

Another threat to democratic rights

Australia: protesters face jail for opposing spy base's role in Iraq war

Mike Head
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A criminal trial with serious implications for fundamental legal and democratic rights opened last week in the central Australian city of Alice Springs. The hearing before a jury in the Northern Territory Supreme Court may shed further light on the Howard government's contribution to the war crimes committed by the US-led forces in Afghanistan and Iraq.

Four Christian pacifists face charges under a previously-unused law for entering the top secret US-Australian spy satellite base at Pine Gap, some 20 kilometres from Alice Springs. The government is so sensitive to the base's involvement in the Iraq war that Attorney-General Philip Ruddock personally authorised the prosecution under the 1952 Defence (Special Undertaking) Act.

Donna Mulhearn, 37, Jim Dowling, 50, Adele Goldie, 29, and Bryan Law, 51—members of “Christians Against All Terrorism”—could be jailed for up to seven years for entering a “prohibited area” and another seven years for taking photographs in the area without authority. They also face Commonwealth Crimes Act charges of trespass and damage.

The 1952 Act was introduced by the conservative Menzies government, with the backing of the Labor Party, to prevent protests against British and US nuclear testing in central Australia during the Cold War. It gives the defence minister sweeping powers, including to declare any area of land or water a prohibited zone “if it is necessary for the purposes of the defence of the Commonwealth to do so”. In 1992, the Keating Labor government's defence minister Robert Ray renewed the declaration of Pine Gap under the Act, in the wake of the first Gulf War.

The group was arrested in December 2005 after breaking into Pine Gap to carry out a “Citizens Inspection” of the base. The aim of its “inspection”, which was announced to the authorities and the media in advance, was to highlight the facility's role in the current occupations of Afghanistan and Iraq.

The protesters informed the defence minister in writing of their plan, publicised it in the media, and were subjected to intense surveillance by federal and local police, as well as by the Australian Security Intelligence Organisation (ASIO). Nevertheless, members of the group managed to enter the base undetected, climb on a building roof, hang banners and take photos before being detained.

Featuring a complex series of 14 giant white domes and 12 other antennae, the Pine Gap base plays a critical part in US global military operations. It underwent a major technological upgrade in the lead-up to the invasions of Afghanistan and Iraq, designed to enable the gathering of intelligence, identification of targets and direction of the firing of missiles.

Pine Gap is one of the largest and most advanced satellite ground stations in the world. Its more than 800 US and Australian personnel include senior officers from the CIA and the US National Security Agency, which intercepts signals, and the National Reconnaissance Office, which operates intelligence satellites. All aspects of their work, as well as the terms of the US-Australian treaty that authorises their activities, are shrouded in secrecy. Even an Australian parliamentary committee that rubber-stamped the treaty's renewal in 2000 was denied access to the base.

Analysts such as Michael McKinley of the Australian National University and former defence department

policy director-general Ron Huiskens have described Pine Gap's signals intercept and photo reconnaissance operations as making far more significant contributions to the US-led wars than the deployment of a few hundred Australian troops. Without Pine Gap, the US military could not conduct its aerial, naval and land bombardments.

Together with another US-Australian facility at Nurrungar in South Australia, Pine Gap also forms part of the Bush administration's aggressive scheme for a so-called missile defence shield. It collects intelligence from satellites that eavesdrop on the Middle East, Russia, China, South East Asia and the Pacific. Moreover, Pine Gap has long been accused of involvement in spying operations inside Australia, including during the 1975 political crisis surrounding the dismissal of the Whitlam government.

"Christians Against All Terrorism" said its December 2005 protest sought to expose the lack of any public discussion or accountability about Pine Gap's role in the political violence against people in Iraq. It said its members had a duty as citizens to protest against the base, because the Australian government was involved in "crimes against humanity".

The Howard government and the security authorities have gone to extraordinary lengths to suppress any information emerging from the trial about the base or the associated operations of the intelligence agencies. Last year, a judge placed constraining orders on the defendants to prevent them from making any comments about ASIO's surveillance activities.

During pre-trial argument last year, the government blocked any evidence relating to Pine Gap's activities by insisting that the minister did not have to prove that the base was necessary for Australian defence purposes before declaring it a prohibited area. Justice Sally Thomas ruled in the government's favour, stopping the defendants mounting an immediate constitutional challenge on the grounds that the prosecution exceeded the government's "defence power" and amounted to an attack on political free speech.

As soon as the trial opened, prosecutors applied to have the group's bail conditions altered to place them under virtual house arrest for the duration of the trial. Crown prosecutor Hilton Dembo said the defendants had notified authorities of their intention to stage protests in Alice Springs and outside the base. Justice

Thomas rejected the application, however, describing it as "too extreme".

In his opening address, prosecutor Dembo made it plain that the government would continue to suppress any attempt to discuss the political issues behind the case. He told the jury that the trial would not develop into a platform for political debate.

Various demonstrations are being held around Australia to support the Pine Gap 4. The group is also urging people to lobby and write letters to government and Labor parliamentarians, asking them to oppose Pine Gap and hosting of US military installations.

The Labor Party, however, remains firmly committed to the US alliance and the US bases, which have been supported by every Labor government, from Whitlam's to those of Hawke and Keating. The unprecedented charges and other legal measures against the Christian antiwar campaigners form part of an escalating attack on freedom of speech and political expression. This assault on basic legal and democratic rights is being conducted, with Labor's full support, in the name of the "war on terror", which is nothing but a façade for US-led militarism in the oil-rich Middle East and for suppressing domestic political dissent.



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