

IS COMMUNITY A CRIME?

A Forum for Communities Affected by Anti-Terrorism Laws and Policing



A REPORT

compiled by



THIS REPORT HAS BEEN PREPARED BY THE WESTERN SUBURBS LEGAL SERVICE INC IN COLLABORATION WITH THE ANTI-TERRORISM LAWS WORKING GROUP OF THE FEDERATION OF COMMUNITY LEGAL CENTRES (VIC) INC AND THE AUSTRALIAN TAMIL RIGHTS ADVOCACY NETWORK.

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About the Federation of Community Legal Centres (Vic)

THE FEDERATION OF COMMUNITY LEGAL CENTRES (VIC) INC (THE FEDERATION) IS THE PEAK BODY FOR FIFTY-TWO COMMUNITY LEGAL CENTRES ACROSS VICTORIA. THE FEDERATION LEADS AND SUPPORTS COMMUNITY LEGAL CENTRES TO PURSUE SOCIAL EQUITY AND TO CHALLENGE INJUSTICE.

The Federation:

- Provides information and referrals to people seeking legal assistance;
- Initiates and resources law reform to develop a fairer legal system that better responds to the needs of the disadvantaged;
- Works to build a stronger and more effective community legal sector;
- Provides services and support to community legal centres; and
- Represents community legal centres with stakeholders.

The Federation assists its diverse membership to collaborate for justice. Workers and volunteers throughout Victoria come together through working groups and other networks to exchange ideas and develop strategies to improve the effectiveness of their work.

Community legal centres are independent community organisations which provide free legal services to the public. Community legal centres provide free legal advice, information and representation to more than 100,000 Victorians each year.

Generalist community legal centres provide services on a range of legal issues to people in their local geographic area. There are generalist community legal centres in metropolitan Melbourne and in rural and regional Victoria.

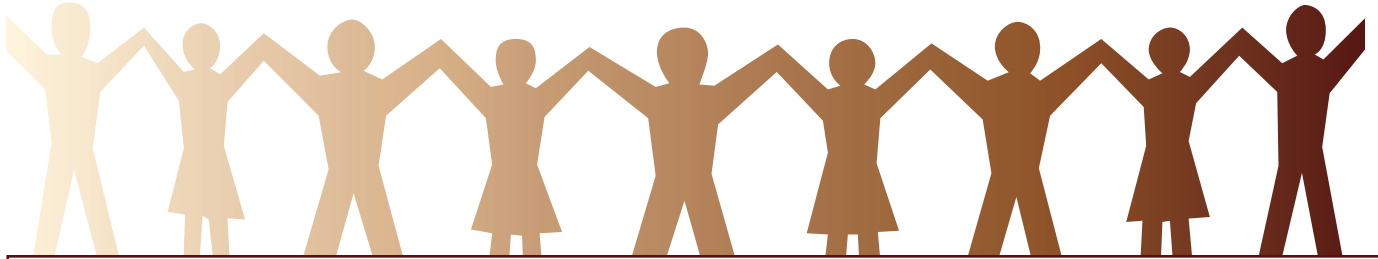
Specialist community legal centres focus on groups of people with special needs or particular areas of law (mental health, disability, consumer law, the environment, etc.)

Community legal centres provide effective and creative solutions to legal problems based on their experience within their community. It is their community relationship that distinguishes community legal centres from other legal providers and enables them to respond effectively to the needs of communities as they arise and change.

Community legal centres integrate assistance for individual clients with community legal education, community development and law reform projects that are based on client need and that are preventative in outcome.

Community legal centres are committed to collaboration with government, legal aid, the private legal profession and community partners to ensure the best outcomes for our clients and the justice system in Australia.

The Anti-Terrorism Laws Working Group is one of a number of issue-specific working groups within the Federation. It comprises workers from member centres as well as members from other community organisations and academia. This Working Group supports community legal centres to provide targeted community legal education programs for communities affected by state and Commonwealth anti-terrorism laws and supports community legal centre lawyers to provide up-to-date legal advice to clients affected by state and Commonwealth anti-terrorism laws. The Working Group also works to monitor the impact of state and Commonwealth anti-terrorism laws on affected communities and individuals.



About the Australian-Tamil Rights Advocacy Council

THE AUSTRALIAN-TAMIL RIGHTS ADVOCACY COUNCIL (ATRAC) WAS ORIGINALLY FORMED TO ADDRESS THE SPECIFIC CONCERNS OF VICTORIAN TAMILS REGARDING THE CIVIL RIGHTS IMPLICATIONS OF THE ANTI-TERRORISM LEGISLATION.

Since the forum in April 2008, the political situation in Sri Lanka has changed significantly. Following the Sri Lankan government's May 2009 claim of military victory over the Liberation Tigers of Tamil Eelam (LTTE) – the group that for a number of years held a de facto state in the north of Sri Lanka – ATRAC ceased to exist. During the period up to the change in the political situation in Sri Lanka, there was a legitimate fear that the laws may erode political freedoms and expose Australian Tamils to racial profiling and other forms of discrimination. ATRAC was an expression of the community's desire to take proactive measures to engage the legal and policy processes at both state and federal levels to address the uncertainty surrounding these laws.

ATRAC's primary objectives included raising awareness about the above issues in the broader Victorian and Australian community; enhancing the capacity of the Tamil community to better understand and protect their civil rights and liberties; promoting an accurate, informed and positive understanding of the issues that affect Tamils in the public arena; identifying and implementing strategies to monitor the anti-terrorism legislation; and making submissions regarding the legislation to government inquiries.

Preface: Australia's Anti-Terrorism Regime and its Community Impact

Marika Dias

**Community Lawyer and Convenor, Anti-Terrorism Laws Working Group,
Federation of Community Legal Centres (Vic)**

Background to the 'Is Community a Crime Forum?'

Since the first wave of Australia's anti-terrorism laws was enacted, the Federation of Community Legal Centres (the Federation) has worked with various community groups and academics to investigate the impact of these new laws and to provide information to the community about the new legislation and counter-terrorism initiatives. Part of this work has involved liaising closely with religious and ethno-specific organisations with links to communities who have been most affected by the laws. The Federation has also worked to enhance the capacity of these affected communities to contribute to the government's public consultation processes around the laws. This has included assisting community groups to draft written submissions for parliamentary inquiries, preparing pro-forma submissions and helping groups prepare to appear as witnesses before parliamentary committees. In the course of this work, the Federation and the Australian-Tamil Rights Advocacy Council (ATRAC) commenced working together.

At that stage, it was clear that certain communities were being impacted by Australia's anti-terrorism laws significantly more than others. Through its work the Federation identified that Islamic, Kurdish, Tamil and Somali communities had been particularly affected.

The Federation and ATRAC therefore decided to convene a forum in which these four communities could be brought together. The aim of this forum was to share information and experiences of how the new anti-terrorism laws had affected these particular communities, with a view to ending any feelings of isolation within the communities. The forum was also intended to be a springboard for future collaboration between these groups. It was anticipated that by combining forces these groups would have greater success in publicising

the adverse affect these laws were having in their communities and be in a stronger position to advocate for law reform.

On 12 April 2008 the 'Is Community a Crime?' forum took place at the Melbourne Town Hall, with financial support from the Reichstein Foundation.

Representatives from the Muslim, Kurdish, Tamil and Somali communities all spoke at the forum. Common themes raised by these community representatives included:

- Communities felt concerned about the breadth of the investigative and policing powers provided to authorities such as the Australian Federal Police (AFP);
- Communities felt targeted by Australian Security Intelligence Organisation (ASIO) and/or the AFP and that there had been a misuse of power by these authorities;
- Communities felt that the Australian government acted in the interests of other foreign governments in its application of the legislation. For example, the Turkish and Sri Lankan governments pushed Australia strongly to treat the Kurdistan Workers Party (PKK) and the Liberation Tigers of Tamil Eelam (LTTE) respectively as 'terrorist organisations';
- Communities felt afraid to provide assistance to family and friends in their countries of origin for fear of being accused of providing assistance to alleged 'terrorist organisations'. This fear was more prominent in relation to conflicts where a group such as the PKK or the LTTE were fighting for a separate state; and
- Communities felt intimidated when attending community events for fear that the authorities were incorrectly characterising such events as 'terrorist organisation' events.

In addition to the community speakers, people with expert knowledge of the anti-terrorism laws also spoke.

Dr Patrick Emerton, lecturer in the School of Law at Monash University and associate of the Castan Centre for Human Rights, observed that the anti-terrorism laws identify a broad category of activity as terrorism including most violence or threats of violence that are motivated by politics or religion. Alarming, the laws criminalise not just these activities but also any connection to these activities. This creates a very broad range of applicability, making it easy for authorities to act upon extremely tenuous connections to terrorism. Importantly, Dr Emerton noted that while the laws were very broad, the ways in which they were applied were quite narrow. He described how the laws have not been utilised to target dangerous groups, but rather, to target particular communities.

Dr Damien Kingsbury, associate professor in the School of International and Political Studies at Deakin University, discussed the issue of political violence, focusing on the distinction drawn between state violence and non-state violence. Dr Kingsbury observed that where a state has come into power illegitimately (eg. as a result of colonisation), communities that choose to no longer be governed by that state are acting legitimately. Where the state attacks a community that chooses to opt out, it is legitimate for the community being attacked to defend itself against the state's violence. Dr Kingsbury argued that a state cannot be afforded reprieve from its violent actions purely because it is a state and similarly, non-state actors should not be labelled 'terrorists' purely because they are a non-state entity.

To further the forum's aim of increasing inter-community collaboration, Pamela Curr, Community Campaign Coordinator at the Asylum Seeker Resource Centre, spoke about the significance of campaigns against the anti-terrorism laws and the importance of working across communities when campaigning. She also addressed the benefit of cultivating connections between inter-related campaigns such as the campaign against the anti-terrorism laws and the campaign for refugee and asylum seeker rights.

To protect forum participants, the discussion that followed the speakers' presentations has not been recorded here. Broadly, participants reiterated and confirmed the many concerns that were raised by the community representatives in their speeches, with some relating personal experiences of contact with authorities. There was also some discussion of similar impacts on communities overseas including indigenous communities in New Zealand, which have also been affected by anti-terrorism laws. There were also expressions of a willingness to work together by participants from the different affected communities.

Anti-Terrorism Legislation Post-September 11

Prior to the bombings in the USA on 11 September 2001, Australia had a range of federal legislation that could be used to respond to acts of terrorism such as hijackings and bombings, or conspiracies to commit such acts. Australia's subsequent commitment to an alliance with the USA in the 'war on terror' and other events such as the Bali bombings in 2002 precipitated a dramatic shift in the Australian government's approach to terrorism. This resulted in a period of rapid and significant legislative change, which was further spurred on by the Madrid train bombings in March 2004.

Between the November 2001 re-election of the Howard government and its further re-election in late 2004, a raft of anti-terrorism laws was passed. This included laws that:

- Created a broad definition of a 'terrorist act';
- Added new terrorism offences to the Commonwealth Criminal Code;
- Established a regime for the proscription of 'terrorist organisations' by the government;
- Gave ASIO special new powers to detain and question people in order to gather intelligence about terrorist acts;
- Amended Australia's border security laws, particularly in respect of the customs authority;
- Enhanced the telecommunications interception warrant regime in respect of terrorist acts;
- Created new Commonwealth Criminal Code offences for terrorist bombings;
- Created new Commonwealth Criminal Code offences relating to direct and indirect financing of terrorist acts;
- Created a new Commonwealth Criminal Code offence for murdering or harming Australians outside Australia;
- Extended the periods that law enforcement officers can detain suspects for the purpose of investigating terrorist acts and allowed for continued detention during suspensions in questioning for purposes such as making overseas inquiries or collating information;
- Enhanced the regulatory frameworks relating to aviation and maritime security;
- Allowed the Attorney-General to issue certificates

to prevent the disclosure of national security-related information in federal criminal proceedings, even to defendants and their lawyers;

- Provided authorities with new powers to demand and confiscate foreign passports.

To make these substantial changes to Australian law a large number of Acts relating to terrorism were passed in that period. Furthermore, although the states and territories referred their powers to the Commonwealth in 2002 to enable the passage of this suite of anti-terrorism laws, they all subsequently passed their own legislation to complement the Commonwealth laws. Earlier state and territory laws largely gave law enforcement officers increased investigative powers. As further discussed below, later laws provided for preventative detention, as per a subsequent agreement between the Commonwealth and state and territory governments.

This legislative overhaul greatly expanded the powers available to Australian law enforcement and intelligence gathering agencies, as well as the range of criminal offences relating to terrorism and the types of activity and connections that could trigger criminal investigation. This expansion was primarily achieved through the enactment of an extremely broad definition of 'terrorist act', upon which most of the legislation referred to above hinges. A terrorist act encompasses conduct that has political, religious or ideological motivations *and* which is intended to coerce a government or the public *and* which either causes or threatens to cause serious physical harm to a person, serious property damage, a person's death, endangerment to a person's life, a serious risk to public health or safety, or serious interference with an electronic system. Under the current definition a terrorist act can also be the mere threat of such conduct. Strangely, this means that even threatening to make a threat of terrorism can constitute a terrorist act. The definition of a terrorist act is so broad that it does not distinguish between the acts of state and non-state entities, meaning that most state armies and defence force personnel are regularly committing terrorist acts according to this definition, as are many national governments. Nor does the definition exclude acts in furtherance of self-determination or conduct regulated by the laws of war.

In addition to the criminal offence of committing a terrorist act (which can include making threats of terrorism), a number of other terrorism offences were created to criminalise conduct preparatory to terrorist acts. These offences encompass such things as doing anything in preparation for or planning a terrorist act; collecting or making documents likely to facilitate a terrorist act; providing or receiving training in connection with preparation for a terrorist act; and possessing 'a thing' connected with a terrorist act. Given the already

expansive definition of a terrorist act, the range of conduct covered by these offences is extraordinarily wide.

The identification of a 'terrorist organisation' is also based on the definition of a terrorist act. Under Australian law, a 'terrorist organisation' is any organisation that is directly or indirectly engaged in preparing, planning, assisting in or fostering a terrorist act *or* any organisation that has been expressly proscribed by the government. The government can proscribe any organisation that falls within the first half of this definition as well as organisations that advocate terrorist acts. Given the broad definition of a terrorist act, many organisations worldwide including national governments and defence forces are encompassed in the legal definition of a terrorist organisation. Proscription of an organisation triggers a series of criminal offences in relation to that organisation. These include offences of directing or recruiting for the organisation; giving or receiving any type of training to or from the organisation; getting funds to, from or for the organisation; and providing any type of support or resources to the organisation. If the government has proscribed the organisation, there is also the offence of intentionally associating with members of that organisation.

This suite of terrorism and terrorist organisation offences is so sweeping that a broad range of activities and connections may now attract the attention of those authorities focused on national security, such as the federal and state police, ASIO and customs. As noted above, almost all other federal and state and territory anti-terrorism laws hinge on the definition of terrorist act, including laws giving ASIO special powers to detain and question non-suspects, state laws permitting covert police searches and laws permitting the federal police to detain suspects while they conduct investigations. As a consequence, the range of conduct that may give rise to investigation by official agencies is extremely wide and those agencies have been given substantial discretion in respect of anything related to national security. As will be discussed below, it has been the exercise of this discretion along ethnic and religious lines that has led to the targeting of certain minority communities in the domestic 'war on terror'.

The July 2005 bombings in London triggered the hasty introduction of a second wave of anti-terrorism laws. Notwithstanding the extraordinary reforms that had already taken place post-September 11, in 2005 a range of new laws was passed. This included laws that:

- Created a regime of control orders whereby a person can be subject to a range of restrictions with the aim of preventing a terrorist act, even if that person has not been accused of any criminal offence;

- Created a preventative detention regime whereby a person can be detained for the purposes of preventing an imminent terrorist act, even if they have not been convicted or even accused of any criminal offence;
- Provided for the declaration of prescribed security zones in which police can exercise carte blanche powers to stop, search and question any person;
- Updated Australia's archaic sedition laws which criminalise speech urging the overthrow of the government, interference with electoral processes or assistance for an organisation that is at war with Australia.

In addition to these laws, 2007 saw the passage of amendments to the classifications scheme which explicitly banned printed material, films and games advocating terrorist acts. Once again, this legislation was predicated on the expansive definition of terrorist act referred to above. Whereas previously such material could only be banned on the basis that it promoted, incited or instructed in matters of crime, the amendments banned any material directly or indirectly counselling or urging a terrorist act or directly praising a terrorist act. Keeping in mind the very broad definition of a terrorist act, this has the potential to facilitate the banning of a very wide range of material. As discussed above, the concern with such broad laws is that discretion will be exercised along political, religious or ethnic lines, leading to the over-application of the laws to particular ethnic and religious communities.

The Anti-Terrorism Laws in Practice

In practice, the suite of anti-terrorism laws has been applied both directly and indirectly. Their direct application has occurred through the issuing of ASIO questioning warrants, the proscription of terrorist organisations by the government, the making of control orders, the restriction of national security information in criminal trials and a number of prosecutions of terrorism offences. The laws have also been used indirectly by law enforcement and intelligence gathering agencies as a means to coerce cooperation with their investigations and as the basis for extensive questioning and investigation of particular communities.

Since the establishment of ASIO's special powers to question and detain non-suspects to obtain intelligence regarding terrorist acts, three questioning warrants have been obtained. There have been no detention warrants. But the effect of these powers has been much greater than the number of warrants suggests, with ASIO reportedly using the powers as leverage to

coerce individuals into informal interviews. Community legal centre lawyers have encountered clients who have reported that ASIO's request for an informal 'chat' has been accompanied by an indication that they could obtain a questioning warrant. This has involved ASIO officers stating 'we could do this the easy way or the hard way'. ASIO have denied approaching people in this way. However, in the case of Izhar Ul-Haque, ASIO officers themselves gave evidence about using words to the effect of 'we can go down the difficult path or a less difficult path'. In this case, the Court found that the questioning tactics and conduct of the ASIO officers amounted to the kidnapping and false imprisonment of Mr Ul-Haque. This led to an inquiry by the Inspector-General of Intelligence and Security into the conduct of the ASIO officers involved.

Since their introduction, the government has used the proscription powers to list twenty organisations as terrorist organisations. This has included nineteen Islamic organisations and one Kurdish organisation. The listing of organisations lapses after two years and any re-listings (or new listings) are subject to review by the Parliamentary Joint Committee for Intelligence and Security (PJCIS). Nonetheless, eighteen of the organisations that have been listed as terrorist organisations so far remain listed.

There have been numerous criminal prosecutions of the terrorism and terrorist organisation offences. In 2003 Zeky Mallah was the first person to be charged with a terrorism offence in Australia. Mr Mallah was charged with two counts of doing an act in preparation for a terrorist act, but was ultimately acquitted. In 2004 Jack Roche was convicted of terrorism-related offences. These convictions were, however, obtained under older legislation. In 2004 Jack Thomas was charged with intentionally receiving funds from a terrorist organisation and two counts of intentionally providing support to a terrorist organisation. He was ultimately acquitted of all three charges but was found guilty of the non-terrorism offence of possessing a false passport in 2008. In 2006 Faheem Lhodi was convicted of possessing a thing connected with preparation for a terrorist act, collecting documents connected with preparation for a terrorist act and doing an act in preparation for a terrorist act. He was sentenced to a twenty year term of imprisonment. In 2004 Belal Khazaal was charged with intentionally making a document in connection with a terrorist act and was ultimately found guilty in 2008. He was sentenced to twelve years imprisonment in September 2009. In late 2005 thirteen men in Victoria and nine in New South Wales were arrested on terrorism and terrorist organisation charges. Of the twelve cases that proceeded to trial in Victoria, seven of those men were found guilty by a jury. The jury was unable to reach a verdict

in relation to one man and four men were acquitted. Their charges ranged from directing the activities of a terrorist organisation, to being a member of a terrorist organisation, to possessing a thing connected with the preparation of a terrorist act. In February 2009 the seven convicted men lodged appeals against both their convictions and their sentences. In New South Wales the nine men arrested were charged with conspiracy to do an act in preparation for a terrorist act. The trial of five of these men recently concluded with all five being found guilty of conspiring to do acts in preparation for a terrorist act. In 2004 Izhar Ul-Haque was charged with intentionally receiving training from a terrorist organisation. However, as discussed above the charge was dropped in late 2007 after the conduct of the ASIO officers was called into question. In 2006 John Howard Amundsen was charged with making a thing connected with preparation for a terrorist act, amongst other non-terrorism charges. The terrorism charge was dropped in 2007. In 2007 three men were charged with terrorist organisation offences in relation to connections with the LTTE. These charges were all ultimately withdrawn in early 2009, after the presiding Judge indicated that the prosecution would have difficulty convincing a jury that the LTTE was a terrorist organisation because it had not been proscribed by Australian authorities. In August 2009 five men in Victoria were charged with conspiring to plan a terrorist act. Three of the five men applied for bail but were refused and their cases are on-going.

To date two individuals have been subject to control orders; namely David Hicks and Jack Thomas. The grounds for making a control order are that the order would substantially assist in preventing a terrorist act or that the subject has given training to or received training from a listed terrorist organisation. In the case of David Hicks the control order was made in December 2007 on the basis that he had trained with Lakshar-e-Tayyiba and that it would substantially assist in preventing a terrorist act. This order expired in December 2008 and the AFP did not seek a new order. In the case of Jack Thomas the control order was made on the basis that he had trained with al-Qa'ida in 2001. Broadly, the grounds for the order indicated that Mr Thomas had admitted that he trained with al-Qa'ida in 2001 and, as a result of that training, had become an available resource that could be tapped into to commit terrorist acts on behalf of al-Qa'ida or related terrorist cells. It further stated that he was susceptible to others' views and beliefs and had links with extremists who might expose and exploit him, that his training with al-Qa'ida might make him an attractive target for 'aspirant extremists' who would seek out his skills and experience to assist them, and that without the control order Mr Thomas could be a resource for the planning or preparation of a terrorist act.

The most notable use of the AFP's investigative powers occurred in the case of Dr Mohamed Haneef. Dr Haneef was arrested by the AFP on 2 July 2007 in relation to possible connections with the Glasgow bombings. He was then detained for twelve days without charge while the AFP conducted their investigations. In that time the AFP applied for and was granted two extensions of the questioning time up to the maximum total of twenty-four hours, as well as several extensions of dead time. Dr Haneef was eventually charged with intentionally providing resources to a terrorist organisation, but this charge was ultimately dropped. While Dr Haneef was bailed in respect of the criminal charge, the Minister for Immigration quickly cancelled Dr Haneef's visa on character grounds. Although the charges against Dr Haneef were dropped, the visa cancellation remained and he was taken to an immigration detention facility. Dr Haneef then elected to leave Australia voluntarily, rather than stay in immigration detention. In the end, however, the decision to cancel Dr Haneef's visa was also revoked. This series of events prompted the Clarke Inquiry into Dr Haneef, which was announced by the government in March 2008 and ultimately handed down its report in November of that year.

The AFP's investigative powers were also used in respect of one of the Somali's arrested and charged in August 2009, as discussed further below.

There have been no preventative detention orders made and the federal government has not declared any prescribed security zones so as to authorise use of the police's special stop, search and question powers. The Victorian state government has, however, exercised its equivalent power. During the Commonwealth Games in Melbourne in 2006, the state government obtained authorisation from the Supreme Court in respect of the area surrounding the venue of the Queen's Birthday Luncheon, thereby empowering police to stop, search and question anyone entering or in that area.

The Community Impact of the Anti-Terrorism Laws

Arab Islamic Communities

When introducing the anti-terrorism laws described above, the Howard government repeatedly stressed that these laws were not aimed at Islamic communities.

However, it is undeniable that Islamic communities have overwhelmingly borne the brunt of Australian counter-terrorism initiatives.

After the September 11 bombings ASIO conducted widespread questioning in Islamic communities. Numerous members of Islamic communities reported being questioned by ASIO officers about their connections with terrorism to community legal centre lawyers and Islamic and Arabic community organisations, including the Australian Muslim Civil Rights Advocacy Network (AMCRAN). Community members also reported being asked seemingly asinine questions by ASIO, such as 'what do you think of Osama Bin Laden?' In her presentation to the forum Sanmati Verma discusses the results of a survey conducted by AMCRAN in 2005 in Sydney's southwest. This survey reveals high levels of contact with law enforcement and intelligence-gathering authorities in Muslim communities, as well as heightened concerns about ASIO and Australia's anti-terrorism laws in general.

While AMCRAN reported to the forum that only 11% of respondents had had direct contact with anti-terrorism authorities, it also reported that 50% knew one or more people who had been directly contacted. When compared to the size of the Muslim population and the level of contact other communities have had with anti-terrorism authorities, even 11% would seem to amount to significant over-representation. The AFP's establishment of a specific Islamic Liaison Team with a commitment to promoting 'engagement between the AFP and the Islamic community' also suggests an over-policing of Islamic communities by this authority. There does not appear to be an equivalent team for Christian or Jewish communities.

Without doubt, the concerns of Islamic communities have been fomented by the fact that nineteen of the twenty organisations that have been proscribed as terrorist organisations by the Australian government are Islamic. As discussed above, the criteria for proscribing an organisation are so broad that the Australian government could list many organisations worldwide. This includes a significant proportion of the Department of Foreign Affairs and Trade's Consolidated List of over 540 terrorist organisations and individuals to whom Australia's money-freezing regime applies. The preponderance of Islamic groups listed by the Australian government raises concerns that the proscription power is being used in a discriminatory manner, based largely on Australian foreign policy priorities and prejudiced conceptions of Islam. AMCRAN's 2005 survey suggests that such concerns are deeply felt within Muslim communities. No doubt these worries have become even more entrenched as a result of the fact that all criminal prosecutions that have

been pursued to trial have been brought against Muslim individuals. Other anti-terrorism laws have also been overwhelmingly applied to Muslims or in connection with Islamic organisations, including the AFP investigative powers in the case of Dr Haneef and the control orders against Jack Thomas and David Hicks.

Counter-terrorism initiatives calling for community cooperation have also given Muslim communities cause for concern. For years following the September 11 bombings, there was a pervasive advertising campaign for Australia's 'National Security Hotline' which encouraged the public to call and report anything and everything suspicious. At the same time, anti-Islamic sentiment in the community resulting from the September 11 bombings was exacerbated by irresponsible media reporting that repeatedly and consistently depicted Muslims and Islam in connection with terrorism. Anecdotal reports suggest that this media casting of Muslim communities as inherently suspicious, coupled with widespread community backlash against Muslims, led to many cases of Muslim individuals being reported to the hotline simply for expressing certain political and religious views. The risk of being reported to the hotline has no doubt had a chilling effect on free speech and political/religious communications within Muslim communities, particularly in the hotline's early years when it was most heavily publicised and anti-Muslim sentiment was at its peak.

Islam has also been disproportionately targeted in respect of its literature and religious instruction. Changes to the classification scheme, as discussed above, were foreshadowed in July 2006 when the Classification Review Board was called on by the AFP to review the listings of eight Islamic publications. Of these eight, the Board refused classification to two Islamic books, 'Join the Caravan' and 'Defence of the Muslim Lands', on the basis that they promoted and incited crime, namely the crime of terrorism. Prompted by these cases – in particular by the fact that a court overturned the banning and it was only re-affirmed after further appeal – legislation was passed to make advocacy of terrorist acts a separate ground for the banning of material. To date, we are not aware of the banning of any other religious material on the basis that it advocates or incites terrorism. There has, however, been widespread publicity about Islam's religious doctrines, certain key clerics such as Sheikh Hilali, social issues such as the status of Muslim women and questions about the 'integration' of Muslim communities into broader Australian society. Most of the media coverage and debate in the public sphere around these issues has been unfavourable to Muslims and Islam.

Community legal centres' work with Muslim clients suggests that there have been additional impacts to

those noted above. Muslim clients have been subject to repeated ASIO raids, searches and questioning and some clients have had difficulty maintaining Australian passports due to ASIO attention. Other clients have suffered discrimination on the basis of their religion. Anecdotal evidence suggests that Muslims and others of 'middle-eastern appearance' are subject to disproportionate attention in airport security checks, although the extent of this is difficult to evaluate due to the discretionary nature of such checks. Islamic communities also report that the breadth of the terrorism offences, in particular the financing offences (which cover direct or indirect financing that is either knowing or reckless), has created additional concerns for Muslim individuals or groups wishing to give to charities overseas. Donating to charity is an integral aspect of the Muslim faith, but the financing terrorism and terrorist organisation offences have rendered this practice fraught for Muslims. This is particularly so because their charitable activities have tended to attract greater suspicion than similar activities carried out by non-Muslims.

The breadth and depth of the impact of Australia's anti-terrorism laws on Muslim communities is probably greater than information available in the public sphere would suggest. The AMRCAN survey of 2005 is certainly a valuable starting point in the task of gauging the extent to which Muslim communities have been and continue to be affected. Hopefully, it will prompt further investigations into the community impacts of Australia's anti-terrorism laws.

The Kurdish Community

In late 2005, approximately one week after a visit from the Turkish Prime Minister, the Australian government announced that it had decided to list the Kurdistan Workers Party (PKK) as a terrorist organisation.

When this listing was reviewed by the PJCIS, a coalition of community organisations came together to oppose the listing. The coalition was spearheaded by the Kurdish Association of Victoria and the Federation of Community Legal Centres. It drew much support, including from organisations such as Liberty Victoria, the National Association of Community Legal Centres and Save Inc. In March 2006 Melbourne's City of Yarra council voted to oppose the proscription of the PKK, calling on the federal government to revoke the listing. For the first time in respect of such listings, the PJCIS was divided when it reviewed the listing of the PKK. A dissenting minority report recommending that the government review the listing was prepared by MP Duncan Kerr and Senator John Faulkner. The minority report argued that the listing had no security benefits for Australia, was not consistent with the criteria ASIO claimed to apply in recommending

listings and would have a 'potentially catastrophic' impact on Australia's Kurdish community.

Since then, in spite of widespread opposition to the listing, the PKK has been re-listed by the government twice.

The listing of the PKK has triggered increased scrutiny of the Kurdish community by law enforcement authorities and has precipitated a range of community concerns.

As with Islamic communities, the breadth of the anti-terrorism laws has created fear amongst Kurds in Australia about sending money back to family members or giving charitable assistance to Kurds overseas. In its work with the Kurdish community, the Federation has repeatedly heard concerns regarding the criminality of possessing political material relating to the PKK such as a copy of the PKK's constitution, as well as concerns about the criminalisation of political aspirations shared with the PKK. The listing of the PKK has also prompted grave concerns amongst Kurdish refugees, many of whom were granted refugee status in Australia on the basis of persecution because of actual or perceived connections with the PKK. There has been a concern that the listing of the PKK would lead to those same refugees being charged with criminal offences, based on evidence from their applications for asylum. Whilst this has not occurred to date, it is still a possibility under current law.

The concerns of the Kurdish community have not been assuaged since the initial listing of the PKK. In fact, the opposite has occurred as a result of the conduct of counter-terrorism police and ASIO. As discussed in the speech of Mahmut Kahraman of the Kurdish Association of Victoria, counter-terrorism officials have attended conferences on Kurdish issues. This creates the fear that, as far as the authorities are concerned, there is something about Kurdish issues and discussions about them that is intrinsically linked to terrorism. Although these conferences have not been related to terrorism in any way, this kind of scrutiny by counter-terrorism police has had a disconcerting effect upon and has stifled the political expression of the Kurdish community.

In the wake of the listing of the PKK, a Kurdish protest outside the Turkish embassy attracted excessive police attention. Police told protesters that their placards depicting jailed Kurdish leader Abdullah Ocalan were a contravention of anti-terrorism laws and would have to be removed. While this kind of policing is clearly based on a mistaken understanding of the laws relating to terrorist organisations, it nevertheless has a highly detrimental effect on freedom of expression. It also suggests that the political aspirations of Kurds are deemed illegitimate, unimportant and even a threat to Australian society. Like the listing of the PKK itself, this is extremely damaging to

Kurds in Australia and to their ability to fully express their cultural and political identities.

The Tamil Community

The Liberation Tigers of Tamil Eelam (LTTE) has not been listed as a terrorist organisation in Australia, although listing the LTTE has been publicly foreshadowed by the government on a number of occasions.

The spectre of Australia's anti-terrorism laws was first raised in the Tamil community around the same time that the listing of the PKK brought these laws to the attention of the Kurdish community. The manner in which the Tamil community has come to the attention of authorities and the type of policing it has experienced seem to be directly linked to the interests of the Sri Lankan government.

Pre-dawn raids on a number of Tamil homes in late 2005 were openly carried out in response to requests for assistance from the Sri Lankan government and involved the removal of certain books, documents and other material including a copy of Anton Balasingham's 'War and Peace: Armed Struggle and Peace Efforts of Liberation Tigers'. These raids also led to the questioning of a number of Tamils. In all likelihood, these raids and the search warrants justifying them were based on information and 'tips' received from Sri Lankan government officials. As Pratheepan Balasubramaniam points out in his presentation on behalf of ATRAC, the source of the AFP and ASIO's 'intelligence' regarding Australia's Tamil community is coming from the same people that have been involved in the systematic abuses, discrimination and atrocities perpetrated against Tamils in Sri Lanka.

In the media, the raids triggered questioning of the legitimacy of the broader Tamil community's fundraising efforts for the north-east region of Sri Lanka, in particular fundraising around disasters such as the devastating 2004 tsunami. Tamil groups with purely charitable aims were compelled to rethink their fundraising strategies and the manner in which they conveyed donations to communities in Sri Lanka. Tamil individuals also began to question the types of connections to the Tamil cause they could maintain and the ways in which they could express their political allegiances in Australia without falling foul of the anti-terrorism laws. The ATRAC presentation explores these impacts in more detail. As with the Islamic and Kurdish communities, the financing terrorism offences are one of the most tangible causes for concern, raising issues for Tamils who want to send money and resources to friends, family and charities in Sri Lanka's north-east region.

In May 2007 three Tamil men were arrested and charged with terrorism offences. These charges included

membership of a terrorist organisation, making funds available to a terrorist organisation and providing resources to a terrorist organisation. Eventually the terrorism charges against all of the accused were withdrawn, but not before lengthy bail hearings and almost two years had passed.

At the time of the forum the LTTE was still fully operational. But in May 2009 the Sri Lankan government announced its defeat of the LTTE and the LTTE itself issued a statement conceding defeat. The leader and founder of the LTTE, Velupillai Prabhakaran, was subsequently assassinated by Sri Lankan government forces and the LTTE's new leader was taken into custody. It is therefore unclear how the LTTE's operations will progress and whether the Australian government's foreign policy will be adjusted accordingly. That being the case, whether and how the anti-terrorism laws will continue to impact on the Tamil community remains to be seen.

The Somali Community

When the forum took place, the impact of Australia's anti-terrorism laws on the Somali community was arguably not as obvious and not as great as the impact on the other communities discussed above.

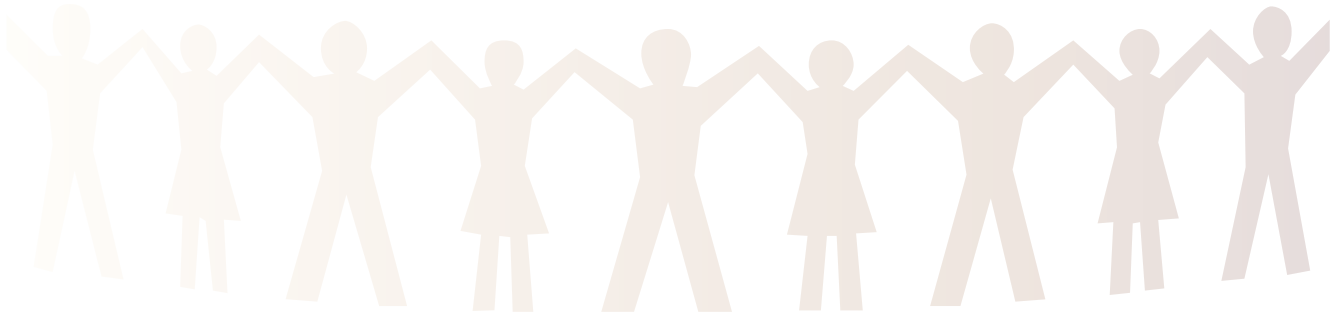
In April 2007 *The Age* newspaper reported that young Somali men living in Australia were being recruited and returning to Somalia to fight in 'Islamic jihad'. This report alleged that Somali 'extremists' had travelled to Australia to garner support and recruits, and a particular community centre (which was labelled a mosque in the reporting) was identified as an ally of those extremists. The report also raised the fear that young Somalis recruited by 'extremists' could be used in a terrorist attack in Australia.

While the AFP declined to comment in the media, this article seemed to trigger much more widespread AFP surveillance and investigations of the Somali community than had previously taken place. AFP officers began patrolling public housing estates in inner-Melbourne and questioning young Somalis. This caused significant fear in the Somali community and the Federation was called upon to provide legal education sessions about the anti-terrorism laws to Somali community groups. In these sessions, Somali community members expressed grave concerns that their connections with their home country were being criminalised. In particular, people were deeply concerned that remitting money to their families in Somalia was potentially a criminal act that would now draw suspicion from the authorities, as would any support for family and friends involved in the fighting against Ethiopian forces.

On the morning of 4 August 2009 nineteen raids took place across Melbourne and regional Victoria. Several men of Somali origin were arrested, alongside another man identified in the media as 'Lebanese'. All five were charged with terrorism offences. It was alleged that the group had been plotting a terrorist attack on an Australian military base and that it had links with the Somali Islamic organisation al-Shabaab. As with previous raids on Muslim and Tamil homes, police leaks to the media ensured that most of the raids were carried out in the presence of reporters and film crews. Just a few weeks after these arrests, the government announced its decision to list al-Shabaab as a terrorist organisation.

As a result of these recent events, the Federation has been involved in further information sessions for Somali community groups. At these sessions community members expressed concerns about inconsistent policing of the Somali community and explained that the social attitudes and treatment resulting from their community being labelled as 'terrorists' is impeding their ability to fully participate in Australian society. Community members also reiterated their fears about their remittances of money to family in Somalia being subject to scrutiny and investigation by authorities.

The AFP and state police have also held information sessions for the Somali community, during which emotions reportedly ran very high and much anger was expressed over both Australia's anti-terrorism laws and the handling of the raids, in particular the media leaks and the police's lack of cultural sensitivity. Community members also expressed their fear of a backlash against the community as a result of the widespread and unfavourable media reporting that followed the raids.



IS COMMUNITY A CRIME?

A Forum for Communities Affected by Anti-Terrorism Laws and Policing



**Saturday 12 April 2008
Melbourne Town Hall**

SPEAKERS:

Sanmati Verma, Australian Muslim Civil Rights Advocacy Network (AMCRAN)

Dr Patrick Emerton, School of Law, Monash University

Mahmut Kahraman, Kurdish Association of Victoria

Pratheepan Balasubramaniam, Australian-Tamil Rights Advocacy Council (ATRAC)

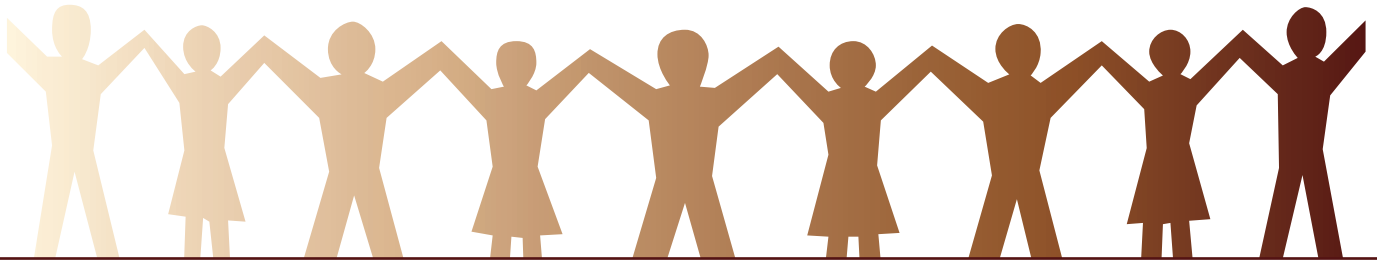
Dr Damien Kingsbury, School of International and Political Studies, Deakin University

Kamal Sheikh Omar, Somali Community Member

Pamela Curr, Community Campaign Coordinator, Asylum Seeker Resource Centre

FACILITATOR:

Marika Dias, Community Lawyer and Convenor, Anti-Terrorism Laws Working Group,
Federation of Community Legal Centres (Vic) Inc



Facilitator's Introduction

Marika Dias

COMMUNITY LAWYER AND CONVENOR, ANTI-TERRORISM LAWS WORKING GROUP, FEDERATION OF COMMUNITY LEGAL CENTRES (VIC)

A raft of anti-terrorism legislation was introduced in Australia in response to the events of 11 September 2001, and as part of the so-called 'war on terror'.

Initially these laws introduced a very broad definition of terrorism that focuses on political, religious and ideologically motivated violence and property damage. In this regard, the definition doesn't distinguish between violence against civilians and violence against soldiers. Nor do the laws distinguish between aggressive violence and violence that is committed in self-defence or to further self-determination.

These laws also increased ASIO's powers when gathering intelligence regarding terrorism and gave the Australian Federal Police enhanced investigative powers in connection with terrorism. They created an array of offences relating to terrorism that are also very broad and are designed to target acts linked to terrorism even if they are preparatory acts at the earliest stages and even if they are only remotely connected to actual acts of terrorism.

The government was given the power to ban organisations that it regards as terrorist organisations and the laws also created offences relating to terrorist organisations. These laws have been designed to catch people with any involvement in such organisations, even if that involvement isn't connected to 'terrorism' in any respect.

In the years following passage of these laws, the government banned eighteen organisations – all Islamic. ASIO questioned numerous people in Islamic

communities. Most of this was 'informal questioning,' with reports that ASIO tended to use the threat of warrants to coerce people into speaking to them.

After the London bombings in July 2005, another raft of new laws was introduced. These laws introduced control orders, preventative detention and increased police powers to stop, search and question.

When Australia's current anti-terrorism laws were first introduced and when they were added to in 2005, there was bi-partisan support. This has made them particularly difficult to combat, in that there has been no political opposition to the laws from the opposition party.

Late in 2005 thirteen Muslim men were arrested in Victoria and nine in Sydney in a series of raids by federal and state authorities. These men were charged with various terrorism-related offences and the Melbourne men are currently on trial in the Victorian Supreme Court.

At the end of 2005 the government also listed the Kurdistan Worker's Party (PKK) as a 'terrorist organisation.' There was a lot of opposition to this listing because of its impact on the Kurdish community in Australia and Kurdish refugees coming to Australia. In April 2006 the Yarra City Council voted to oppose the listing and the Parliamentary Joint Committee on Intelligence and Security's review of the listing included a Minority Report which argued against the listing. To date, however, the PKK remains a listed organisation under Australian law.

Since that time, the following developments have taken place:

- There were raids on members of the Tamil community in Melbourne and Sydney in 2005. Three members of the Tamil community were arrested in mid 2007. They have been charged with offences related to financing and supporting a terrorist organisation. Their trial is still pending;
- Also in mid 2007 Dr Mohammed Haneef was imprisoned for two weeks before being charged. Dr Haneef eventually had his visa revoked, even though the charges against him were ultimately dropped. The conduct of the authorities in that case is currently being investigated by the Clarke Inquiry;
- In 2007 there were newspaper reports that young Somali men living in Australia were returning to Somalia to fight against Ethiopia. This prompted an open Australian Federal Police investigation into Somali communities in Australia and raised suspicions about money being sent to families in Somalia and people travelling back to Somalia; and
- Charges against Izhar Ul-Haq were dropped in November 2007 after the Supreme Court of New South Wales found that the evidence against him had been illegally obtained by the ASIO officers who had questioned him. The ASIO officers gave Mr Ul-Haq the impression that he was compelled to answer their questions and they did not explain his rights to him. The Court said that as a result, they were probably guilty of false imprisonment and kidnapping.

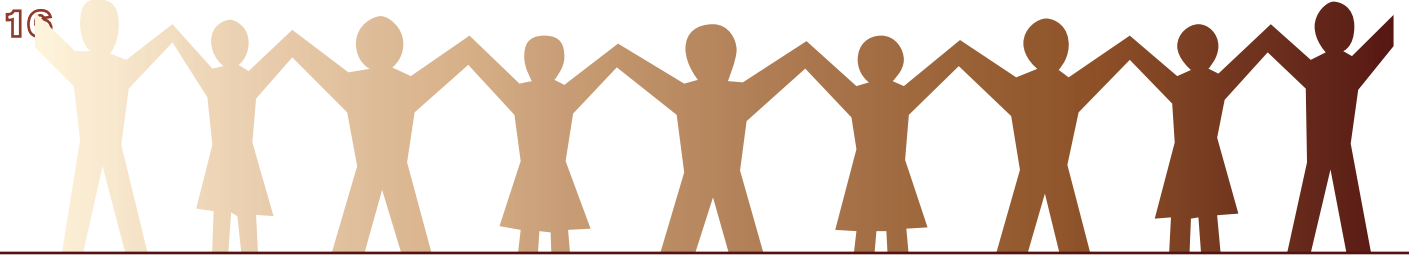
So, while Australian anti-terrorism laws have not been expressly directed at any particular community, they have been applied and policed in a way that targets certain communities; in particular, the Islamic, Somali, Kurdish and Tamil communities.

In last four years, the Federation of Community Legal Centres has been working closely with communities affected by the anti-terrorism laws. We have been lobbying government regarding the problems these laws create for communities as well as providing legal advice and representation to individuals who have experienced problems with ASIO and the federal police.

In the course of this work we have been fortunate to be able to work with ATRAC, an organisation established at the end of 2006 to respond to the way that the Tamil community has been affected by these laws.

One of the things that these laws and the activities of ASIO and the police do, is target and isolate communities. Communities feel alone in being regarded with suspicion.

ATRAC and the Federation of Community Legal Centres therefore decided to organise this forum to bring together affected communities. The hope is that the forum will provide an opportunity for people to share their experiences and to talk about the issues that the 'war on terror' has created for communities and the effects that it continues to have. Finally, we hope that this forum can be used as a 'springboard' for affected communities to work together in the future.



Speakers

Sanmati Verma

LEGAL CONVENOR (VICTORIA), AUSTRALIAN MUSLIM CIVIL RIGHTS ADVOCACY NETWORK

For the Muslim community in the 'war on terror', it has become unclear where terror ends and security begins. Insecurity is peddled by pejorative media reporting that uncritically links Islam and violence. Perhaps the most significant sources of insecurity, however, are Australia's forty-four anti-terrorism laws, with their broad definitions and discretionary powers that effectively permit the targeting of the Muslim community.

To some extent the Muslim community has seen their fears played out in the recent cases of Dr Haneef and Izhar Ul-Haque, in which members of the community were held for lengthy periods of time on tenuous and ultimately unsupportable charges.

Today I will briefly discuss some conclusions AMCRAN has drawn from a survey it conducted in 2005 on the Muslim community's perceptions of and contact with ASIO, the AFP and state anti-terrorism authorities. The survey had a sample of about 146 respondents from Sydney's south-west suburbs, covering Lakemba, Bankstown and Punchbowl. A report of this survey will be finalised and released on our website.

For now, three findings from the survey are particularly interesting:

1. An overwhelmingly large percentage of the community reported feeling unsafe, specifically targeted by the anti-terrorism laws or worried at the extent of policing powers;
2. We could not assess the actual level of contact between the Muslim community and anti-terrorism authorities, and some interesting discrepancies came up here that I will discuss later; and
3. The majority of respondents contacted by ASIO or the police indicated that the contact had been for 'friendly' or informal purposes.

So, let me deal with these observations one by one.

What were respondent's perceptions of the anti-terrorism regime?

- Eighty-three percent of respondents 'denied' or 'strongly denied' feeling safe under the current anti-terrorism regime;
- Forty-nine percent - that is, basically half of the respondents - 'strongly agreed' that the Muslim community was being targeted by the anti-terrorism laws; and
- Seventy-four percent of those surveyed were 'somewhat' to 'very' worried about ASIO following September 11.

It is noteworthy that 62% of respondents indicated they were afraid or worried by the possibility of a terrorist act in Australia. It is also interesting to note that the community appeared as fearful of an act of terrorism as it was of the anti-terrorism authorities designed to police and contain that threat.

These figures speak to a pervasive atmosphere of insecurity amongst the community. They suggest that the feelings of safety amongst the general community perhaps come at the expense of the feelings of security amongst the Muslim community.

When asked for further comments on their perceptions of the anti-terrorism laws, many respondents noted instances of specific targeting of the Muslim community and the feeling that 'they would be next'. One respondent noted openly, 'there is a War on Islam.' Another noted that post-September 11 'being Muslim or Middle Eastern puts me in a pre-condemned category.' Two respondents ticked the 'strongly agree' box three times, next to the question of whether they felt targeted.

How many members of the community have actually been contacted by authorities?

As I suggested, there were some discrepancies in our figures when it came to exactly how many people had been contacted by authorities.

Although only 11% of people reported direct contact with authorities, half of the respondents indicated that they personally knew one or more persons contacted by anti-terrorism authorities. There could be a couple of reasons for this apparent discrepancy.

One is that there is a far greater perception of contact with the authorities amongst the community than is actually taking place – a problem in and of itself, as it speaks to feelings of isolation and being targeted.

The second explanation is that the level of contact with authorities is under-reported. In AMCRAN's survey, under-reporting could have resulted from the strong warning that was issued to respondents in relation to the non-disclosure offences that relate to contact with ASIO, and that make individuals liable to five years imprisonment for disclosing certain details of their contact. Although the ASIO non-disclosure offences relate to formal warrants issued by ASIO, the warning could have had a chilling effect on respondents more generally.

What was the nature of the contact between respondents and authorities?

Of the seventeen respondents who indicated having direct contact with authorities, twelve indicated that the contact had been for 'friendly' or informal purposes. Many respondents indicated that they had not been shown a warrant, and that officers asked 'general questions' about the 'general sentiments' of the Muslim community, about 'Muslim perceptions of current events', or about their views on controversial community figures like Zak Mullah.

None of the respondents indicated that they had asked someone to come with them during contact and none indicated that they had reported the contact to an outside body.

This finding is taken up in our report and is troubling because, as we have seen in cases like Izhar Ul-Haque's, there is potentially no such thing as 'friendly' or 'informal' contact with authorities, in the sense that all information offered may feed into a case.

As I said, this finding is taken up further in our report.

In conclusion, what I have offered here are some preliminary readings of a small survey of Sydney's Muslim community regarding their interaction with anti-terrorism authorities.

The clear conclusion from the statistics is that the respondents surveyed felt fearful and targeted under the anti-terrorism regime. Eighty-three percent of respondents 'denied' or 'strongly denied' feeling safe under the current anti-terrorism regime.

We have seen that this sense of insecurity perhaps outweighs the actual incidence of people being approached by authorities, although this number is probably under-reported due to fear of criminal sanctions.

Since AMCRAN was formed, we have emphasised that the actual as well as the perceived targeting of the Muslim community by the anti-terrorism laws provides the conditions for alienation, fear and, ultimately, ongoing insecurity. We have argued that the belligerent targeting and singling out of Muslims actually alienates the very community whose cooperation is sought when trying to get at the causes of and solutions to ideological violence.

At around the same time that AMCRAN conducted this survey in 2005, Professor Kevin Dunn at the University of New South Wales took a survey of general community attitudes towards Islam and Muslims. He found his sample rife with examples of Islamophobia and negative stereotypes of Muslims. Fifty-six percent of his surveyed respondents perceived Islam as a threat.

We need to work in forums like this to defuse the threat mentality that is seeping through communities and conditioning fear, aversion and belligerence. We need to acknowledge that the anti-terrorism regime in this country is targeting and alienating the country's Muslim population, without any correlation to an actual threat. Further, as the federal parliament considers a comprehensive review of its anti-terrorism regime, now is probably an opportune time to seriously consider the operation of these laws and ask who is paying for our sense of security.

Dr Patrick Emerton

LECTURER, SCHOOL OF LAW, MONASH UNIVERSITY

The laws we are speaking about today have been described as 'anti-terrorism' laws. This is a potentially unhelpful description because the effect of describing them as such is to disable people from speaking out about the adverse effect of those laws. To do so may be to be considered a terrorist.

The parliament can call a law whatever it likes, irrespective of its application. A parliament can label a piece of legislation the 'Fairer Workplace Laws,' despite the fact that these laws do nothing to make workplaces fairer. By the same token, the laws we are speaking about today in fact have little to do with terrorism or combating terrorism and their effects move far beyond this stated purpose.

The point is to work out what these laws do by reading them as a lawyer – but even professionals and learned judges have difficulties identifying and reading them. My contention is that this is *deliberate*.

What our laws really do is to identify a broad category of activity – violence or the threat of violence that is motivated by politics or religion – and then criminalise all of that activity. This is so whether the threat is made against soldiers or civilians, or whether or not it is based on aggression. All of this nominated activity is made criminal and the prescribed penalty is life imprisonment.

The law also makes it criminal to have any sort of connection to that activity. For example, possessing documents that could help someone engaging in that activity (like blueprints, tactical documents, political documents about organising people) can become a criminal offence. Having particular connections or links – even indirectly – is also criminal.

By this standard, every soldier in the world could be a criminal. Everyone else in the world who is part of defence or linked to such an organisation would also be a criminal, no matter how indirect their links to such an organisation.

A large range of humanitarian groups are targeted under these laws because they provide aid to victims of armed forces.

However, considering this, no American soldier has ever been arrested or brought to trial. Why?

The second important feature of these laws is that they are very broad, but the way they are applied is quite

narrow. Public authorities are taking advantage of the gap between breadth of statute and narrowness of application to avoid confronting the issue of what these laws actually do.

The government will suggest that these laws are here to 'fight al-Qa'ida'. Why do we require for this purpose laws that make being a soldier a criminal offence – essentially broad laws that criminalise an endless range of activity? The government says, in response, 'trust us, we will only go after the bad people'.

But the people who have actually been charged under these laws come from particular communities, most frequently from Muslim communities.

There have been particular instances where the government's hypocrisy has almost surfaced, but not quite. One example was during the Lebanon and Israel war in 2006. During this war, an Australian citizen serving as a member of the Israeli Defence Force was killed. The government got involved and (then Foreign Minister) Alexander Downer appeared before the country on national television to offer his condolences to the soldier's family. Under our laws this soldier would almost certainly have committed criminal offences. However, in this instance there was no indication he would be charged.

At the same time, (then Attorney-General) Philip Ruddock was issuing warnings to members of the Arab community not to involve themselves in various activities in that region because they could get into trouble.

One Member of Parliament, Duncan Kerr, did actually mention at this time that serving in the Israeli Defence Force would potentially be a criminal offence. He was reprimanded by his party for this. A situation arose where the difference between the breadth of the laws and those who were being judged under the laws and those who were not almost came to the surface.

These laws criminalise acts such as sending money to home countries – even though it has nothing to do with al-Qa'ida. No member of the armed forces has been arrested or charged, though their activities meet the same definition.

We need to challenge these discrepancies and find ways to make new laws. If communities do speak out, particularly in concert, there is a chance that we can oppose this hypocrisy.

Mahmut Kahraman

SOCIAL WORKER, KURDISH ASSOCIATION OF VICTORIA

The Kurdish community wants to strengthen relations and work together with the other organisations here today.

The Kurdish people are essentially indigenous people, in that they have not moved much from the areas in which they have lived. The Kurds hail from Kurdistan, a region spanning eastern and south-eastern Turkey, northern Iraq, western (mainly north-western) Iran, and parts of (mainly north-western) Syria and Armenia. The population of Kurdistan is around 35 million people (based on figures from 2000). Since World War I, the Kurdish region has been subdivided between the several states noted previously. In each state, the Kurds are minorities.

The Kurdish land is rich in natural resources, including oil. However, the oil may not be as important as the many rivers that the land offers, given that surrounding areas are made up of desert land. These rivers are especially important in the production of energy.

The Kurds have been revolting against the states ruling over them, in particular Turkey. These states have tried to destroy the Kurdish culture and assimilate the Kurds into the communities of the states. For example, when the Turkish government established their own state in 1923, they claimed they accepted the existence of a Kurdish nation. However, a few years later, Turkey removed everything about the Kurds from its constitution. The Kurds were referred to as 'mountain Turks' and they were denied any democratic integrity or any rights. Matters worsened in 1980 following a military coup in Turkey, which resulted in the killing of Turkish leftists and Kurdish patriots. The killings only highlighted that there was no platform under the Turkish government's legal system for the Kurdish people to promote their rights.

A Kurdish underground party, the Kurdistan Workers Party (PKK), was established in 1978 with the aim of creating an independent Kurdish state in south-eastern Turkey and parts of neighbouring countries inhabited by Kurds. The party ultimately decided to take up armed struggle in 1984.

Since 1984 the struggle has continued, with the ongoing war between Turkish officials and the Kurdistan Workers Party. The PKK was listed as a terrorist organisation in 2005. The listing occurred one week after a visit from the Turkish Prime Minister. The Kurdish community was not consulted regarding this listing. The Kurdish Association, with assistance from the Federation of Community Legal Centres, raised a campaign against

the listing. The campaign, which started in early 2006, resulted in some sixteen to twenty submissions being produced by various individuals and organisations. This year, the government is considering the re-listing of the PKK as a terrorist organisation. We are campaigning for the PKK to not be listed as a terrorist organisation. We are concerned that, as in 2005 when Turkey campaigned for the listing of the PKK, something similar will happen now. For example, if there is a bomb blast or an attack for which the PKK denies responsibility (with the attack being committed by government security officials), the Turkish government will still blame the PKK for the violence.

Following the listing, there has been great fear within the Kurdish community. People within the community may have given assistance to Kurdish refugees by providing food and so on, which may need to go through the PKK. Now, after the listing, no one is willing to say what kind of assistance they are providing. No one is willing to talk about their relationship with the organisation and there is a fear of providing assistance to those innocent civilians in great need.

The fear within the community is real, as can be shown by the following example:

A member of ASIO/AFP attended two Kurdish conferences, one of which was specifically in regard to women's rights. The intimidation from the ASIO/AFP member's presence was not in existence prior to the listing. People who brought posters of Kurdish officials were stalked by the police and asked to remove the posters during one of the demonstrations.

The Kurdish community feel intimidated and feel they are the victims of a misuse of power by the Australian government. This misuse of power can deprive the Kurdish diaspora of their strong connection with the PKK, the party that is looking after Kurdish people back in Kurdistan.

Only two weeks ago, on 21 March 2008, the Kurdish people were encouraged to celebrate National Day and show their solidarity with those jailed in the City of Diyarbakir in northern Kurdistan. While the Australian government may find it easy to say that the Kurdish people may constitute some form of threat, it is not easy for the Kurdish people to accept the listing. In fact, the PKK has never constituted any threat to the Australian government or its interests. The organisation has many

times called for a unilateral ceasefire and asked for a democratic and peaceful solution to the Kurdish question. However, the Turkish state always refuses a ceasefire and negotiation offers.

There is a strong connection between the Kurdish people and external organisations like the PKK, who are leading the struggle for the Kurdish people's rights that have been taken away by the states.

Pratheepan Balasubramaniam

PRESIDENT, AUSTRALIAN-TAMIL RIGHTS ADVOCACY COUNCIL

Like the other community groups here, Australian Tamils also find themselves in difficult times. The impact on our community resembles, to some extent, the impact on the Australian Kurds, because it is our complicated relationship with Sri Lankan Tamils and the territory administered by the Liberation Tigers of Tamil Eelam (LTTE) that is being viewed through the blunt anti-terrorism regime.

Before I delve into the details of the community impact, I need to provide a snapshot of the Sri Lankan civil conflict and the twenty-five year struggle for Tamil rights. This background is critical to understanding why the use of the anti-terrorism laws is part of a highly politicised process that has more to do with Australia's foreign policy than protecting Australians.

There are over one million Tamil refugees spread across the world. In Australia, Tamils number about fifty to sixty thousand. Not all of us are technically 'refugees', but all of us were pushed out of Sri Lanka to some degree and none of us can return because of the conflict. Very much like the Kurds' return to south-east Turkey, the Tamils' return to north-east Sri Lanka presents a degree of risk to our lives.

Sri Lanka is composed of several distinct ethnic and religious groups. The majority Sinhalese constitute approximately 75% of the population and the minority communities are the Tamils who make up about 12%, Muslims who make up about 7%, Indian Tamils and Burghers. Tamils predominantly reside in the north-east.

After Sri Lanka gained independence from the British in the late 1940's, political power was vested in the majority Sinhalese with no legal safeguards to protect minority rights. Since then, Tamils have for over fifty years been subject to degrading and discriminatory policies in the areas of land rights, language, cultural and religious rights, education and employment. From the 1950s to the 1970s, Tamil political parties campaigned for their rights through silent protests outside the Sri Lankan parliament and through a political system that fast eroded into a dictatorship of majority rule.

Eventually, in the early 1980's, forceful resistance by small sections of the Tamil community led to a disproportionate government backlash and there started a vicious cycle of violence that still has its stranglehold on the island. State sanctioned anti-Tamil riots in 1983 led to the mass killings of thousands in city streets, the burning of people alive and other atrocities that will make your stomach churn. The government continued to deal with the 'Tamil problem' by indiscriminately bombing residential areas and by targeting young Tamil men.

One armed group, the Liberation Tigers, has been violently single-minded in its campaign to secure Tamil rights and independence from Sri Lankan rule. It has itself committed rights violations but it has continued to maintain popular support amongst Sri Lankan Tamils. In a country in which Tamils represent a mere 12% of the population, the Liberation Tigers had to have had popular support to have sustained the resistance for over twenty-five years; they basically grew from a dozen fighters in the early 1980's to a conventional army of approximately 7,000 soldiers by the end of the 1990's.

Today they administer a large region in the north of Sri Lanka, running their own police system, judiciary, schooling system and a welfare program, and collecting taxes and customs. Land is divided by boundaries and the Sri Lankan government does not have access to one third of the country, which is administered by the Tigers. This region has over two million Tamils.

In 2002 the Sri Lankan government and the Liberation Tigers agreed to a ceasefire. During this period, between 2002 and 2007, many Australian Tamils returned to north-east Sri Lanka to reconnect with their ancestral home, to visit family and friends and to assist in rebuilding a war torn region. Their support was compounded after the 2004 tsunami ripped apart the north-east coastline. This was the first time in decades it was safe for Tamils to return and contribute to the rebuilding.

This is the complex reality of the situation in Sri Lanka; a twenty-five year civil conflict, an oppressive Sri Lankan government and almost one third of the island administered by the Liberation Tigers.

The anti-terrorism legislation is a blunt instrument and does not reflect the complexity of our practical and symbolic connections to north-east Sri Lanka. But its shadow looms unfairly over our community, creating much fear and uncertainty. The widely drafted terrorism offences have had a severe impact on community participation, association and freedom of speech.

Some very clear examples are:

1. From a community participation perspective:

- a. The laws attempt to prevent us from donating to Sri Lankan-registered charities which operate in the north-east, preventing us from continuing to improve the living standards of Sri Lankan Tamils;
- b. The laws attempt to prevent us from visiting the territory administered by the Liberation Tigers although our relatives and friends live there and it is the only way of supporting the Tamils that live in those areas;
- c. We think twice about sending money to relatives and friends in need;
- d. Participating in local community events and commemorative events that support the right to Tamil self-determination (a right protected under international law) is becoming harder, because of the fear that it might be associated with terrorism;
- e. We worry about raising awareness about the plight of Sri Lankan Tamils because of the fear that we will automatically be associated with the Liberation Tigers;
- f. People are moving away from associating with certain Tamil community organisations that have been tarnished by the media without any real evidence, because these laws empower the media to make a story where there is not one. Last year, a peak body, the Eelam Tamil Association, was accused by a journalist for *The Australian* of being a front for the Liberation Tigers. The reporter ran the story based purely on what someone from the Sinhalese community said, discounting the fact that the Eelam Tamil Association runs cultural programs and Tamil schools but, like many Tamils, speaks up for the rights of Sri Lankan Tamils.

2. From a policing perspective:

- a. The AFP and Victoria Police search teams have been disproportionately aggressive towards the families' homes they have raided, using overly aggressive language and gestures. The police have forcibly entered about eight homes over the past three years, held the families in house arrest, trampled over the homes and on one occasion made jokes about 'terrorists'.
- b. The AFP has also visited the homes of approximately fifty to seventy people to question their involvement with the Tamil community. This is a deliberate policy of intimidation;
- c. In May last year, three Tamil men were arrested and charged with terrorism-related offences. In Melbourne, the AFP informed the media before the arrests so that they could be reported and sufficient political contamination could take place before the men were charged. Also, before the men were charged, the Victoria Police Deputy Commissioner held a press conference and commented that he was concerned that Tamil fundraising had 'duped' the Australian community. This is an affront to the presumption of innocence and was also intended to contaminate the public's view;
- d. During the committal hearing, it was discovered that the Sri Lankan police were feeding ASIO with 'intelligence' in the lead up to the arrests and specifically requested that the AFP make the arrests. To add to this, the key witnesses giving evidence for the AFP's case will be the Sri Lankan Attorney-General, Solicitor-General and officers of the Sri Lankan police and army. Let me be clear, these are the same people, or people from the same institutions, that have been trampling on Tamil rights for decades, and that are likely guilty of numerous war crimes for their involvement in mass murder, disappearances, torture and rape. It is clear that the AFP is relying on evidence provided by Sri Lankan officials in prosecuting Tamils. Given that the Sri Lankan officials are biased participants in the civil conflict, the reality is that Australia's Criminal Code is clearly being employed to meet the requests of the Sri Lankan government.

Dr Damien Kingsbury

ASSOCIATE PROFESSOR AND ASSOCIATE HEAD (RESEARCH), SCHOOL OF INTERNATIONAL AND POLITICAL STUDIES, DEAKIN UNIVERSITY

Political violence includes both state and non-state violence. The legitimacy of both forms of political violence is an important consideration.

Illegitimate state violence occurs in many countries around the world. It is apparent in the ways states treat their citizens and in the ways they deal with civil rights.

Non-state violence is often characterised as terrorism, a term so grossly overused it has lost its meaning. Non-state violence is made up of activities carried out by people that are not considered to be legitimate perpetrators of force.

In considering why conflicts occur, a look back into the history of conflicts shows that, invariably, conflicts involving separatist organisations go as far back as colonialism, when predominantly European powers encapsulated nations of people and pulled them into administrative structures that did not exist for them. Consequently, the European power was illegitimate, and the states which succeeded following the departure of the Europeans retained many of those illegitimacies.

For example, if the British occupation of Sri Lanka was itself illegitimate, the successive state cannot be considered to be representative of the people when Sri Lankan civil society fell apart due to breaches of fundamental human rights. The idea can be raised that if there is an illegitimate successive state that does not subscribe to basic civil principles, which are meant to be upheld, then when a community of people forced into that successive state chooses to opt out, their cause can be considered legitimate.

Ultimately, states do not like to give up power. If a non-state group is not considered to be legitimate and is attacked by the state, it is legitimate for that non-state group to defend itself against the state and to desire separation from the state.

In conflict situations, diaspora and refugee communities are no longer able to continue living under the state. Yet, a number of Tamils are being threatened with being sent back to Sri Lanka, even after the Sri Lankan government ended the ceasefire. Such actions have often led to death or, at the very least, incarceration, humiliation and abuse.

The diaspora in Australia is made up of many people who left their country for a better opportunity. However, they leave behind family and friends. Understandably, the diaspora seek to retain their history, culture, family connections and so on. To retain these connections is a perfectly legitimate thing to do, as is wanting to contribute to the redress of the imbalance of rights. Where reasonable activities are criminalised, this is not to do with law and justice. It is to do with politics at the most cynical and superficial level. The government has exploited twin fears amongst the electorate – race and security. The government under John Howard was very successful in doing this, managing to win election after election by winning over swinging voters with their policies on these issues.

With the change of government, one would hope that we may be able to go back and re-assess the anti-terrorism provisions and review the circumstances in which they arose. The government should abandon the anti-terrorism legislation. If we are to have laws against people who perform criminal acts, then we should charge them under prevailing criminal codes.

If the government is concerned about security, it should look at the causes, not the symptoms. If a government is serious about addressing violence of any type then it needs to go back and look at the causes.

Kamal Sheikh Omar

SOMALI COMMUNITY MEMBER

Like other communities, the Somali community has been harassed by the AFP and the community is living in fear. One example involves me directly. I moved to Melbourne five years ago. I am a teacher in physics and maths. I was told by a friend that the AFP had gone to his friend's house asking about me and asking questions like 'do you talk about bombs?' We feel like there are people who have been sent out to look for something that might show there is trouble within our community, but these people are only looking for the sake of it, rather than because there is trouble.

Further, the AFP has been looking closely at our activities. Part of our activities include building a school in Somalia via fundraising here. The fundraising activities we organised have been questioned by the AFP who do not trust that the funds raised are for the school. The AFP called my friend asking him about whether I was attending these activities and the nature of my

involvement in the fundraising and what was to be done with the funds raised. Now, normal people are fearful of helping out. Only the person who is guilty should feel any fear.

There is fear that the AFP intends to make the entire community guilty. The AFP are even advising us to not do any fundraising. However, if I do not continue my fundraising, the people will ask questions and then more and more will definitely avoid helping the community. While other people have fears and see the anti-terrorism laws directly targeted against them, I do not fear the laws. The fear is also worsened by the fear created on the TV. This needs to be corrected.

The point is to re-educate people. We must teach people to confront their fears and come out directly. Fear results in a belief that you are doing the wrong thing. Everyone should stand up for the right things.

Pamela Curr

COMMUNITY CAMPAIGN COORDINATOR, ASYLUM SEEKER RESOURCE CENTRE

Before the Muslims, there were the Vietnamese and the Vietnamese Triads. Before the Vietnamese, there were the Yugoslavs and Yugoslav gangs. Before the Yugoslavs, there were the Italians and the Italian Mafia. At some point, all of these groups I've mentioned brought 'fear' into Australian culture. Part of Australian culture is not to think too much about the reasons and justification for this 'fear'.

We must remind people how many times our politicians fill us with fear and how this impacts on communities even when left unrealised. The Triads did not go on to rule Australia. There were no floods of heroin and drugs or blood on our streets as many feared. Now we are told we have Muslims to fear as terrorists, along with the Kurdish and Tamil terrorists.

The law has been used as a polite way of allowing politicians to exercise their prejudices. Look, for example, at the Dr Haneef case: Dr Haneef was taken into custody based on spurious evidence, which was made possible through the utilisation of some questionable laws. The AFP and the government seeded the community

with hate and fear about Dr Haneef. To stop this, Dr Haneef's lawyers broke with tradition by speaking out and releasing documents to allow all of us to see the 'intelligence' work carried out by the AFP. The evidence presented by the AFP to justify holding Dr Haneef for questioning was found to be insufficient. The Dr Haneef case was a tragedy and it showed that we need to be clever about the way in which the community reacts.

Dr Haneef is only one example of what goes on behind closed doors. Mr Howard's government had already been clamping down on certain communities. These communities had members whose houses had been raided, with people's possessions taken out of their homes. One of the raids carried out by the AFP involved a friend of mine. My friend called ASIO in Canberra asking why the raid had occurred, when it was only recently that ASIO officers had been in his house drinking tea. When he asked ASIO why the AFP had come to frighten his family, the ASIO officer answered that he knew nothing of it and asked to speak to the AFP officer in charge. The

AFP refused to speak to ASIO. This lack of intelligence raises questions as to what purpose the AFP and ASIO really do fulfil. One thing the two bodies have achieved is building their power and resources through government patronage.

We need to fight back and remind the community to question these fears that the politicians are attempting to place in the community. When a community is targeted, the best thing to do is to contact trusted people and groups within the community. Importantly, the targeting should not stay secret within the targeted community. This results in further fear. To 'bust it open' means to get it out of the community and give Australians of all communities a chance to stand beside you and support you against the oppressive actions of the government and the political games they play. With the new government showing some signs of common sense, it is important for us all to talk together and take advantage of the change in government. Look to build relationships of trust and use those people you trust whenever anyone is targeted. Make sure the word gets out in the community and that it does not stay quiet.

The greatest weapon against divisive politics is to expose the politicians to show how ridiculous they are. We have a right in our democracy and under our law to demand that people do not have to live in fear, being questioned needlessly and incarcerated unfairly and without reason.

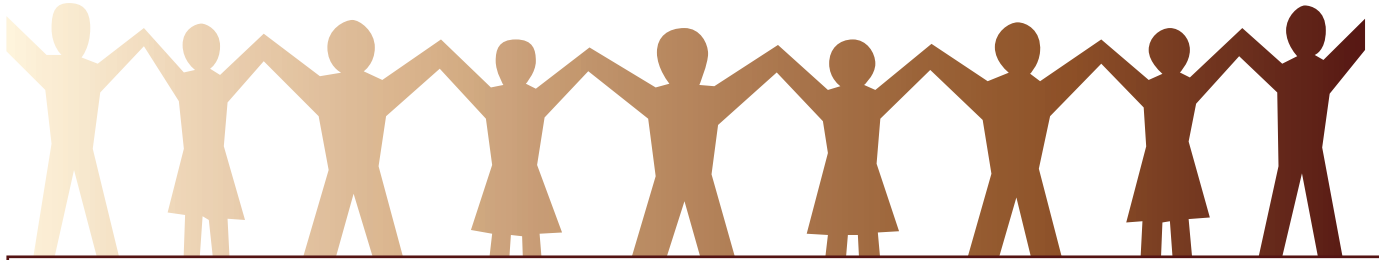
Recently, we have seen that the men who were charged under the anti-terrorism laws were held under appalling and unacceptable conditions, which resulted in the judge saying he would not allow the trial to continue while the men were held under such conditions, as it would interfere with a fair trial. We must use every mechanism available to defend human rights.

Refugees and asylum seekers have been treated in the same way. Many have been subject to lengthy detentions with no charges brought against them. These conditions have made refugees and asylum seekers sick, with many contemplating suicide.

There is no human rights act in Australia. We need to fight for it. For those who have seen human rights abuses up close, in detention centres and prisons, put your views forward and expose those abuses. Australians are illiterate when it comes to human rights. Many people in this country do not know what it means to live without their rights. We have been fed lies from the politicians that the domestic law protects human rights; it does not.

Communicate, forge links across communities, build relationships across all boundaries. Stick together and expose the government's oppression when it happens. If we remain silent we give our politicians a green light to continue and the oppression will grow.





Going Forward

AT THE FORUM AUSTRALIAN TAMIL, MUSLIM, KURDISH AND SOMALI REPRESENTATIVES SPOKE OF HOW AUSTRALIA'S ANTI-TERRORISM LAWS HAVE ADVERSELY AFFECTED MEMBERS OF THEIR RESPECTIVE COMMUNITIES AND OF THE POTENTIAL FOR THE LAWS TO CAUSE FURTHER HARM TO THESE COMMUNITIES.

There are some significant differences in these communities' approaches. For instance, the non-state resistance in Sri Lanka and Kurdistan/Turkey are geographically confined and motivated by secular ideologies, whereas for Muslims, the reach of Australia's anti-terrorism laws is not confined to a specific geographic area and Muslim resistance is, by definition, religiously motivated.

Despite this, the Australian Tamil, Muslim, Kurdish and Somali communities are, in many ways, fighting the same battle against Australia's anti-terrorism laws. All four communities are concerned about the arbitrary way the laws are applied, the fact that they do not discriminate between legitimate and illegitimate non-state resistance, the inhumane way the laws are policed, the arousal of fear within targeted communities and the laws' interference with affected communities' legitimate ties to their respective homelands.

It was due to the existence of these similarities that the forum was organised. The forum aimed to bring together these communities so that they could work together to collectively campaign against and raise awareness of the anti-terrorism laws and their impact.

Going forward, the Federation and ATRAC envisage that the first step will be to organise a meeting with leaders and other representatives from the four communities, in particular representatives from social agencies working in those communities. The aim of this meeting will be to consider how those agencies can draw on their community connections to galvanise community participation in a struggle against the current anti-terrorism laws. It is anticipated that by bringing such groups together, the task of comprehensively documenting and monitoring the impact of the laws across communities can be commenced. Finally, it is also hoped that through this meeting and regular meetings thereafter, these communities will form a collective voice that can be used to approach government bodies, NGOs, law reform bodies and the media.

If you wish to support or be involved in this on-going work, please contact Sarah Nicholson at the Federation of Community Legal Centres (Vic) on (03) 9652 1500 or at policy2@fclc.org.au.

Biographies

Marika Dias

COMMUNITY LAWYER AND CONVENOR, ANTI-TERRORISM LAWS WORKING GROUP, FEDERATION OF COMMUNITY LEGAL CENTRES (VIC)

Marika Dias has worked in community legal centres for over seven years. She is currently the Principal Lawyer at Western Suburbs Legal Service in Newport. While managing the legal practice, Marika conducts casework in a variety of areas including criminal law, family law, employment matters, housing and tenancy, child protection, civil debt, infringements and general civil matters. Marika also manages a clinical legal education program for Deakin University law students and conducts outreach services. Until recently, Marika was Convenor of the Federation of Community Legal Centre's 'Anti-Terrorism Laws Working Group'. In this role Marika conducted many community education sessions on Australia's anti-terrorism laws, as well as training sessions for legal centre lawyers. She has also assisted a number of clients with legal matters relating to Australia's anti-terrorism laws and counter-terrorism policing. Marika has been called to appear in a number of parliamentary inquiries into these laws and has co-written and produced a comprehensive guide on anti-terrorism laws for community lawyers. In 2008 Marika was awarded the Law Institute of Victoria's 'New Lawyers' Award'. In February 2009 she successfully sat for the New York Bar Exam and was later admitted to practice law in New York.

The Federation of Community Legal Centres (Vic) Inc is the peak body for fifty-two community legal centres (CLCs) across Victoria. The Federation leads and supports CLCs to pursue social equity and to challenge injustice.

The Anti-Terrorism Laws Working Group is one of a number of issue-specific working groups within the Federation comprising workers from member centres, members of other community organisations and academics. This Working Group supports CLCs to provide targeted community legal education programs for communities affected by the state and Commonwealth anti-terrorism laws and supports CLC lawyers to provide up-to-date legal advice to clients affected by the state and Commonwealth anti-terrorism laws. The Working Group also works to monitor the impact of state and Commonwealth anti-terrorism laws on affected communities and individuals.

Sanmati Verma

LEGAL CONVENOR (VICTORIA), AUSTRALIAN MUSLIM CIVIL RIGHTS ADVOCACY NETWORK

Sanmati Verma was appointed Legal Convenor of the Australian Muslim Civil Rights Advocacy Network (AMCRAN) at the end of 2008. She has volunteered with AMCRAN since 2005, assisting with various inquiry submissions including in relation to Victoria's anti-terrorism legislation, the 'smartcard' proposal (in affiliation with the Public Interest Advocacy Centre), the Haneef and Ul-Haque case inquiries and Australia's NGO shadow report under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Sanmati is based in Melbourne.

AMCRAN was formally established in 2004 and is a network of volunteers dedicated to preventing the erosion of the civil rights of all Australians. By drawing on the civil rights heritage of the Islamic faith, AMCRAN provides a Muslim perspective on matters relating to civil rights. It actively participates in law reform and policy work, including legislative reform through submissions to government bodies, lobbying, grassroots community education and communication through the media. AMCRAN collaborates with many Muslim and non-Muslim organisations to achieve its goals.

One of AMCRAN's major projects has been the publication of the series 'Anti-Terrorism Laws: ASIO, the Police and You', in cooperation with the University of Technology Sydney Community Law Centre and the New South Wales Council for Civil Liberties. The booklets explain peoples' rights and responsibilities under Australia's anti-terrorism legislation. The first edition was launched in June 2004.

Patrick Emerton

LECTURER, SCHOOL OF LAW, MONASH UNIVERSITY

Dr Patrick Emerton is a lecturer with the Monash University School of Law. He is also a member of the Federation of Community Legal Centre's 'Anti-Terrorism Laws Working Group' and, with Marika Dias, co-wrote 'Anti-Terrorism Laws: A Guide for Community Lawyers'. His areas of expertise include anti-terrorism law, international justice, legal philosophy, legal theory, political and social philosophy and moral philosophy. In 2007, his article titled 'Australia's Terrorism Offences – A Case Against' was published in *Law and Liberty in the War on Terror*, edited by Andrew Lynch, Edwina MacDonald and George Williams and published by The Federation Press. Dr Emerton has been called to appear in a number of parliamentary inquiries into Australia's anti-terrorism laws.

Mahmut Kahraman

SOCIAL WORKER, KURDISH ASSOCIATION OF VICTORIA

Mahmut is a liaison officer and a member of the Kurdish Association of Victoria (KAV).

The KAV aims to enable migrants of Kurdish background to adapt quickly and effectively to the Australian multicultural environment and to develop a vibrant and dynamic Kurdish community in Victoria which:

- Values its past, present and future;
- Enhances the social functioning of individuals and groups within the community; and
- Protects and maintains its cultural heritage without compromising the aspirations of its future generations.

Pratheepan Balasubramaniam

PRESIDENT, AUSTRALIAN-TAMIL RIGHTS ADVOCACY COUNCIL

Pratheepan Balasubramaniam is a lawyer and a committee member of the Australian-Tamil Rights Advocacy Council (ATRAC).

ATRAC was originally formed to address the specific concerns of Victorian Tamils regarding the civil rights implications of the anti-terrorism legislation. Since the forum in April 2008, the political situation in Sri Lanka has changed significantly. Following the Sri Lankan government's May 2009 claim of military victory over the Liberation Tigers of Tamil Eelam (LTTE) – the group that for a number of years held a de facto state in the north of Sri Lanka – ATRAC ceased to exist. During the period up to the change in the political situation in Sri Lanka, there was a legitimate fear that the laws may erode political freedoms and expose Australian Tamils to racial profiling and other forms of discrimination. ATRAC was an expression of the community's desire to take proactive measures to engage the legal and policy processes at both state and federal levels to address the uncertainty surrounding these laws.

ATRAC's primary objectives included raising awareness about the above issues in the broader Victorian and Australian community; enhancing the capacity of the Tamil community to better understand and protect their civil rights and liberties; promoting an accurate, informed and positive understanding of the issues that affect Tamils in the public arena; identifying and implementing strategies to monitor the anti-terrorism legislation; and making submissions regarding the legislation to government inquiries.

Damien Kingsbury

ASSOCIATE PROFESSOR AND ASSOCIATE HEAD (RESEARCH), SCHOOL OF INTERNATIONAL AND POLITICAL STUDIES, DEAKIN UNIVERSITY

Associate Professor Damien Kingsbury is Associate Head of the School of International and Political Studies (Research) at Deakin University.

Dr Kingsbury has written and edited or co-edited a number of books, including 'Political Development', Routledge, 2007; 'Violence in Between: Conflict and Security in Archipelagic Southeast Asia', Monash Asia Institute and Institute of Southeast Asian Studies, 2005; and 'South-East Asia: A Political Profile', Oxford, 2001 and Oxford, second edition, 2005.

Dr Kingsbury is a frequent commentator for and contributor on regional political affairs to domestic and international media. He also writes articles and reviews for journals and other publications, notably *The Age*, the *Australian Book Review* and Crikey.com. Dr Kingsbury is a regular contributor on Tuesday mornings to ABC774's Jon Faine program.

In 2005, Dr Kingsbury was invited by the Crisis Management Initiative to advise the Free Aceh Movement in the Aceh peace talks being held in Helsinki. He has since advised the West Papua National Coalition for Liberation, the Moro Islamic Liberation Front and the Liberation Tigers of Tamil Eelam on methods of negotiating peaceful resolution to conflict.

Kamal Sheikh Omar

SOMALI COMMUNITY MEMBER

Kamal Sheikh Omar is a high school teacher and an active member of the Somali community.

Pamela Curr

COMMUNITY CAMPAIGN COORDINATOR, ASYLUM SEEKER RESOURCE CENTRE

Pamela Curr is Community Campaign Coordinator at the Asylum Seeker Resource Centre (ASRC) in Melbourne.

Pamela has been involved in the refugee rights movement in Australia since 1999, first as a concerned citizen, then as National Spokesperson on Refugees for the Australian Greens party and now as Community Campaign Coordinator with the ASRC in Melbourne.

Since opening its doors in June 2001, the ASRC has become the largest provider of aid, advocacy and health services for asylum seekers in Australia. The ASRC works directly with asylum seekers, living both in our community and in detention, to provide direct aid and support as they seek refugee status in Australia. The ASRC also campaigns and lobbies on behalf of asylum seekers and all Australians who want to change the unjust policies that Australia has adopted. Most importantly, at times of despair and hopelessness, the ASRC is there to offer comfort, friendship, hope and respite to asylum seekers.

