



INTERNATIONAL COMMISSION OF JURISTS

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7 October 2005

MEDIA RELEASE - ICJ AUSTRALIA OPPOSES NEW COUNTER-TERRORISM LAWS

ICJ Australia has renewed its opposition to the introduction of draconian counter-terrorism laws that erode fundamental liberties and human rights developed over centuries of jurisprudence. ICJ Australia acknowledges the need for laws that tackle the increased threat of terrorism in Australia, but says that many of the Australian government's proposals given the go-ahead at the recent COAG meeting are a disproportionate response to the risk. ICJ Australia has published a detailed response to the proposed laws on its website at www.icj-aust.org.au

Last month, the Prime Minister issued a media release outlining in general terms a number of legislative measures that were ultimately approved by State and Territory premiers at COAG. ICJ Australia says that with some exceptions, existing laws are sufficient to respond to that risk. It has been said that terrorists despise the pluralistic and libertarian societies in which we live. ICJ Australia takes the position that rather than being a measured response to the threat of terrorism, the proposed further laws hand victory to terrorists by undermining and irrevocably altering the very society they are designed to protect.

ICJ Australia says that the proposed laws are the kind that might be expected if the country was in a state of emergency. Many of the proposals represent a serious departure from the *International Covenant on Civil and Political Rights* (ICCPR) and the *Universal Declaration of Human Rights* (UDHR) to which Australia is a party. Whilst the UN may not have enforcement powers to force Australia to comply with treaties it has adopted, as a matter of fundamental principle and international law, Australia's laws should comply with international human rights standards we have signed on to.

Under the ICCPR, Australia is only entitled to derogate from civil and political rights after it has declared a state of emergency in accordance with Article 4. The government has not declared a state of emergency and appears to have no intention of doing so. ICJ Australia therefore calls on the Australian government to abandon these legislative proposals that breach fundamental rights, and demonstrate its commitment to the rule of law by conforming to the procedures established by Article 4, and with the Covenant generally.

Further, it is proposed that the laws would remain in place for ten years, at which time a sunset clause will activate. A review of the laws will take place after five years. ICJ Australia considers that this period is excessive. It will entrench a climate of fear and division in the long term, whereby certain minorities feel alienated, and the next generation of Australians will grow up in a country that barely resembles the one we have always known. In a democracy, the people must have more control over the extent to which, and the length of time during which, their rights may be infringed. International law does not permit violations of rights to persist longer than is strictly necessary in circumstances of emergency. ICJ Australia considers that our domestic laws should be held to the same standard.

For further information, please contact **The Hon John Dowd AO QC**, President, ICJ Australia; or Mr Steve Mark, Chairperson, ICJ Australia; or Mr Nicholas McNally, Honorary Treasurer, ICJ Australia.

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