

**Submission to the National Human Rights Consultation**  
**Annual General Meeting of the Queensland and Northern New South Wales Amnesty International**  
**Branch**

This morning we were addressed by Peter Russo, who was the defence lawyer for Dr. Haneef who was charged under the anti terror laws introduced by the Howard government.

The story of Dr Haneef, as related to us by Peter Russo, we believe demonstrates the need for a bill of rights or a human rights act in Australia.

Human rights that protect people who have been charged with a criminal offence are well recognized in international law. Article 6 of the UDHR states that everyone has the right to be treated as a person in the eyes of the law. Article 8 states that if rights under law are violated, everyone has the right to see justice done in a court or tribunal. Article 9 states that no-one shall be subject to arbitrary arrest, detention or exile. Article 11 states that everyone is presumed to be innocent until proven guilty in a fair trial.

When our Federal Government passed the anti terror laws it wiped away all of these rights that have been protected under international law for over 50 years. There was nothing that prevented the passage of this legislation through parliament.

If Australia had a bill of rights that guaranteed basic human rights, such as the right to be presumed innocent until proven guilty, then our government could not pass legislation that eroded these basic human rights even in the name of national security.

Another aspect of the Haneef case that Mr Russo highlighted was the lack of the judiciary's discretion under the anti terror laws. Australia needs a bill of rights to give the judiciary the power to interpret legislation by reference to basic human rights. This will act as a check on parliament's actions. If a State or a Federal Government passes legislation that violates basic human rights, such as the right to know the evidence against you when charged with a criminal offence, a bill of rights could be formulated in such a way that the judiciary can rule that legislation invalid because it breaches basic human rights.

One of Amnesty's slogans is 'demand dignity'. After Dr Haneef's ordeal was over he had no avenue of redress. He has never been offered an apology by the Federal Police or the Federal Government. Peter Russo informed us that he wishes to return to Australia but his family is too frightened about the consequences. A bill of rights should not only guarantee basic human rights but provide mechanisms for redress once a person's human rights have been violated.

One of the most chilling aspects of Peter Russo's address to our annual general branch meeting was the fact that Dr Haneef was lucky. He was lucky that he had lawyers to represent him and he was lucky that his ordeal was public. Mr Russo informed us that many people are in Dr Haneef's position but are not legally allowed to contact a lawyer, their family, or the media. A bill of rights should provide Australians with the right to know when serious violations of human rights occur, so political and legal action to stop the violation of these rights can be co-ordinated.

The Dr Haneef case demonstrates what can happen to an ordinary, innocent individual when there is no legal protection of human rights. It demonstrates that a bill of rights is required to ensure legislation that erodes human rights is not passed, that the judiciary have the power to protect individuals who come before them who have had their human rights violated and to provide mechanisms for redress for individuals who are victims of human rights abuses.

**Signatories**

Anne Roberts  
Carol Geddes  
Sarah Spencer  
Di Norton  
Sandra Room  
Malcolm Forbes  
James Jackson  
Christopher Willmette  
Andrew Bartlett  
Tracey Foley  
Nadine Lester  
Maree Klemm  
Katherine White  
Helen Gordon  
Simon Rumore  
Ewan Ogilvy  
Peter Hanley  
Jennifer Brown  
Wayne Sanderson  
Noemie Rigaud  
Autumn Heap  
Sarah O'Kane  
Paul Toner  
Manuel Otarra  
Sheila Hawthorn  
Kate Ogg