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To: Senate Legal and Constitutional Legislation Committee  
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Re: Anti-Terrorism Bill (No 2) 2004

The Anti-Terrorism Bill (No 2) 2004 could land me in an Australian jail for up to three years.

For doing peace-work. For taking part in non-violent, direct actions. For resisting an occupation. For sending and reading Email.

Simply because I do my peace-work in Tulkarem, the West Bank, Palestine.

My Palestinian friends are thoroughly committed to non-violence. They live it under the harshest conditions - that of occupation. 37 years of grinding, humiliating occupation.

My friends teach, preach, and write about non-violence. They volunteer with children's groups in the refugee camps. They prevent young boys from throwing stones at soldiers. They place their bodies between occupying soldiers and women and children who are standing or sitting on land the occupiers are attempting to confiscate. They take the blows from the soldiers' batons and their rubber bullets on themselves. They volunteer with social organisations addressing some of the inhumane conditions that arise from occupation. They work with the Red Crescent, the UN. They are members of NGOs dedicated to improving their people's lives; the NGO's documented, signed charters decry violence and terrorism.

And my friends are members of "listed terrorist organisations."

Schedule 3 - "Associating with terrorist organisations" - Item 1 defines "associate":

"A person associates with another person if the person meets or communicates with the other person."

I "associate" with my friends. I both "meet" and "communicate" with them. "Intentionally." I "support" their actions of self-help and non-violent resistance. As much as I can; they are brothers and sisters to me.

Schedule 3; Subdivision B of Division 102 of the Criminal Code, new section 102.8 "Associating with terrorist organisations" - guilty; I violate it all. Me - a peace-nik. "Penalty: Imprisonment for 3 years."

Specifically, through my volunteer work, "on 2 or more occasions" - I have in the past and will continue to:

- "Associate with another person who is a member of ... an organisation" [(a)(i)]
- Do this knowing "that the organisation is a terrorist organisation" [(a)(ii)]
- Do this knowing that "the other person is a member of ... the organisation [(a)(v)]

It is left completely to the judgement, prerogative, and good- or ill-will to determine the following:

- Whether or not "the association provides support to the organisation" [(a)(iii)]
- Whether or not I intend "that the support assist[s] the organisation to ... continue to exist" [(a)(iv)]

Some of the non-violent activities in which I participate are coordinated by people from one or more "listed terrorist organisation." A few of these activities include:

- Providing aid and comfort to refugees in the camps before, during, and after invasions by Israeli soldiers.
- Negotiating with Israeli soldiers on behalf of Palestinians under their control; advocating the cases of Palestinians to have access to food, water, medication ... or just to pass through a checkpoint to return home.
- Leading 30 terrified children, young boys, out of their hiding spot during one such invasion, under roles of razorwire so sharp it truly does slice you wickedly at the most gentle touch, helping them stay calm with guns and rifles, tanks and jeeps ready to fire at them, until they were re-connected with their families.
- Participating in peaceful rallies against The Wall with Palestinian villagers - including children, women, and men.
- Interviewing people; writing up and disseminating these stories, trying to educate and gain support for the end of the Israeli occupation of Palestine (perhaps even some of you, members of the Senate Legal and Constitutional Legislation Committee, have seen these stories).
- Attending holiday functions at schools, where there are pictures clearly posted of the Palestinian President (Yassir Arafat) and other "heroes" ... just like we post pictures of our Prime Minister and our local "heroes."
- Attending a university graduation party for a dear friend of mine, where larger-than-life-sized posters of Sheikh Yassin and Dr Rantizzi - both of whom were only recently assassinated - were hanging, as were pictures of what my friends call "martyrs."

On this last bullet, it turned out that this was an organisation-sponsored event, a "rally" of sorts. And I was there. I did not stay ... but that is the subject of another discussion, another time (or, if you are on my mailing list, you will read about this in excruciating detail).

Because the term "support" is defined nowhere in this bill, the issue of whether or not my actions provided "support" to the organisation appears to be truly in the eyes of the beholder.

Some of my friends and family consider all the activities above as support for the "terrorists"; a few believe that my crossing the Green Line is enough to demonstrate that support.

Moreover, Schedule 3 does not identify where the burden of proof rests. It is not clear if I would be responsible to demonstrate that I was not "providing support," or if it would be the Government's responsibility to demonstrate that I was "providing support." In the current environment, the premise of "assumed innocent until being proven guilty" does not seem to apply in legislation related to terrorism.

When I participate in these and other activities, I am there to "support" my friends, my hosts, and the people whom I am trying to help. When we are engaged in peaceful, non-violent work, then I intend my actions to support that work, regardless of who the sponsoring organisation may be.

And if the good work I see and hear my Palestinian friends do with kids, activities that keep kids off the streets - arts, drama, sports, scholastic, computers - activities that provide alternatives to stone-throwing, that build self-confidence and respect for all people ... if these activities are sponsored by a "listed" organisation - I will support that part of that organisation that helps kids lead humane and dignified lives.

Under the current wording of Schedule 3, the Government could allege that I am supporting the "listed" organisation. By helping to enhance self-confidence among the people in the "listed" organisation, I could be accused of helping the organisation "to expand or to continue to exist."

Even more directly linked ... In my "day job," I am a quality and management consultant, and I use these skill with my Palestinian friends. I help them improve how to run their meetings, how to plan and manage their activities, and how to communicate their messages more effectively. All related to the peaceful, non-violent work described above. Again, the ambiguity within Schedule 3 could allow me to be charged with "assist[ing] the organisation to expand or continue to exist."

Because of the subjective nature of "providing support," I also wonder: Would all the accused be judged with the same criteria? I mean ... I am 51, female, white, English-speaking, an American citizen, Jewish, reasonably well-off; I am a quality and management consultant. I am articulate; I have confidence; I am here complaining to you, openly, visibly, and in a language you can understand.

But ... what if I were 25, male, dark-skinned, Arabic-speaking, a citizen or descendent of Saudi Arabia, devoutly Muslim; perhaps with few funds and few skills so that I could hold only menial jobs, if anybody would hire me. What if I were quiet, a loner, hiding away, wearing traditional clothes, grumbling under my breath against the Government and its policies.

There is evidence from recent reports made available to the Government that not all people are judged equally; are not given the "fair go to all" for which Australia is known.

One final point ... Article 22 of the International Covenant on Civil and Political Rights (ICCPR) states, in part:

1. Everyone shall have the right to freedom of association with others ...
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, ... or the protection of the rights and freedoms of others ...

It is like walking a tight-rope, trying to achieve the right balance among the freedom of association and national security/etc. But far too often, I have watched government after government institute autocratic laws that limit the freedom of association in the name of security and safety ... when neither security nor safety are achieved. I believe that Schedule 3, as currently written, crosses this line.

I appreciate that this Government has concerns about "terrorism." I will not comment on what I think about those "concerns," about other Government policies for dealing with them, or about the Government's seeming obsession with encouraging us all to be "afraid and alarmed."

I believe that this particular piece of legislation, the Anti-Terrorism Bill (No 2) 2004, Schedule 3, will cause more problems with its ambiguity and subjectivity, leaving total discretion to the powers-that-be. I believe that the law must define clearly and objectively what "providing

support" means. I believe that the law must ensure that the accused has legitimate, rapid, and full access to all information associated with the allegation against them, and that an appeal may be made to a truly independent source. And I believe the law must place clearly the "burden of proof" upon the Government, and that the law require that all evidence is readily available to the accused and the legal representatives chosen by the accused, without any conditions.

And if this bill is enacted as written, I believe that I will be put in gaol for three years. I really do not want that.

I encourage this Committee to consider very carefully the real problems that Schedule 3 is intended to address, and then address those problems carefully and with very precise wording, without catching volunteers and peace-niks like me in Schedule 3's sticky, ambiguous, and open-ended net.

Thank you.  
Peace, Shalom, Salaam,

Judy Bamberger

Note: I am available to come to Sydney Monday, 26 July 2004, and give evidence in person.

### Version History

When	Version	Who	What
040625	v0.1	JBamberger	created