



## Australian Citizens Party

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### MEDIA RELEASE

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Wednesday, 12 June, 2019

## Raids on journalists: Five Eyes flex Australia's fascist police state powers

The Citizens Electoral Council is calling for an inquiry into the far-reaching counterterrorism laws that have been enacted in Australia in the past two decades, which are now being used to terrorise journalists and whistleblowers.

The Australian Federal Police (AFP) raids last week on News Ltd. journalist Annika Smethurst and the ABC prove what the CEC charged when the Howard government put up the first raft of these laws in 2002, following the 9/11 attack: that such powers are not to stop terrorism, but to enable the establishment to silence the media and suppress political opposition.

The CEC spearheaded a fierce campaign against Howard's laws. Today is the 17th anniversary of a 12 June 2002, full-page [advertisement the CEC took out in \*The Australian\* headlined "End Them, Don't Amend Them"](#), signed by 200 prominent Australians, including former deputy prime minister Jim Cairns. The statement they signed read:



"A point-by-point comparison of the Howard government's proposed new 'anti-terrorist' legislation, with the 28 February 1933 *Notverordnung* (Emergency Decree) by which Hitler consolidated his dictatorship, shows the two to be virtually identical. Therefore, the ripping up of civil liberties proposed by the Howard government is, in the most literal sense of the term, *fascist*, and must be thrown out. No democratic society should even consider the draconian, fascist measures which the Howard government is proposing."

In response to the ad, then Attorney General Daryl Williams declared it "extremely disappointing that the Citizens Electoral Council chooses to peddle untruths and incite fear in the community". Howard's 2002 raft of laws proved otherwise, as they included: an extremely broad new "terrorism" offence which can snare many union activities, civil disobedience and even normal political activity in its net; powers for the Attorney General to ban organisations and jail their members and supporters for 25 years; powers for ASIO to pick up and detain people on the slightest pretext, with no lawyer and no right to remain silent; and wholesale tapping of phone, fax and internet communications with virtually no restrictions, all carrying a reversed onus of proof, so that someone has to prove they are not a terrorist, or have not aided a terrorist.



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The CEC-led campaign against the 2002 laws galvanised opposition in Parliament. To his enormous credit, Simon Crean was the last Labor Party leader to refuse to be cowed, by the political blackmail of being accused of risking national security, into giving blanket support for the draconian laws. For a time Labor blocked the worst of these laws in the Senate: "We will not agree to their *carte blanche* approach in giving the Attorney General the sweeping powers that John Howard always wanted but would only ever act on if it suited", Crean declared in June 2003. When the Labor Party dumped Crean for Mark Latham, however, Labor dropped its opposition to the laws and waved them through, albeit with "sunset" clauses that Labor insisted provided safeguards. In 2014, these clauses were dropped and the laws became permanent.

Now, 17 years after this first raft of laws, Professor George Williams, a constitutional law expert at the University of New South Wales who had also warned against the laws from the beginning, has revealed in *The Australian* on 10 June that about 75 such laws have been passed since 9/11, far more than even the UK and USA.

"It comes as no surprise that the Australian Federal Police has begun to raid journalists", Professor Williams wrote. "The events of last week are the culmination of nearly two decades of lawmaking by our national parliament. Our elected representatives have armed the police and intelligence agencies with formidable powers that can be used against the media. *They have simply begun to use them.*" (Emphasis added.)

Aside from one or two flurries of concern over the past two decades, the media effectively ignored the rollout of these laws, while post-Crean the Labor Party gutlessly agreed to them, all buying into the soft-on-national-security blackmail. Now that they have been used against the media they are screaming, as they should, but in the meantime Australia's national security apparatus, operating in lockstep with the increasingly powerful Five Eyes security partnership comprising the UK, US, Canadian, Australian and New Zealand intelligence agencies, has claimed many victims that the media have ignored. Two egregious examples are:

- Australian former Guantanamo Bay detainee Mamdouh Habib—an innocent man, in 2002 Habib was rendered to Egypt by ASIO to be brutally tortured (documented in his 2008 book *My Story: the tale of a terrorist who wasn't*, with Julia Collingwood) in contravention of all Australian law and the Geneva Convention, including with an ASIO officer present, for which



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ASIO was later forced to discreetly apologise.

- Australia's most famous journalist, Julian Assange—the obsequious mainstream media despise Assange because he exposed the war crimes of Australia's allies that the mainstream media wouldn't even look for, and the Australia government betrayed Assange's rights as a citizen to leave him at the mercy of the British and US intelligence agencies whose governments' crimes he exposed. Only when the USA charged Assange with espionage did the mainstream media take stock that his case is an attack on press freedom, which Smethurst and the ABC have now experienced for themselves.

### Parliamentary inquiry, not royal cover-up

ASIO's crimes against Mamdouh Habib, and the Australian government's backroom dealings with the USA and UK about Assange, are two of the cases that should be examined in a far-reaching Parliamentary Commission of Inquiry into Australia's regime of anti-terrorism laws. Such a Parliamentary inquiry, answerable to the Parliament, is far superior to a royal commission which, as the banking royal commission demonstrated, the executive can easily turn into a royal cover-up by its terms of reference. Ideally, the inquiry should be led by the Independent Member for Denison, Andrew Wilkie, who as a former national security whistleblower himself—who would have been arrested under the current laws—and now long-serving parliamentarian is best placed to bring democratic scrutiny to the powers.

The inquiry must include:

- a detailed reappraisal of all the laws and their consequences, measured against proper legal standards;
- a thorough examination of the powers of Australia's intelligence agencies, ASIS, ASIO and ASD, under these laws, and the way they have been used;
- a hard look at the relationship between Australia's intelligence agencies and the Five Eyes partnership, including any involvement by Australia in the documented collusion between British and US intelligence and the very terrorist groups that were the pretext for these laws, which involves MI5's notorious "covenant of security" with terrorist groups, MI5 expediting the recruitment of terrorists to travel to Libya and Syria to fight alongside al-Qaeda and ISIS for the Anglo-American objective of regime change (for which an estimated 200 Australians



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were also recruited to join al-Qaeda and ISIS in Syria), and MI6 and the CIA backing al-Qaeda and ISIS and other terrorist groups in Libya and Syria;

- an audit of the expansion of ASIO's and ASD's surveillance powers, and whether that expansion was directed by or run in conjunction with the post-9/11 expansion of the NSA's and CIA's surveillance powers exposed by NSA whistleblowers Edward Snowden and William Binney;
- the decision-making that led to the establishment of the super Department of Home Affairs modelled on the UK Home Office, out of which MI5 operates, and the US Department of Homeland Security, and whether that decision was directed or influenced by Australia's Five Eyes partners.

### What is the 'establishment' that these laws protect?

For too long Australian politics has had broad bipartisan consensus on two main policy areas: the operation and oversight of the banking system, and foreign/security policy. While there are occasional tensions between the two major parties in these areas, they are few and far between. It is these areas of consensus that defines the interests of Australia's "establishment", which the major parties ensure are never threatened. The establishment comprises the banking cartel and large financial interests; the regulators in the Reserve Bank of Australia (RBA) and Australian Prudential Regulation Authority (APRA) that are closely connected to the global central banking apparatus that includes the Bank for International Settlements; the corporate media; the global raw materials interests; the military-industrial complex, including the private security interests that run private prisons and detention centres; the intelligence agencies; and the plethora of economic and security think tanks. While at any given time even establishment figures will speak out against certain policies, it is this globally connected establishment that broadly profits from the policies and decisions that Australians have come to hate, including financial deregulation, privatisation, and following the UK and USA into never-ending regime-change wars.

We are now in a period of unprecedented global political upheaval, however, when the consequences of those policies are blowing back on the establishment. Following the debacle of the Iraq war and the exposure of the lies of weapons of mass destruction, and the 2008 global financial crisis, voters have been in revolt all over the world: in Greece, the UK, USA, Italy, France, Ukraine. Australia is on



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the verge of its own financial crisis, which will further fuel the disgust with the major parties and support for radical alternatives, especially if APRA responds to a banking crisis with a "bail-in" of Australians' savings deposits, as the IMF has demanded. Police-state laws protect the regime in power, not the people, and it is time for the journalists in the mainstream media and the major party politicians who have hitherto facilitated these powers to decide which side they are on—the establishment's or the people's.

[Click here to sign the new petition to the Australian Parliament: Hands off our bank deposits—stop 'bail-in'!](#)

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