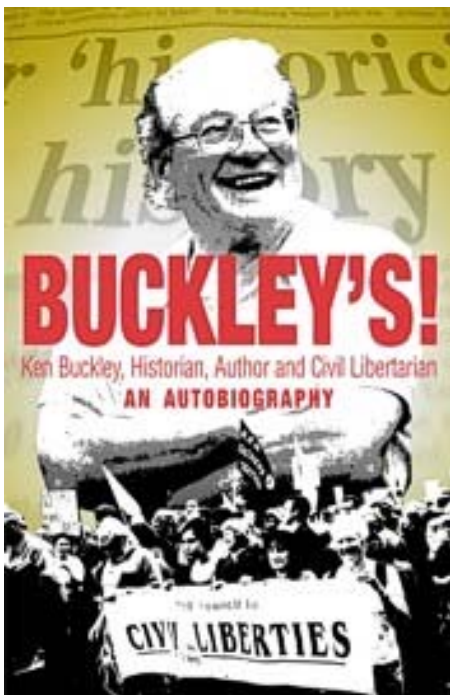


BUCKLEYS!



The long-awaited autobiography of
NSWCCL foundation stone Ken
Buckley hits the bookstands...

Buy a copy

at the

2ND KEN BUCKLEY/JOHN MARSDEN

MEMORIAL FUNDRAISING DINNER

Fri. 31st Oct. Marigold Restaurant, Haymarket



Guest Speakers: **Stephen Keim** and **Peter Russo**

Legal counsel for Dr Mohamed Haneef

Book now!

office@nswccl.org.au



Contents

NSWCCL Hitlist
Subcommittee Reports
Speakers' Corner
Civil Liberties Watch
Notes from the Frontline
Publishing News
Book Reviews
Editorial

page 3
page 4
page 7
page 10
page 12
page 14
page 17
page 19

Journal deadline dates:

Material Deadline: 7 November 2008
We may not be able to accept documents
that are not sent on disk or by email
attachments. Digital images will be
accepted.
Articles: 1000-2000 words, reviews:
500 words and letters: 200-300 words



COMMITTEES 2007–2008

Executive

<i>Cameron Murphy</i>	President
<i>David Bernie</i>	Vice President
<i>Pauline Wright</i>	Vice President
<i>Stephen Blanks</i>	Secretary
<i>Liam Burgess</i>	Treasurer
<i>Martin Bibby</i>	Assistant Secretary
<i>Michael Bozic</i>	Committee Rep

Committee

Jeremy Adair
Fleur Beaupert
Berenice Buckley
Jonathan Carne
Susan Cleary
Joan Kersey
Shayne Mallard
Rita Mallia
Frances McGowan
Doug Nicholson
Kevin O'Rourke
Michael Walton

Leonard Kanaar Executive Secretary

J.C. Cheadle Honorary Auditor
W.L. Browne & Associates

Journal Editorial

<i>Jeremy Adair</i>	Editor
<i>Matcham Caine</i>	Asst Editor
<i>John Benson</i>	Design and layout

COMMITTEE MEETINGS

Meetings are usually held at 6.30pm on the fourth Wednesday of the month, at the Sydney Town Hall. Members are welcome to attend as observers.

SUBCOMMITTEE MEETINGS

Subcommittees usually meet monthly. For further information, please contact the Executive Secretary who can put you in contact with the relevant convenor.

Against the Death Penalty

Convenor: *Michael Walton*

Australian Prisoners Abroad

Convenor: *Kevin O'Rourke*

Bill of Rights

Convenor: *David Bernie*

Censorship

Convenor: *Stephen Blanks*

Civil & Indigenous Rights

Convenor: *Martin Bibby*

Criminal Justice

Convenor: *Liam Burgess*

Fundraising/Finance/Marketing

Convenor: *Rita Mallia*

Legal Panel

Convenor: *Michael Bozic*

Publications

Convenor: *Jeremy Adair*

Views expressed in this journal are not necessarily those of the editor or the New South Wales Council for Civil Liberties Inc.

NSWCCL HITLIST

The following are activities in which the NSWCCL has recently been or is currently involved in. For more information, read the relevant subcommittee reports further in the journal, or contact the NSWCCL office:

office@nswccl.org.au - t: 02 9960 7582 or log on to the NSWCCL website at: www.nswccl.org.au

- 1. World Youth Day:** NSWCCL was the first to notice the proposed WYD laws that sought to punish those who might 'annoy' pilgrims. NSWCCL advised the two activists who challenged the laws and was involved in the formation of their legal team. The challenge was partially successful in that the 'annoyance' factor was struck from the regulation, but the judgment failed to deal with the constitutional arguments concerning the implied freedom of political communication.
- 2. Media:** NSWCCL has been involved in public debate in the media on subjects such as World Youth Day, electronic tagging of dementia sufferers, privacy surrounding Google streets and asylum seekers.
- 3. Australian Prisoners Abroad:** The Australian Prisoners Abroad subcommittee has almost completed its manual for volunteers working for Australians in legal difficulties abroad.
- 4. Asylum Seekers:** NSWCCL partnered with GetUp's campaign to call for an end to mandatory, indefinite and unreviewable detention of asylum seekers in Australia.
- 5. Fundraising Dinner:** NSWCCL's annual fundraising dinner will take place at Marigold Restaurant, 5th floor, 683 George St, Sydney on Friday 31st Oct. at 6:30pm. Speakers are Stephen Keim and Peter Russo (legal team for Dr Haneef) and the evening will be MC'd by Charles Firth. Further details are available in the journal.
- 6. Submission:** to the Senate Legal and Constitutional Affairs Standing Committee inquiry into the *Evidence Amendment Bill 2008*.
- 7. Submission:** to Human Rights Branch, Attorney General's Department consultation on whether Australia should become party to the *Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women*.
- 8. Submission:** to the Attorney General's Department on whether Australia should become a party to the *Convention Against Torture Protocol*.
- 9. Submission:** to the Senate Inquiry into the *Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008*.
- 10. Interns:** Ethan Lutske from New York University completed his internship with NSWCCL in early August after working on various CCL activities such as the World Youth Day litigation and representations on behalf of asylum seekers.
- 11. Submission:** to the Senate Inquiry on the effectiveness of the *Sex Discrimination Act*.
- 12. Submission:** to the Attorney General's Department on the Consultation Draft of the *Personal Property Securities Bill 2008*.

Message from the Editor

So the Pope came and went and the man known in Europe as 'Papa Ratz' was able to preside over his flock at Randwick Racecourse without those pesky protesters causing too much trouble. The attempted introduction of some frankly disturbing laws only resulted in them being marginally adjusted when challenged in the courts (see other reports in this journal). Isn't it funny how an unhappiness with ridiculous laws is somehow painted as a disgruntled

attempt to disrupt an officially sanctioned event by recidivist trouble-makers? Yet another reason to keep the NSWCCL flag flying amidst this jaded state government's reign. Something that all members can assist by attending this year's fundraising dinner and urging any other interested parties to come along. The date, **Friday 31st October**.

Please keep it open in your diaries..

Reports

CENSORSHIP SUBCOMMITTEE

Censorship has featured prominently in the media over the last few months.

Artists and depiction of naked children

In May 2008, police closed a Bill Henson exhibition in Paddington, but had to drop charges after the DPP directed that there was no reasonable prospect of a conviction.

Using powers granted under amendments to the *Broadcasting Services Act* in 2007 (which were opposed by CCL), the Australian Communications and Media Authority made numerous applications to the Classification Board in relation to Bill Henson photographs which were available on the internet, including applications relating to mainstream news sites. The Henson photographs were mostly classified G, although there were dissenting opinions from classifiers which called for a PG or M rating.

In July 2008, the Classification Board by majority gave the July issue of *Art Monthly* (with a cover featuring a photograph of a naked 6 year old child) an Unrestricted: M rating, which means it is suitable for publication, though discretion is advised for people under the age of 15. However, a minority of the Board favoured an RC rating.

The Minister for the Arts, Peter Garrett has written to the Australia Council and Screen Australia - the Government's peak funding bodies for the arts, film and television - asking them "to develop a set of protocols to address the depiction of children in works, exhibitions and publications that are recipients of government funding".

There have been reports that the NSW Attorney-General has urged SCAG to take stronger action over the depiction of children in art. However, at the time of writing, no report of the July meeting of censorship ministers has been made available.

Japanese Anime - Hentai

NSWCCL was invited to appear before the Classification Review Board on 30 July 2008 on a review of 4 DVDs in a genre known as *Japanese Anime - Hentai*. The Australian Family Association was also invited to appear. The DVDs had been classified R18+, but following an article in the Melbourne *Herald-Sun* which suggested that they were available for sale on an unrestricted basis, the Minister for Home Affairs applied for the classification to be reviewed. The Review Board confirmed the R18+ rating for 2 of the DVDs, but refused classification of

the other 2. At the time of writing, detailed reasons for the decision are not available.

Other notable recent classification decisions

- Salo

The Classification Board (by a 7-6 vote) has maintained the RC rating for this film. The film had been given a R18+ rating from 1993 to 1997, but has had a RC rating since then. The minority view was in favour of an R18+ rating.

- Fallout 3 video game

The Classification Board refused classification to this game, as it did not fit within the M15+ category, and there is no adult-only category.

Stephen Blanks,
Convenor,
Censorship Subcommittee

'Everyone imposes his own system as far as his army can reach.'

Joseph Stalin

CIVIL RIGHTS SUBCOMMITTEE

Australia became a party to the *International Convention on the Rights of Persons with Disabilities* on July 16.

Submissions have been written to the Senate Legal and Constitutional Affairs Committee supporting the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008* and the *Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008*. The first allows people who have been in same sex relationships and people in *de facto* relationships to have rights to superannuation when their partners die, if the partner has been a superannuant under the Commonwealth Government schemes. The second allows people in these relationships to apply to the Family Court to settle disputes about their finances and property if they split up. Thus they will no longer have the expense and the trauma of having to settle disputes about their children in the Family Court and disputes about property matters in one or more state courts. The bills have received a great deal of opposition, and their fate hangs in the balance.

NSWCCL has been asked to comment on the *Evidence Amendment Bill 2008*. Amongst other matters, people in *de facto* or same sex relationships will no longer have to give evidence in court

proceedings against their partners. Cameron Murphy, the NSWCCCL President has undertaken the task of writing the CCL submission. Stephen Blanks, the NSWCCCL Secretary, has written a submission to the federal parliamentary inquiry into immigration detention. We were asked to make input to a review of the *Sex Discrimination Act*. (The submission was done by Pauline Wright, Vice-President of NSWCCCL.) We have also been asked to comment on the consultation draft of the *Personal Property Securities Bill*.

The Federal Government has also been active on matters relating to Australia's international treaty obligations. It has circulated drafts of the fourth report to the United Nations on Australia's adherence to the *Convention on the Rights of the Child*, (the CROC), and of its second report on the *Second Optional Protocol to the CROC—The Involvement of Children in Armed Conflict*. It has sought input on how Australia would be affected by its accession to the *Optional Protocol to the Convention on Torture and Other Cruel Inhumane and Degrading Treatment or Punishment*, and to the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*. It is good to see the Government paying attention to these matters, and taking such a consultative approach. It has however strained NSWCCCL's resources—though we have or are commenting on most of these matters, we were unable to comment on the draft report on the CROC.

NSWCCCL has also endorsed a letter to the Prime Minister recommending that Australia should endorse the United Nations *Declaration on the Rights of Indigenous Peoples*.

Both the State and the Federal Parliaments have sought submissions in relation to the protection of whistleblowers. The federal issue is whether protection should be given to federal public servants, those who contract with government, consultants, and ministerial advisors and staffers, who reveal serious wrongdoing (such as illegalities, corruption, maladministration, creating or ignoring dangers to public health and safety, wastage of public funds and damage to the environment). NSWCCCL argued that legal protection should be given to internal whistleblowing and where that fails, to change the wrongful practices to whistleblowing to the press and to members of parliament. NSW already has such a law in place, and the inquiry, to which we hope to submit comment, is into whether the law needs adjustment.

And an update on previous news.

The Federal Government has withdrawn the mandate the Howard Government gave to the Australian Law Reform Commission to inquire into freedom of information. Instead, the Minister, Senator Faulkner, has announced that the Government will institute changes in two phases, the first being the abolition of conclusive certificates, which is to be done this year.

The ALRC will be asked to examine the effects of the changes two years after they are introduced.

NSWCCCL made a submission to the Haneef Inquiry, focusing on the failures of the prosecution and the police to release information to the defense concerning the location of the SIM card which Haneef gave to his cousin was found, and the existence of an email that had been sent by Kafeel Ahmed to his brother, Sabeel Ahmed which effectively demonstrated Dr. Haneef's innocence of the crime with which he was charged. These were serious breaches of the rule of law.

NSWCCCL's submission to the inquiry into the citizenship test continued our opposition to the test, raised issues about its impact and questioned the questions. It was also critical of the booklet, *Becoming an Australian Citizen*, whose content must be learned by applicants.

Martin Bibby
Convenor,
Civil Rights Subcommittee

'Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty or Safety.'

Benjamin Franklin

FUNDRAISING/FINANCE/ MARKETING SUBCOMMITTEE

The Fundraising/Finance/Marketing Subcommittee has a number of functions in the offing. First there is another lunch organised at the President's Private Dining Room at NSW Parliament House on Friday 26th September at 12:30pm. The guest speaker is the prolific social commentator Hugh Mackay who will speak on '*Community, Morality & Liberty*'. Tickets can be booked at the CCL office at office@nswcccl.org

The Sub-committee's focus is working on the NSWCCCL Marsden/Buckley Dinner. Our guests this year are Stephen Keim and Peter Russo, the legal representatives for Dr Mohammed Haneef. The dinner is to be held on 31 October 2008 at the Marigold Restaurant . Charles Firth of the *Manic Times*, will again be our MC for the night. It will be a great night and not to be missed. Members and their friends should lock it into their diaries.

In relation to the Dinner, the Subcommittee is also appealing to members who may be able to donate raffle prizes. If there are members who are able to donate a raffle prize they should contact the NSWCCCL or if you wish to participate as a sponsor of the event.

Rita Mallia,
Convenor,
Fundraising/Finance/Marketing Subcommittee

'If one would give me six lines written by the hand of the most honest man, I would find something in them to have him hanged'

Cardinal Richelieu

SECRETARY'S REPORT

World Youth Day

NSWCCL was closely involved in the challenge to the WYD laws giving police power to give directions to people causing "annoyance" to WYD pilgrims. Cameron Murphy was one of the first to notice the promulgation of the regulation in the NSW Government Gazette on 27 June 2008, and obtained media exposure of it.

By 2 July 2008, the NoToPope coalition had been formed with the intention of engaging in peaceful protest during WYD, and was in contact with NSWCCL. Two activists associated with that coalition agreed to bring a Court challenge to the laws.

On 3 July 2008, Cameron and I met with Jeff Shaw, who provided preliminary legal advice as to the possibility of a challenge.

Michael Bozic was involved in the formation of the legal team to act for the protesters from the NoToPope Coalition, and ensured that NSWCCL was associated with the case. The legal team comprised Dr John Griffiths SC, Kate Richardson and Miranda Nagy of counsel and Stephen Blanks as solicitor. Assistance was also provided by Tom Brennan of counsel and Wendy Zukerman, a law student from Melbourne who emailed me offering assistance.

Proceedings were commenced in the Federal Court on 7 July 2008, and were heard by a full court on 11 July. Judgment was delivered on 15 July. While the court upheld the rights of the protesters to engage in all of their proposed activities, the judgment is intensely disappointing. The Court struck out the regulation insofar as it dealt with "annoyance" as being beyond power of the enabling legislation, but failed to deal with the constitutional arguments (concerning the implied freedom of political communication).

The NoToPope Coalition held a rally at Taylor Square on 19 July. Cameron spoke to the rally on behalf of NSWCCL.

NSWCCL gained unprecedented media exposure, and public support, throughout the challenge.

Ending Mandatory Immigration Detention

Following the establishment of yet another government inquiry into mandatory immigration detention, NSWCCL lodged a submission calling for an overhaul of the immigration system as applied to asylum seekers to give pre-eminence to human rights and access to justice issues. Interestingly, the government

has not awaited the outcome of the inquiry, and major reform has been announced. While the details of the reform are not yet known, the announcement is a welcome step in the right direction.

Areas of concern will remain after this reform, however. One of these is the maintenance of a "non-statutory" scheme for persons who claim asylum on islands excised from Australia's migration zone.

NSWCCL partnered in this campaign with GetUp!

Reply from Attorney General

NSWCCL has received a reply from the Attorney General to our letter to the Prime Minister concerning protection of human rights and re-engagement with the United Nations. The Attorney confirmed this government's commitment to promotion and protection of human rights, and its intention to engage in an Australia-wide community consultation on how to best protect human rights. The Attorney also said the government is considering how to mark the occasion of the 60th anniversary of the Universal Declaration of Human Rights in December.

*Stephen Blanks,
Secretary, NSWCCL*

'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.'

Margaret Mead

Speakers' Corner

Thinking War or Crafting Peace: A Future for Iraq, Civil Liberties in Australia

by Stuart Rees

On Friday 20th June 2008, Professor Emeritus Stuart Rees addressed a NSWCCCL fundraising lunch at Parliament House in Sydney. Stuart Rees is Professor Emeritus of the University of Sydney and Director of the Sydney Peace Foundation, which awards Australia's only international prize for peace. His most recent books are *Passion for Peace: Exercising Power Creatively* (2003) and *Tell Me The Truth About War* (2004). In 2005 he was awarded the Order of Australia for service to international relations.

A month ago, when General David Petraeus and Ambassador Ryan Crocker were explaining to the US Congress how the war in Iraq was progressing, they made no reference to victory let alone to peace. They were unable to describe even the minimal conditions for withdrawing a majority of their troops. They did not have a clue about how to end the war.

My frustration at the 'surge is everything' performance of these allegedly bright Americans motivated me to imagine what the bare bones of a peace settlement for Iraq would look like and how it might be achieved. Before beginning that task I wanted to understand why so many military minded men and the politicians who imitate them are unable to think about ways to create a just peace. Imagining peace is more complex than waging war but it is not the complexity which defeats the war mongers. It is their commitment to an aggressive, linear way of thinking which makes it unlikely that they will be able to think imaginatively and constructively about peace. A brief diagnosis of this destructive way of thinking would need to be made before any peace settlement for Iraq might be crafted.

War Mongering Thinking

Across countries and cultures and through the centuries men have assumed that they can dominate women and abuse them in other ways. Similar top down ways of using power have been exercised by bullies in playgrounds, on factory floors and in boardrooms. Adults in families have assumed that corporal punishment was the means of socialization. Far more sinister ways of using power are exhibited by terrorists who maim and kill.

At this point it sounds as though some crude psychology will explain these destructive ways of conducting relationships. That is only half of the story. The other half concerns the eagerness of social



institutions – education, the military, religion and politics – to adopt these hierarchical, abusive ways to promote policies and punish those who do not conform. Organized religion loves rules, seeks conformity and relishes punishment. The military breeds the belief that humiliation is one way to prepare soldiers and sailors for war. Dissent has no place. In his monumental work *The Prince*, Machiavelli taught politicians that the possession of overwhelming force was the way to impress allies and enemies.

The merging of these institutional cultures with an essentially male dominated psychology has forged the belief that authoritarianism is a way to implement policies and that peace is some feminine notion which merits attention only when war has become too expensive. So a first step in crafting a peace settlement for Iraq is to replace the one dimensional and destructive way of thinking with a multi dimensional, life enhancing perspective. Aggressive certainty will have to be replaced by questioning and reflection. Age old assumptions about the destructive uses of power will have to be replaced by a determination to be creative on behalf of and in association with others.

Peace Making Assumptions

The following proposals for a peace settlement in Iraq begin with an airing of several key issues. These will need to be debated and shared with Iraqis as part of the process of building a just peace. Inherent in that last statement is the assumption that Iraqis from all walks of life, not just the official leaders, must be at the centre of all dialogue. This assumption carries with it

the realization that the future of Iraq cannot be considered in isolation from the political chemistry which makes up the Middle East; and in this respect the United States cannot continue to have one standard for the treatment of Israel and another for other countries in the region. A peace with justice settlement for the Palestinians would greatly enhance the task of crafting a peace settlement in Iraq.

Armed with the caveat that Iraqis will have to be at the centre of all dialogue, it would nevertheless have to be acknowledged that peace in Iraq is a collective responsibility and that an ambitious peace conference would need to be arranged by the UN, the Arab League, the EU and Iraqis. That conference would set the goals for rebuilding a basic quality of life for Iraqi citizens: supply of water and food, resources for health and education, for administering the rule of law, for caring for the elderly and disabled. Those plans will need a five year minimum time span in the first instance.

A Peace Settlement

A realization that there can be no military solution to the catastrophe of Iraq indicates the need to withdraw all foreign troops, dismantle all military bases and drastically reduce the size of the US Embassy. The vacuum created by this withdrawal would be filled by a massive humanitarian service whose arrival would coincide with the departure of the military. Soldiers out, peace building services in. A blue print for such a humanitarian service already exists in the proposals for the creation of a permanent *UN Emergency Peace Service (UNEPS)* which envisages a balance of men and women, of people from diverse ethnic groups and religions and with a range of skills. In the case of Iraq there would probably have to be a disproportionate representation of staff from Muslim countries. They would be nurses and doctors, social workers skilled in mediation, agronomists and engineers, plumbers and bricklayers. On the need to start rebuilding their country after the physical devastation, Iraqi citizens have said they will need not only *Médecins sans Frontières* but also *Bricklayers Without Borders*.

An adjunct to the UNEPS style proposal could include arrangements for a carefully planned exchange of postgraduate students in the professions and occupations who will have the skills to contribute to rebuilding Iraq. These internships would be for three, six, nine and twelve months. When Australian universities host overseas students, our experience is that such individuals complete projects with great industry, imagination and skill. Provided that the security of overseas contributors is guaranteed, the same student commitment could be applied in Iraq; and to provide an incentive for young Iraqis, they could also be given the chance to take up internships overseas.

Financial reparation for the destruction of war will have to be an early feature of the peace settlement. There is

a precedent for the ways in which the amount of reparation can be estimated and paid. Following Saddam Hussein's 1994 invasion of Kuwait, various individuals, corporations and governments made claims for compensation and a commission of the UN Security Council estimated that \$350 billion was owed. Now the payment for the destruction of war needs to go in the other direction, back to Iraq.



Another urgent form of reparation will be the clearing up of all the debris of war, the unexploded cluster bombs, land mines, the depleted uranium and the guns of all kinds. The collection and destruction of the means of waging war will be a highly significant step towards showing that security can be achieved by non violence and not by the age old methods of killing and destruction. We are back to the appeal for a life enhancing way of thinking to replace the life destroying, one dimensional, unilateral assumptions of so many violence-fascinated governments and their servants.

After the loss of as many as one million civilian Iraqi lives, the debilitating injuries to many more and the displacement of millions of refugees to Jordan and Syria and internally within Iraq, a process of healing will be as necessary as the mortar needed to rebuild homes. To this end a peace settlement could include the creation of a Truth and Reconciliation Commission headed by respected Iraqis. The precedent of the South African experience shows, in Archbishop Tutu's words, that the means of reconciliation can be found in that middle way between general amnesia – forgetting all that has happened – and applying the Nuremberg principles of victors' justice. A Reconciliation Commission would not replace the country's restored systems of justice. It would evolve as a test of the participants' ability to be in dialogue by rediscovering that creative language and practice without which a just peace is impossible.

And Civil Liberties in Australia

These minimalist proposals for a peace settlement in Iraq are built around the precept that security will ultimately depend on social considerations not militaristic ones. In the same vein, these proposals are built around an assumption that there can be

sovereignty which respects peoples' interdependence as much as their country's borders, a sovereignty built around the health promoting properties of non violence rather than the fear of more violence. These statements also have direct relevance to the state of civil liberties in Australia.

Since 2001, the Australian Federal Government has passed over forty pieces of legislation which erode citizens' civil liberties. This one dimensional – either you are with us or against us – process began with the passage of the *Australian Security Intelligence Organization (Terrorism) Bill* of March 2002. Those who drafted the legislation were playing the fear card and were obviously influenced by the even more fearful US *Patriot Act*. The Australian legislation produced the new offence of terrorism, which could be punishable with up to twenty five years imprisonment for an act made with the intention of advancing an ideological or political cause. ASIO agents were increased in number and given new powers to detain people for 48 hours, to strip search anyone considered to have information pertaining to their investigation. They are not law enforcement officers and it is almost impossible to hold them accountable. Yet the Federal police do have law enforcement responsibilities and the size of their empire has increased remarkably under Commissioner Keely. Their potential for ignoring civil liberties has increased in corresponding fashion. Their apparent withholding of information relevant to the charges against Dr. Haneef is a case in point.

There is a macho characteristic to those lazy ways of thinking which enjoy secrecy and which promote the notion that mine is bigger or better than yours. The 'mine' refers to legislation to deal with perceived threats of terrorism. For example, not to be outdone by the Federal legislation, the NSW Government has passed its own *Freedom of Information (Terrorism and Criminal Intelligence) Act* which decreed that people could be protected by removing from the potential scrutiny of freedom of information any document which state agencies considered relevant to a terrorist threat. Not holding powerful people accountable is another feature of that top down one dimensionality which is such an obstacle to debates about the meaning of peace and the means of achieving peace with justice.

Back to Iraq

The situation created in Iraq since the shock and awe bombing of March 2003 is widely acknowledged to be markedly worse than under Saddam Hussein's regime. This makes deliberations about peace an urgent priority. But those deliberations require a drastic shift in thinking in foreign and defence policy circles, in Australia and elsewhere.

The policy of militarization – that possession of overwhelming power solves problems - flows from unimaginative, aggressive and lazy ways of thinking. This militarization has occurred for far too long and

with appalling financial and human costs. Visions of peace are necessary to end the occupation of Iraq and to promise that country's citizens a far better future.

© Stuart Rees 2008



Civil Liberties Watch

By Dale Mills

POPE'S VISIT

The visit by the Pope to Australia for World Youth Day should have been an occasion when a large number of Christians got together to celebrate Mass and when various politicians tried to soak up the illuminated kudos. As one would expect, there would be a protest or two, more colourful than well-attended. Instead, the NSW government turned it into a law and order issue, which led to an oppressive regulation being set aside by the Federal Court.

Two pieces of legislation were passed by the NSW Parliament, which included protection for commercial merchandise for the Catholic Church.¹ It was under that legislation that regulations were passed which included making it an offence to annoy pilgrims, carrying a maximum fine of \$5,500.²

The annoyance regulation was condemned by lawyers,³ Catholics like Father Frank Brennan⁴ and some of the people who were given the special powers, such as volunteer members of the Rural Fire Service and State Emergency Service personnel.⁵

Two activists from the No to Pope Coalition,⁶ a group which wanted to protest the Pope's policies on abortion, condoms and homosexuality, challenged the regulation in the Federal Court. The partially successful challenge found that the annoyance provisions were void, on the basis that any regulations which would deprive protesters of fundamental rights such as free speech would need to be clearly spelt out before the courts would approve them.⁷

The organisers, thinking that the court victory was behind them and that they could now concentrate on advertising the protest, were surprised to find a letter in the form of a series of demands from NSW Police asking them to not have "offensive" placards and to otherwise self-limit and self-censor their protest. The protest organisers refused to agree to the demands and the police backed down.

¹ *World Youth Day Act 2006* and *World Youth Day Amendment Act 2007*.

² Government Gazette, 27 June 2008, p5815.

³ *World Youth Day 'anti-annoyance' law be damned: appalled barristers quick to fight state* by Michael Pelly *The Australian* 18 July 2008.

⁴ *Priest denounces heavy-handed 'annoyance' code* by Sian Powell and Michael Pelly *The Australian* 3 July 2008.

⁵ *Volunteers refuse to use new nuisance laws* by Jano Gibson and Joel Gibson *Sydney Morning Herald* 3 July 2008.

⁶ <http://www.notopope.com/news.php>. *Gay groups stand united against papal visit* by Ani Lamont *Sydney Star Observer* 10 July 2008.

⁷ *Evans v State of New South Wales* [2008] FCAFC 130 (15 July 2008). Also see article *Court dumps annoy 'law'* by Malcolm Brown *Sydney Morning Herald* 15 July 2008.

The protest eventually went ahead on July 19, attracting about 1,000 people. It was a light-hearted affair, except for one arrest from an unexpected quarter - one of the Catholic pilgrims allegedly broke police lines and assaulted one of the protesters (the man was arrested but not charged).⁸ But light-hearted and fun was the way the protest was supposed to be, without over the top regulations passed by the State Government.

The NSW Council for Civil Liberties played an important part in the protest, both in providing a speaker and also in providing legal support for bringing the Federal Court case to have the "annoyance" regulation overturned.

CLIMATE CAMP - NEWCASTLE

In a partial set-back for the freedom of peaceful assembly, a "climate camp" to protest dirty coal production was subject - twice - to the Cronulla Riot laws. These laws were passed in a special sitting of the NSW Parliament following the Cronulla riots, and permit police to cordon off an area, detain people in selected areas and to search people without a reasonable suspicion. For the first time (at least to this author's knowledge) the Cronulla riot laws were activated at a political protest. Prior to this, they had been applied to deal with the Cronulla and associated riots, and to public disorder at the Block in Redfern and in Dubbo.

The decision to authorise the laws was communicated to the author and others at the protest on July 13, with a senior police officer saying that special police powers had been authorised under Part 6A of the "Summary Offences Act" (the wrong Act).⁹ This was immediately followed with the assurance by the officer not to worry because "we aren't going to use them."

That such laws are given to a senior police officer when he doesn't know the name of the powers is a real worry. Additionally, giving police extra powers which they won't be using is not a good look.¹⁰

The second day, protester organisers informed this author, that the Part 6A special police powers were authorised again, in this case in relation to a protest

⁸ *City News* 26 July 2008 page 4.

⁹ actually, it is Part 6A of *Law Enforcement (Powers and Responsibility) Act 2002*.

¹⁰ *Climate protesters shut down coal port* by Matthew Knott *The Australian* 14 July 2008 and *Protest halts coal train for six hours* by Ben Cubby *Sydney Morning Herald* 14 July 2008.

outside of the parliamentary office of NSW politician Mick Costa.¹¹

HENSON AFFAIR

The fall-out from the Bill Henson affair, where photographs of nude teens led to a police raid on the gallery displaying them, rumbled on into July.

Showing solidarity with Bill Henson, the magazine *Art Monthly* reproduced a photo of a nude 6 year old girl on the front cover of its magazine. Prime Minister Kevin Rudd and Opposition leader Brendan Nelson were alternatively disgusted and appalled by the photo. The 6 year-old model, Olympia Nelson, now 11, appeared in public with her parents saying that *she* was disgusted with the Prime Minister's comments.¹²

NSW State Premier, Morris Iemma, and State Opposition leader, Barry O'Farrell, called for any government funding to *Art Monthly* to be stopped.¹³

Outdoing Rudd's disgust, Iemma said the photos were a 'cheap, sick stunt.' A further display of solidarity was held in Melbourne, where Victoria Larielle planned to project 40 photographs of two 11 year old boys at Melbourne's inner-city Loop Bar (from an earlier portfolio). On the other side of the fence activist Hetty Johnson encouraged people to sign a petition on her website 'against the exploitative use of children in the work of Bill Henson.'¹⁴

Art commentators were universal in supporting the artistic merits of Henson's work, but the "is it art or is it pornography" question is a very long-running debate.¹⁵

\$418,265 DAMAGES FOR TRESPASS

Sydney man Murat Kuru was awarded \$418,265 after his colourful requests for police to leave his home were refused, following a report of domestic violence.¹⁶

A neighbour heard an argument between Kuru and his girlfriend Janette in June 2001. They are now married. Although an argument occurred, there was no violence and Janette left by the time the neighbour called police. Six officers walked in his front door, which was left open. Kuru then asked police to leave.

They police refused to leave and he touched one. A scuffle ensued, and there was the obligatory

handcuffs, pepper spray, assault and Kuru was locked overnight in a police cell in his boxer shorts. He sued for trespass and false imprisonment.

After being awarded the money by the District Court - and after the police successfully appealed the matter to the Court of Appeal - the High Court reinstated the original decision to award him the money.

The High Court held that police officers had the power to stay under the domestic violence legislation as long as necessary - but no more - and because police overstayed their need, Kuru was entitled to compensation.¹⁷

'Sed quis custodiet ipsos custodes?'
(But who will guard the guardians themselves?)
Juvenal

¹¹ Author's conversation with one of the protest organisers.

¹² *I'm offended by Rudd, says girl in latest nudity storm* by Lorna Edwards and Phillip Coorey *Sydney Morning Herald* 8 July 2008. The 'offending image' can be found at www.artmonthly.org.au.

¹³ *New row over nude child pictures* by Erik Jensen *Sydney Morning Herald* 7 July 2008.

¹⁴ <http://www.bravehearts.org.au/>

¹⁵ e.g. Roger Benjamin, research professor in the history of art, University of Sydney. *The Henson defence* by Roger Benjamin *The Weekend Australian* 31 May-1 June, 2008.

¹⁶ *Police overstayed welcome: court* by Tim Dick *Sydney Morning Herald* 13 June 2008.

¹⁷ The full decision is at *Kuru v State of New South Wales* [2008] HCA 26 (12 June 2008) at <http://www.austlii.edu.au/au/cases/cth/HCA/2008/26.html>

Notes from the Frontline

with Dr Michael Kennedy

“Gerry Fletcher Is A Decent Man”

Despite the fact that Australian Federal Police Commissioner, Mick Keelty has defended his organisation's actions regarding the Haneef matter, he now - against all of the odds - has attempted to justify his organisation's decision (or is it his own decision?) to present a closed submission to the Clarke inquiry into the mishandled case of Mohamed Haneef.

Strangely enough, the organisation that can - in the minds of many - justify this type of cloak and dagger approach is the Australian Security Intelligence Organisation, which ironically gave an unclassified statement to the inquiry. But when asked why the AFP were not prepared to do the same, Mr Keelty said the agencies were privy to different information.

Commissioner Keelty said "ASIO wasn't in the possession of the same information the AFP had". One can only wonder why not? Is it now the case that Grand Inquisitor *Torquemada de Keelty* doesn't trust the Federal intelligence agencies?

I can only answer this by taking the reading back to a *4 Corners* interview between Keelty and journalist Chris Masters in 2006.

CHRIS MASTERS: Against the 11 tonnes of drugs seized in the past five years, the eight kilograms and nine traffickers captured in Bali might seem out of proportion with the attention attracted, but for the death penalty imposed on two Australians citizens. Can you say what your position on the death penalty is, personally?

MICK KEELTY: Well, in a way, it doesn't matter, because I hold a statutory office and I'm Commissioner of Police. But I am a practising Christian, and I don't believe in the death penalty, but I have to do my job according to my oath, without fear or favour, affection or ill-will. You know, there are good and bad parts about policing, but you have to take the good and the bad, and always work for the greater good.

CHRIS MASTERS: How do you reconcile the apparent contradiction of Australia opposing the death penalty, you personally opposing the death penalty, yet our citizens being exposed to the death penalty?

MICK KEELTY: Well, it appears on the surface to be a contradiction, but in reality it's not?...

Masters, C. (2006) *Four Corners: Big Fish, Little Fish*. Australian Broadcasting Commission

Of course Thomas de Torquemada and Bernardo Gui both claimed to be practicing Christians. Perhaps what they meant was that they were practicing Roman Catholics and there can be a world of difference between the two. Torquemada persecuted Jews, yet it is believed that he had Jewish ancestry. These contradictions are not unusual in law enforcement as is widely known that J Edgar Hoover persecuted the gay community whilst involved in a gay relationship for most of his life with Associate Director of FBI, Clyde Tolson.

If we then travel over the Atlantic there are grand examples of how religion and law enforcement have complimented each other. Amongst the advisors to King Charles Stuart I, two of the most dominant figures stand out. Thomas Wentworth, the Earl of Strafford, and William Laud. In 1628 it was Archbishop of Canterbury Laud who directed the ecclesiastical policy of the government. Order and decency were enforced in church services. Laud was unsympathetic and narrow minded; a man who thought that everyone must believe in the High Church doctrines which he believed in. Through his control of the press, Laud tried to stop all views antagonistic to his own. Does this begin to sound familiar? However it was especially in the Courts of Star Chamber and High Commission that Laud made his reputation. In these instances people were tried in secret, without a jury, and prisoners were made to give evidence against themselves and, no doubt as in the Haneef case, refused access to legal advice.

Laud with his sharp tongue and irritable temper, always voted for the biggest punishment upon theological offenders and it was chiefly due to him that such barbarous punishments were inflicted as flogging and branding and the cutting off of ears. Of course Laud was also a practicing Christian or was it practicing Roman Catholic?

As the Sydney Morning Herald reported on 5 August 2008 (*'Keelty Trips On His Own Words in Haneef Case'*), Mr Keelty has made little effort to mask his discomfort with media coverage of police participation in the Clarke inquiry. As the article reports, the previous Friday "he had said reporting had been 'persistent, erroneous and mischievous.' He said yesterday: 'There's no problem here. Someone has whipped it all up into a frenzy that just doesn't exist. Everybody is co-operating with everybody.' "

But back to the Chris Masters interview. Have all of you Civil Libertarians with a Law Degree noticed the contradiction that would be obvious to any 1st Year 1st semester student of Ethics 101? "You know, there are good and bad parts about policing, but you have to take the good and the bad, and always work for the greater good." My understanding of being a police officer (of 20 years experience), even in NSW, is that people's rights are a liberal and not a democratic concept. Of course this was totally ignored during the Wood Royal Commission and so those 'Civil Libertarians' who were silent during that period of abuse are also being rather contradictory if they are standing on a soap box about the Haneef matter. I am in this instance a fortunate cynic who did not support Wood or his Commission.

It seems quite rational that a man who thinks it is the utilitarian role of the Police Commissioner to represent the interests of the majority, and not simply everybody, would come to such conclusions. What we have is Teleological, outcome driven, utilitarian ethics being presented in a Deontological, Categorical Imperative framework, where the ends can never justify the means. After reading Jonestown there is no mystery to me as to why ABC journalist Chris Masters was unable to grasp the duplicity in Keelty's lament re: the Bali 9. Furthermore I cannot recall in the last 30 years a single quality exposé of the Australian Federal Police by '4 Corners' which, given the circumstances of Haneef and disgraced ex AFP Officer Mark Standen, is quite bizarre.

Having said that, I should add that most of the Spanish Inquisition, Royal advisors and the FBI have something else in common - they were mostly in possession of a law degree.

This also applies to many of the journalists who have failed to apply any substantial investigative rigour regarding the AFP. This leads me to one last question 'Who advised Mick Keelty'? Well it is well know that AFP Agent Courtney Christie was one of his advisors and apparently she is in possession of a Law Degree. It is also know that she left Australian shores for Washington in late 2008. Maybe it time for the Haneef Inquiry to speak to Agent Christie because on the surface the inquiry appears to be a contradiction, but in reality it's not?

Gerry Fletcher is a decent man. I will explain this in more detail in the next polemic. This will give you all time to research who he is.

© Michael Kennedy 2008

'The true danger is when liberty is nibbled away, for expedience, and by parts.'

Edmund Burke

Publishing News

Buckleys!

The Autobiography of Ken Buckley: Historian, Author and Civil Libertarian

NSWCCL stalwart Ken Buckley's autobiography is being published by A & A Book Publishing and will be available from early September 2008. The following article on the book was written by Berenice Buckley.

Many of the readers of this journal were friends of my husband, Ken Buckley; others will have known him casually or be aware of his role in establishing the NSW Council for Civil Liberties. But I think nearly every person who reads his autobiography will be surprised at the range of his activities and the things they didn't know about his life as soldier, political activist, scholar, author, historian and, of course, civil libertarian.

Ken was a Cockney, born within the sound of Bow Bells in London in 1922 to a poor, but quite happy, working-class family. His life changed when his school was evacuated to the country during the Second World War. He acknowledges in the book that if it were not for the war, he would not have stayed on at school and subsequently gone on to University. His family had no expectations of tertiary education for their sons. Thanks to a teacher who recognised his capabilities, Ken was encouraged to try for a scholarship to London University which he won. However, as a wartime measure, his London University College was evacuated to King's College, Cambridge and it was at Cambridge that he joined the Communist Party like many idealists of the time. (No – he did not meet up with the famous Cambridge spies).

After the one year exemption from the Army allowed to Arts Degree undergraduates, he was called up for military service and, despite his Communist membership, ended up serving in the Intelligence Corps of the British Army. Ken witnessed and writes about the terrible Greek Civil War. His exploits in Greece nearly resulted in his court-martial but also included a derring-do attempted rescue of a Greek girl who he thought to be in danger and who was later to become his first wife.

I had great trouble persuading Ken to write his autobiography – he always said that there was nothing particularly interesting in his life that people would want

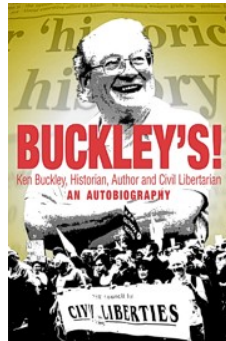
to read. It was not until he reread, for the first time in over sixty years, the many detailed letters he had written to a school friend during his time in the Army overseas, that he realised what valuable material he had at his fingertips. With great forethought, his friend Sonia kept these letters and returned them to him after the war. It is the immediacy of the content arising from these over fifty letters, featuring his activities and feelings at the time, that gives so much interesting detail to the first section of the book.

After his demobilisation, Ken tells of the difficulties of post-war life in Britain with a wife and child when he returned to student life in order to obtain his degree in History at London University. It was during this time as a student that he also had to cope with his wife's first mental breakdown. Nevertheless, he resumed political activity as a Communist which included street protests against Mosley's Blackshirts who were again marching in Jewish and working-class areas, and picketing the Savoy Hotel in support of improved conditions for the staff.

The examination requirements at London University necessitated the satisfactory completion of ten three-hour papers spread over eight days. To Ken's own great surprise, he was awarded a First-Class Honours Degree – one of only five Firsts out of one hundred and fifty successful students. Armed with such an excellent degree, he was able to win a position at Aberdeen University where he remained for two years before deciding to emigrate to Australia.

By the time Ken arrived in Australia in 1953, ASIO had a file on him (he thinks on information from MI5) and attempted, unsuccessfully, to stop his appointment as a lecturer to Sydney University. He records this as the beginning of a lifelong battle to reveal and curtail the ways in which the security services collected, without challenge, often wrongful information on ordinary citizens which adversely affected their lives. And despite leaving the Communist Party in 1956, ASIO retained a file on him - probably until the day he died in 2006.

On arrival at the University, Ken was astonished to discover that, with only a month's notice, he was required to lecture on American Economic History when he had never attended so much as a single lecture on the subject. However, he managed to keep at least one lecture ahead of his students and soon also became active in University affairs including the establishment of a Federal University Staff Association (now the National Tertiary Education Union), the Orr Case and the fight to introduce a Political Economy course.



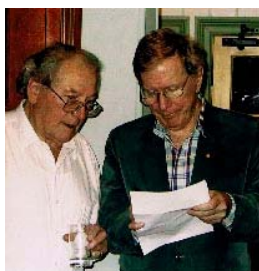
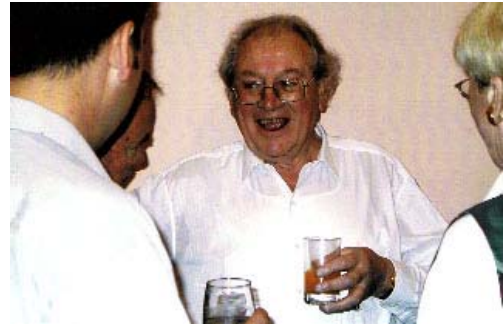
Ken reveals through his book that the enduring preoccupations and governing force of his entire life were his concerns with injustice and corruption and the championing of civil liberties and human rights. As the prime founder of the NSW Council for Civil Liberties, he tells the story of the party which was the spur to its formation. He maintained an almost constant active role and interest in the CCL until his death becoming, in his words, the institutional memory.

He was also an executive committee member with Don Dunstan and Clive Evatt on the Committee for Cyprian Self-Determination and with Gough Whitlam on the Committee for Democracy in Greece; he helped to form the anti-censorship organisation called Toleration and was an Anti-Vietnam War activist. Ken's story also includes his libertarian period with the Sydney Push and involvement in the Bogle-Chandler case. These activities did not interfere with his student and teaching responsibilities and he discusses his work as the author or co-author of over a dozen books including a biography of Doc Evatt, a history of Burns Philp and a Civil Liberties Casebook. His autobiography also reflects on and records major events in Australia in the second half of the 20th century.

As the result of the breadth of Ken's activist life his autobiography is peopled with many well-known names, such as Lionel Murphy, Neville Wran, Kep Enderby, Jim Spiegelman, Meredith Burgmann, Jack Ferguson, Simon Townsend, John Marsden, a number of academics and many prominent lawyers and judges.

© Berenice Buckley 2008

'BUCKLEY'S!' is published by A & A Book Publishing. It can be purchased in most bookshops and will also be available at the NSWCCCL annual dinner on 31st October.



Dorothy and Scott Campbell's history of the NSWCCCL, 'The Liberating of Lady Chatterley and Other True Stories', has just been reviewed in the Queensland Council for Civil Liberties journal. The favourable review draws some parallels with NSWCCCL and QCCL's histories and also gives information on purchasing this valuable tome. If members wish to purchase a copy of what the QCCL referred to as "an informative, sometimes exciting and sometimes amusing account of the NSWCCCL" please contact our office at office@nswccl.org.au or (02) 9660 7582

Australian Muslim Civil Rights Advocacy Network (AMCRAN) launched the 3rd edition multilingual series of their booklet Anti-Terrorism Laws: ASIO, the Police and You on 17 July 2008. It is available for download on their website.

The Combined Community Legal Centres' Group (NSW) and Kingsford Legal Centre launched its report "Protest, Protection and Policing: The expansion of police powers and the impact on human rights in NSW – The policing of APEC as a case study" on 10 July 2008. The report is available from the Combined Community Legal Centres' Group (CCLCG) website.

'Only those with something to hide have something to fear.'

Anon

Book Reviews

'My Guantanamo Diary'

by Mahvish Rukhsana Khan
Scribe Publications, 2008

Review by Jeremy Adair

The existence of the prison at Guantanamo Bay and the reasoning for setting the place up are well-known to many, especially CCL members, but 'My Guantanamo Diary' provides a lot more for those who are looking for some detail on what the actual experience of being an inmate is like.

It is by telling the story of individuals whom the author met 'behind the razor wire' that allows the reader to grasp the true depth of hardship and torture that all these prisoners have suffered. It is a common trait amongst authorities who lock up people without due process to isolate them from the outside world so that the individual stories of pain and suffering are not transmitted to the wider populace which would naturally create empathy for their plight. We saw such tactics by the Australian government in their attempts to isolate asylum seekers from contact with outsiders that assisted in successfully 'depersonalising' the inmates to the general Australian public for a period of time. Such has been the case with Guantanamo Bay and it is a testament to the heinous existence of that prison that even with the lack of personal stories emanating from the place, it has still attracted such universal condemnation; albeit with unsatisfactory results.

With this book, however, the author has been able to tell a number of tales of what has happened to these inmates, communicated by those themselves who have had the unfortunate luck to be held at 'Gitmo', as the prison is often referred to these days.

Mahvish Rukhsana Khan is an American and a daughter of Afghan immigrants and while a law student was so affected by the establishment of the prison at Guantanamo Bay that she volunteered to assist legal counsel in whatever way she could. As it turned out, her ability to speak Pashto – the language of the Pashtun – led to her journeying to Guantanamo Bay as a translator for an independent law firm doing *pro bono*

work for Gitmo detainees. Her experiences with these prisoners are what the book is all about.

There is Dr Ali Shah Mousovi, a paediatrician from Gardez who wanted to set up a clinic in his war-torn country. Also Haji Nusrat Khan, a crippled 80 year old man who could barely walk, yet remained shackled in his cell. Men like these and goatherd Taj Mohammad from Kunar in Afghanistan tell their stories to the author of their past and present lives and the things done to them by the US military along the way. It makes for unpleasant reading and to the objective eye may seem unsubstantiated, but there is enough corroboration from different prisoners and sources to doubt the US claims denying torture – even ignoring the highly dubious acknowledged practises that lie in the public domain.

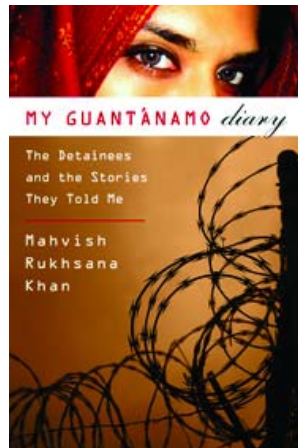
As well as telling these men's stories the author describes other details of life at Guantanamo that she witnessed amongst the guardians of the place and also travelled more than once to Afghanistan to collect evidence for detainees, as well as catching up with those who were ultimately freed – with no charges laid after being held for years. At least this last scenario provides an uplifting epilogue as a number of the people we have met along the way find their way home after years of persecution. It's not enough to right the wrongs but at least it gives the reader a warmer glow at story's end.

In all, an important tome that brings Gitmo to life in one's mind's eye. Not exactly objective, as such books rarely are or can be, but it provides gritty food for thought for those of us who look to the prison in Cuba as a symbol of everything that stands against the principle of due process.

'My Guantanamo Diary'
by Mahvish Rukhsana Khan
Scribe Publications, 2008
320pp, RRP \$29.95

Released: Sept 2008

ISBN/Catalogue Number: 9781921372384

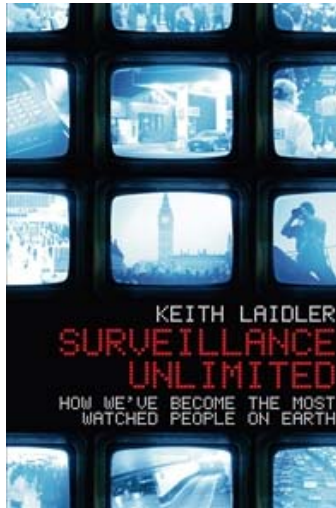


'Surveillance Unlimited'

by Keith Laidler
Allen & Unwin, 2008

Review by Jeremy Adair

Few doubt that the principles of government control and intervention flagged in George Orwell's '1984' are with us today. The disturbing news of current and future developments in public surveillance as embraced by our western governments is what gives this unsettling book its bite. The sheer volume and detail of not only what is possible but is actively utilised by governments in – especially – the English speaking world would be greeted with shock and outrage by the general population if this were to be clearly articulated in the public domain.



British in origin, this book uses London as its starting point, the most surveilled city on Earth. The predominance of cameras per square foot in England's capital is so prevalent and sophisticated that the author considers the term 'CCTV' completely outmoded, yet its usage continues as its name implies a benign presence. If they were referred to as 'spy cameras' for instance (not an incorrect term, as most are hidden), the tolerance bar might be lowered by everyday citizens.

But mere image-gathering is just the tip of the iceberg. Automatic Face Recognition (AFR) has been in the experimental stage for some years now, and it will not be long before a particular country will subject all those who attempt to enter to photographic software that will use complex algorithms to compare each face to that of known criminals. Surely there's no room for error here??

The big picture of keeping tabs on everyone and everything includes a dissection of the new phenomenon of 'Radio Frequency Identification' (or RFID) whereby all goods and hopefully people will be microchipped for purposes of observation. Not only can these chips be tracked at all times but the data on them can be changed. Not only is this system completely open to abuse (not to mention as a target-marketing tool) but it is being introduced right now.

This also brings us to the subject of ID cards and the use of biometric information in same which has been resisted by a number of governments to date – due to

spirited opposition by independent groups – but which will come under increased pressure in the years to come.

The breadth of what occurs without our knowledge takes the book down all sorts of avenues such as the massive monitoring of all communication around the world through the Echelon system, where all the intelligence agencies in the English-speaking world tap into most phone and internet communications (which transmit via satellite) and which are sifted through by super computers looking for any irregularities. Fronted by the USA and their National Security Agency (NSA), the Echelon system uses two downlink stations to monitor all satellite communication. These are located at Menwith Hill in the UK and Pine Gap here at home. Something to allow the chest to bust with national pride.

The security argument that all this is so necessary is also addressed in the book, which proposes in most cases that all this technological eroding of everyone's basic liberties has little effect on the so-called 'war against terrorism'. Since when has a CCTV camera stopped a crime? There seem few studies available which support crime reduction as a by-product of increased surveillance.

Ultimately the book does not provide solace as comforting bedside reading, but as an essential document on where we are heading, it delivers the goods. Something to use in discussion when spreading the word on the erosion of our civil liberties. An erosion that we are acquiescing to as surely as those science-lab frogs who slowly allowed themselves to be boiled alive...

'Surveillance Unlimited'

by Keith Laidler

Allen & Unwin, 2008, 256 pp RRP: \$29.95

Released July 2008

ISBN: 9781840468779

Editorial

South Africa did a most amazing thing when everyone finally got the opportunity to vote. Instead of getting involved in vengeance and retribution, the majority who had been marginalised for so long tried something different. They knew that they needed to recognise all the trauma and damage that had been done over the years but that justice and punishment would continue the cycle of tit-for-tat violence that had existed for so long. The answer was to establish an open forum where recognition of the past wrong-doings was illuminated and everyone was encouraged to confess their sins with no fear of retribution. No-one would be charged for actions that were clearly against the law when committed but the sins of the past were laid open for all to see.

This way, all were able to purvey the evidence and confessions, comprehend the truth and hopefully achieve what the Americans call 'closure'. Could those who believed in the old system still excuse it in their minds when the horrendous deeds of those dark days were exposed in the harsh light of the public domain? One hopes not. It was not easy but everyone appears to have come clean.

Perhaps this is what we need in Australia. There is no doubt that the actions of the previous government bordered on the criminal. The treatment of asylum seekers particularly would lead to serious charges if was not politicians who made some of those horrendous decisions.

While one would like to see the depraved ringleaders in Howard's government (including the bespectacled one himself) do some time in the 'big house' for promoting and condoning conditions in the detention centres that were tantamount to torture, perhaps we would be best served by our own Australian Truth and Reconciliation Commission. There are many serious questions that Australians would like to ask about the Tampa episode, the sinking of the SIEV-X, the fear-mongering over terrorism, the invasion of Iraq and the Iraq wheat scandal. While morally repugnant, it is certainly possible that Australia needs to know whether illegal and/or untruthful actions occurred.

There are also other subjects that, while less life-threatening for some, are equally morally repugnant. What about the increased politicisation of the public service, the treatment of aboriginals, the bullying of the ABC? The list is extensive.

For people to come forward, as with South Africa, it would be necessary that no charges could be laid. This would hopefully lead to truth seeing the light of day and increase the chances for Australia to move forward as a country once the sins of the past have been recognized.

However, what would be needed would be someone of the stature of Desmond Tutu to preside over such a tribunal. Do we have that ilk in Australia? Peter Jensen or George Pell anyone?.

NSWCCL Membership



New South Wales Council
for Civil Liberties Inc

149 St Johns Road
Glebe NSW 2037
Australia
Ph 61 2 9660 7582
Fax 61 2 9566 4162

New South Wales
Council for
Civil Liberties

YES I want to support the
NSW Council for Civil Liberties

TITLE: _____ GIVEN NAME: _____
SURNAME: _____
ADDRESS: _____
SUBURB: _____
STATE: _____ POSTCODE: _____
DX NO: _____ DX EXCHANGE _____
PHONE(W): _____ PHONE(H): _____
FAX: _____ MOBILE: _____
EMAIL: _____

Correspondence to:

PO Box 201
Glebe NSW 2037
Australia
DX 1111 Sydney
Email office@nswccl.org.au
www.nswccl.org.au

Please add me to NSWCCL's email list for regular updates on civil liberties issues and events.

Please indicate how you want to contribute

MEMBERSHIP

Are you joining/renewing your membership? (please circle)

- \$60 Ordinary \$160 Ordinary – 3 years
\$100 Household \$260 Household – 3 years
\$120 Benefactor \$25 Concessions: Student/Pensioner (please circle)
\$1,000 Affiliated organisation

SUBSCRIPTIONS/MONTHLY PLEDGES/DONATIONS

\$60 Journal subscriptions for Libraries/Organisations

Regular monthly contribution of \$ _____

Bank account (please send bank authorisation form) OR Cheque

I wish to make a donation of \$ _____

PAYMENT DETAILS:

I enclose a Cheque / Money Order made payable to
NSW Council for Civil Liberties

Please debit my Bankcard MasterCard Visa for \$ _____

I authorise NSWCCL to automatically debit my credit card nominated below for
future membership renewal when it falls due. I understand a receipt for monies
debited will be mailed to me.

Signed: _____ Dated: _____

Card No:

Name on card: _____ Exp date: /

Signature: _____