task Force, a National Security Branch Analysis Center to compile information on terror suspects. If approved, the Justice Department predicts the Center may acquire 6 billion records by the year 2012. Representatives Brad

Miller (D-NC) and James Sensenbrenner (R-Wis.), members of the House Science and Technology investigations subcommittee and authors of the letter released Tuesday, raised concerns over the initiative's high cost, the invasion of privacy and the fear that the program will "flood the national security system with false positives - suspects who are truly innocent." The FBI's proposal bears a strong resemblance to the Pentagon's Total Information Awareness anti-terror data-mining research program that Congress terminated in 2003 due to privacy issues raised then.

<http://action.humanrightsfirst.org/ct/G1w9zX61EQm0/>

– from Human Rights First email, 15 Jun 07

Arab Association for Democracy Foundation formed

In an atmosphere filled with the spirit of responsibility and a genuine interest in spreading and maintaining democracy, a select group of Arab thinkers and intellectuals representing 14 countries convened in Sana'a (Yemen) on June 13-14.

Following careful discussions and well thought out debates, the participants agreed to establish the Arab Association for Democracy (AAD).

They also adopted the Arab Covenant for Democracy in which they defined the objectives and means to help create the necessary requirements for democratisation.

More: [http://www.civicus.org/new/media/Arab Asso Democracy-Final.doc](http://www.civicus.org/new/media/Arab_Asso_Democracy-Final.doc)

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Iran cracks down on dissent, 'bad' dressers

Iran's police chief last month boasted that 150,000 people had been detained in the annual (northern) spring sweep against any clothing considered not Islamic.

As well, more than 30 women's rights advocates were arrested in one day in March, according to Human Rights Watch, five of whom have since been sentenced to prison terms of up to four years.

They were charged with endangering national security for organizing an Internet campaign to collect more than a million signatures supporting the removal of all laws that discriminate against women.

http://www.nytimes.com/2007/06/24/world/middleeast/24iran.html?_r=1&th&emc=th&oref=slogin

– from NY Times, 23 Jun 07

Data on 64,000 Ohio State workers stolen

A 22-year-old intern was given the responsibility of safeguarding the personal information of thousands of state employees, a security procedure that ended up backfiring.

The names and Social Security numbers of all 64,000 Ohio state employees were stolen from a state agency intern who left a backup data storage device in his car, Gov. Ted Strickland announced.

An additional review of data revealed that the storage device also may have held information about participants in the state's pharmacy benefits management program and the names and Social Security numbers of their dependents.

<http://www.huffingtonpost.com/huff-wires/20070616/data-theft/>

UK Conservative says US has 'let us all down'

The man who has done more to prick the UK conscience on extraordinary rendition, the Conservative Member of the British Parliament for Chichester, Andrew Tyrie, said this during a speech last month:

"Extraordinary rendition is part of a wider, failing US foreign policy. By setting aside international law and compromising the standards that all western democracies aspire to, the US has let us all down in the west.

"It is part of their radical unilateralist departure from post-war multilateralism, sitting alongside regime change and pre-emptive action. The plain fact is that all those policies have failed and are now seen to have failed. Extraordinary rendition has failed.

"One cannot torture and expect democracy to grow at the same time; one cannot sing the praises of western open societies while kidnapping people from the very communities and faiths that one wants to convince; and one cannot win hearts and minds with the illegal use of force."

<http://www.theyworkforyou.com/whall/?id=2007-06-26a.25.0>

– Robert Briggs

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Report on CLA's main activities for June

A highlight of June's activities was appointment of two new CLA media spokespeople, Clare Carnell and Max Jeganathan.

The media release announcing their appointment, and a photo, is at:

<http://www.cla.asn.au/pages/media07.php>

Three projects are under way with law students from ANU, guided by a senior CLA member.

- Parliament House Protest Project, investigating the practice of AFP and Protective Service officers (initially around APH and later state parliaments and public places). Students have researched current regulations and legislation. A meeting was held with AFP and one is planned for Presiding Officers APH. A change in AFP 'operating procedures' is necessary. President Kris Klugman is mentoring.
- Pacific Project, various countries identified, status conditions being researched. Sarah Bassiuni is leading.
- Aboriginal deaths in custody, exploratory stage. Shreeya Muthusamy is leading the project.

In addition, activities on medical directives, ID cards and privacy, and regional media projects are being organised. Offers of assistance welcomed.

Other activities include:

Research undertaken for CLA submission to WA inquiry into HR bill – interviews conducted with four committee members Prof Hilary Charlesworth, Dr Helen Watchirs, Pene Leyland and Prof Larissa Behrendt

Web redesign work, Lance Williamson has re-designed the CLA web and made it more comprehensive, with the inclusion of CLA policies. Note the new address: <http://www.cla.asn.au/> (the old address will re-direct to the new one).

Cartoon exhibition, collection of works with letters of agreement have been managed by Director Dr June Verrier and fund raising started by President Dr Kris Klugman.

Radio 2XX-fm Community Radio: 45 minute interview/discussion of CLA CEO Bill Rowlings led by CLA member and presenter, Bill Tully, on CLA aims and issues
Networking meetings continue: with the Australian Privacy Foundation chair, Prof. Roger Clarke (also a CLA member), attended by Bill Rowlings and Director Lance Williamson.

Student activities/involvement – plans for this to restart, plus refreshed contact with University of Canberra Professor of Law, Murray Raff, re internships

Goulburn: winter hiatus, plans for public meeting in spring. Goulburn and Braidwood activities are awaiting the safe return from the Middle East of Father John Parsons, expected in late-July.

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DIARY DATES:

1 July, World: Application deadline for the Rotary World Peace Fellowship and Conflict Studies Program for January 2008 session: For more information:

http://www.rotary.org/foundation/educational/amb_scho/centers/scholars/index.html

2 July 2007, London UK: International Practice Diploma Program, continuing legal education for lawyers wishing to practice internationally. More information, see

www.ibanet.org/education/ipdp_home.cfm

2-3 July, Canberra: Workshop, *Connecting the Public with the International: Law's Potential* (with particular reference to the Oil-for-Food questions), National Europe Centre, ANU. <http://law.anu.edu.au/cipl/events.asp>

4-5-6 July, Sydney: Symposium on Law & Liberty in the War on Terror. Details:

www.llwt.unsw.edu.au ; fax +61 (2) 9385 1175; <http://www.gtcentre.unsw.edu.au/>

3-5 August, Cairns: International Conference on Child Labour and Child Exploitation, Details: <mailto:ceo@childjustice.org>

8 August, Melbourne: Torture lecture, Prof. Claudio Grossman, 6 – 7.45pm at DLA Phillips Fox, Level 21, 140 William St, Melbourne. Entry of \$5 at the door.

Registration essential: <mailto:hrlrc@vicbar.com.au>

11 August, Melbourne: Missen Dinner of Liberty Victoria, guest speaker Anna Funde, author of *Stasiland: Stories from Behind the Berlin Wall*, 7pm for 7:30,

Melbourne Town Hall Supper Room. Book/details: <http://www.libertyvictoria.org.au/>

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

3-4 September, Sydney: Inaugural national 'Muslim Students in Australian Universities' conference hosted by University of Western Sydney, Crowne Plaza Hotel, Parramatta. Details: <mailto:msau-sec@uws.edu.au> or

<http://www.uws.edu.au/about/adminorg/corpserv/edc/events>

8-9 September, Sydney: APEC Economic Leaders meeting.

9-13 Sept, Kenya: 2007 Commonwealth Law Conference, Nairobi.

<http://www.commonwealthlaw2007.com/>

25 September, Melbourne: 2007 Protecting Human Rights Conference, to discuss developments in the protection of Human rights by Australian charters and human rights acts. More information, **+61 (02) 9385 2259**; 0414 241 593.

9-10 November, Canberra: 12th Annual Public Law Weekend: *Death of the Rule of Law?* Visions Theatre, National Museum, Canberra.

<http://law.anu.edu.au/cipl/events.asp>

10 December, World: Human Rights Day www.ohchr.org

2010:

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

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LAST WORD: *Guantanamo by the sea...*

Op-Ed Contributor: **The Guantánamo I Know**

– By MORRIS D. DAVIS, Published: 26 June 2007, New York Times

Reality for Guantánamo Bay is the daily professionalism of its staff, the humanity of its detention centers and the fair and transparent nature of the military commissions charged with trying war criminals. It is a reality that has been all but ignored or forgotten.

Read more of Mo's Cuban Club Med:

<http://www.nytimes.com/2007/06/26/opinion/26davis.html?th&emc=th>

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