

Australian government vilifies human rights commissioner

Mike Head
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For the second time in four months, the Abbott government has denounced Australian Human Rights Commissioner Gillian Triggs for criticising the extensive violations of basic legal and democratic rights by successive Australian governments.

Immigration Minister Peter Dutton yesterday renewed the government's hounding of Triggs, blatantly trying to force her to quit her statutory position, which is not due to finish until 2017. Dutton accused her of becoming a "political advocate," which made it "very difficult to continue on."

Delivering a human rights address last Friday night, Triggs, a law professor, warned of a "growing threat to democracy" produced by the terrorism laws, refugee detention, mandatory sentencing and anti-association legislation imposed by Liberal-National and Labor governments alike over the past 15 years.

"Respective governments have been remarkably successful in persuading parliaments to pass laws that are contrary, even explicitly contrary, to common law rights and to the international human rights regime to which Australia is a party," she said.

Triggs said the latest proposal by the government of Prime Minister Tony Abbott to strip citizenship from suspected terrorists who are "potentially dual nationals" was an example. "Not only may this idea violate Australia's international obligation not to render a person stateless, but also the detention may be at the discretion of a minister without recourse to judicial processes," she said.

The human rights commissioner referred to the coming 800th anniversary of the Magna Carta, the 1215 English charter that enshrined the principle of habeas corpus—no detention without trial. "Magna Carta has something to say about this: it provided that no man is to be 'outlawed or exiled' except by the law of the land," she said.

Triggs listed "scores of laws" that flouted basic civil

and political rights, including the three "anti-terrorism" laws imposed late last year and the data retention legislation passed in March that requires the storage of all telecommunications data for two years for access by the police and intelligence agencies. Each measure had the support of the Labor Party opposition.

"Many laws introduced with unseemly haste before Christmas in the name of national security go well beyond what might be deemed necessary, creating a chilling effect on freedom of speech and the press and breaching the right to privacy," Triggs said.

Referring to the data retention laws, Triggs noted: "As the metadata will be collected in respect of most of the 23 million Australians, and those involved in terrorism or paedophilia are very few, it might be said that the act employs a sledgehammer to crack a nut."

Turning to last year's "Foreign Fighters Act," Triggs explained that it introduced a new offence of advocating terrorism, "an imprecise crime whose scope may cover, for example, opposing the Assad regime in Syria or supporting Palestinian efforts to gain statehood."

Other "national security" laws passed last year created an offence punishable by up to 10 years in jail for disclosing information about a "special intelligence operation." This was likely to "have a chilling effect on legitimate public debate about security operations," Triggs said.

The commissioner cited numerous examples of the expansion of "discretionary" ministerial powers, including:

- * Powers to detain indefinitely various classes of individuals, including asylum seekers and the mentally-ill.

- * The holding of four indigenous men with intellectual and cognitive disabilities for years in a Northern Territory maximum security prison.

- * The indefinite detention of refugees, including children, because of adverse "security" assessments

“without meaningful access to legal advice or judicial review.”

* The reduction of freedom of association from “anti-bikie” gang laws.

Triggs’s comments did not go beyond her official remit to scrutinise the country’s performance in meeting its formal international human rights commitments, including under the International Covenant on Civil and Political Rights and the international Refugee Convention.

Nor did her comments in any way challenge the bipartisan policy of “stopping the boats” of refugees trying to reach Australia, or the underlying geo-strategic agenda of the “war on terror”—support for US-led military interventions in the Middle East and globally.

However, by defying the government’s intense attacks on her, she has become something of a lone voice, alerting the public to the police-state powers being imposed domestically. Her stand highlights just how far the rest of legal and political establishment has abandoned any defence of fundamental legal and political rights.

Abbott and his ministers previously attacked Triggs in February, following the release of a report exposing the appalling conditions facing child refugees in detention camps run by the Australian government on Christmas Island and Nauru.

One of the reasons for the assault on Triggs is that the government is preparing to go far further in revoking citizenship rights. Today’s *Australian* carries a front-page “exclusive” report by its foreign editor Greg Sheridan, that the government “could be planning something much more decisive, radical and controversial in its approach to stripping Australian citizenship from dual nationals who pose a terrorist threat.”

Sheridan, who has close connections within the government and the security apparatus, reported: “If a person is stripped of their passport, they no longer have a legal right to be in Australia. In the case of illegal immigrants, the Abbott government has shown a willingness to detain people at length while they negotiate with the nation of their citizenship to take them back.”

Sheridan ended on an ominous note. He predicted that “if the government gets this power it will not be primarily symbolic and it will not be used rarely... It will become a big new factor in Australian politics and culture.”

Such plans recall the mass internment of “aliens” (non-citizens) during both world wars, including people of German, Italian and Japanese descent. The official history of the Australian Security Intelligence Organisation (ASIO), published last year, revealed that ASIO kept

nearly 5,000 people on lists for potential internment during the 1950s, covering not just “aliens” but other people regarded as a “security risk,” such as Communist Party members and sympathisers.

The Labor opposition has accused the government of bullying Triggs. Yet Labor reopened the hellhole refugee detention centres on remote islands and aligned itself unconditionally behind all the terrorism, data retention and citizenship laws. In parliament last week, Labor leader Bill Shorten declared that the opposition was committed to passing the proposed legislation to strip citizenship from suspected terrorism supporters, without even seeing any details of the yet-to-be released laws.

The hypocrisy of the political establishment knows no bounds. Australian governments, Labor and Coalition, have repeatedly backed Washington in its use of bogus “human rights” pretexts to mount diplomatic provocations and military interventions. These include the 2011 war on Libya, the ongoing regime-change operation in Syria and the renewed US-led war in the Middle East.

Yet, when Australia’s official human rights monitor points out that successive governments have increasingly eviscerated basic democratic rights and international law, a high-level political campaign is waged to malign her. This is a warning of how far the Australian ruling elite is prepared to go to seek to silence and intimidate any opposition to the bipartisan program of war, austerity and the overturning of core legal and political rights.



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