

Submission from Dr Gideon Polya to the Legal and Constitutional Legislation Committee of the Senate of Australia - Inquiry into the Provisions of the Anti-Terrorism (No.2) Bill 2005

Dear Honorable Senators,

Please find below my detailed submission concerning the proposed Anti-Terrorism Bill (No. 2) 2005.

For your convenience the following is a summary of the areas covered in detail in my submission:

1. Preamble
2. Defining terrorism
3. Rational risk assessment and the terrorism threat to Australia
4. Quantifying the terrorist threat to Australia
5. 2,000 actual Australian deaths linked to US Coalition war policies in Central Asia
6. State terrorism, non-state terrorism and state-sponsored non-state terrorism
7. Death ratios and the deadly consequences of modern high technology war
8. "Terrorist" deaths are dwarfed by the global human cost of US wars
9. Serious threat to Australia and Australians from "state" terrorism
10. Disproportionate, human rights-violating anti-terror laws

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15. Summary

1. Preamble

The fundamental concern with terrorism is the potential for mass mortality. This indeed is the subject of a huge book that I have almost finished researching and writing that is concerned with global avoidable mortality. "Avoidable mortality" (excess mortality) is defined as the difference between ACTUAL deaths in a country and deaths EXPECTED in a peaceful, decently run country with the same demographics.

I am a senior biological scientist and published some 130 works in a 4 decade scientific career, most recently a huge pharmacological reference text "Biochemical Targets of Plant Bioactive Compounds" (Taylor & Francis, New York & London, 2003). Numerous articles I have written about global avoidable mortality and related matters including the terrorism threat to Australia can be found by a simple Google search for "Gideon Polya" (with appropriate key words as necessary) [or consulting my website:
<http://members.optusnet.com.au/~gpolya/links.html>].

My detailed analysis of avoidable mortality is particularly useful in "risk assessment" aspects of the current concerns about terrorism.

At the outset I must state that I abhor violence, war, criminality and terrorism. While it is not the language many would use, the Leader of the Opposition, the Honorable Mr Kim Beazley, had good reason in the circumstances to describe those responsible for the 7/7/05 London bombing atrocities as "subhuman filth who must be captured and eliminated." How then should we describe those responsible through high technology war for vastly worse avoidable mortality consequences?

From a scientific perspective it is important when addressing issues of mass mortality and terrorism to dispassionately consider terminology, categories, mortality statistics, causality, risks and sensible, proportionate responses that do not violate our internationally-agreed human rights standards or damage due process and free speech civil rights hard-won over the 8 centuries since Magna Carta.

2. Defining terrorism

Despite our fear and loathing of cowardly attacks on innocent civilians, we must be careful not to depart from the fundamentals of reasoned debate, namely commonly agreed language (e.g. the meaning of words), quantitation through mathematics (the language of the universe) and acceptable kinds of argument (e.g. the pre-invasion assertion that "there is no evidence that Iraq does not have weapons of mass destruction" violates the fundamental scientific principle that you cannot prove a negative).

The Shorter Oxford Dictionary defines "terror" as "intense fear" and "terrorism" as the "furtherance of views through coercive intimidation". "Terrorists" "intimidate" by causing "intense fear", typically by killing people.

"Terrorists" fall into 3 major categories, namely (1) non-state terrorists; (2) state-sponsored non-state terrorists; and (3) state terrorists.

We are generally aware of the tragic burden of the Indonesian people from terrorism, namely from (1) non-state terrorists (e.g. those involved in decades of bombings and massacres of Christians and those responsible for bombings that have killed about 100 Australians in Bali as well as many others, noting the informed suggestion by the eminent former president Abdurrahman Wahid of likely military involvement in the latter tragedies); (2) state-sponsored terrorists (e.g. the military-backed militias responsible for the post-referendum terror in East Timor); and (3) state terrorism (evidenced by the 0.5 million killed and the hundreds of thousands imprisoned in the US-backed coup in 1965; the 0.2 million East Timorese killed after the US-backed invasion in 1975; victims of state violence in Aceh and West Irian; and the avoidable mortality (excess mortality) and under-5 infant mortality in Indonesia during the period of the Suharto military dictatorship that total about 41 million and 20 million, respectively).

Given overwhelming Australian support for the US alliance as the cornerstone of Australian security, our "objectivity" in relation to "terrorism" would be severely strained by considering well-documented US involvement in all 3 categories e.g. (1)

non-state terrorism (e.g. the Taliban and Al Qaeda were both supported for a decade by the US in their fight against the Soviet invasion of Afghanistan and Al Qaeda was supported by the US into the mid-1990s in Kosovo); (2) state-sponsored non-state terrorists (e.g. the US-trained and backed Contras, military regimes and death squads in Latin America, civil war protagonists in

Africa and those involved in "rendition" torture and covert violence in Iraq); and (3) state terrorism (e.g. the post-invasion avoidable mortality and under-5 infant mortality in Occupied Iraq and Afghanistan now total 2.1 million and 1.7 million, respectively, in gross contravention of the Geneva Conventions) [estimates based on UN Population Division data; see: <http://esa.un.org/unpp/>].

When, in comparison, we consider that the death toll of Western civilians from "Muslim" terrorists has been about 5,000 over the last 20 years (3,000 on 9/11 with the remainder being Israeli civilians or victims of the various atrocities such as Lockerbie, Madrid, Bali and London) we can see the linguistic and mathematical legitimacy of considering the above 3 categories of "terrorism".

3. Rational risk assessment and the terrorist threat to Australia

Rational, World's Best Practice approaches to risk management (critically employed in high risk areas such as the nuclear industry, defence and aviation) successively involve (a) untrammelled reportage, (b) rational, scientific analysis of the data and (c) systemic change for a safer environment [for a detailed analysis see: James Reason, Human error: models and management, British Medical Journal vol. 320, pp768-770, 2000].

Unfortunately typical risk management approaches successively involve (a) secrecy, lying, spin, censorship, self-censorship, intimidation and threats to whistleblowers, (b) political and self-serving analysis and (c) blaming, shaming and "shooting the messenger" with no systemic change.

The Coalition Government and politicized and intimidated public servants are comprehensively following World's Worst Practice in addressing Australia's security as well illustrated by the "children overboard" affair: (a) secrecy, lying, spin, unsubstantiated assertions and public servant intimidation; (b) dishonest, politics-driven, irrational analysis e.g. the scientific absurdity from leading officials that "there is no evidence that children were not thrown overboard"; and (c) no sensible systemic change but "race and fear" politics and "concentration camps" for indefinite detention of uncharged adult and child refugees.

Subsequent hysteria over 9/11 (3,000 innocent civilians murdered, assertedly by non-state terrorists from a jihadist organization previously supported and funded for a decade by the US) led to Australian participation in the US invasion and occupation of Afghanistan and Iraq (post-invasion avoidable mortality and under-5 infant mortality now totalling 2.1 million and 1.7 million, respectively, in gross violation of the Geneva Conventions) [see: <http://globalavoidablemortality.blogspot.com/>].

The Federal Government is charged with preserving Australia's security but is dangerously complicit with post-9/11 US-led wars, invasions and occupations, this involvement representing a major threat to Australia's security (as

evidenced by the Madrid, Bali, Djakarta and London bombings, the statements of the non-state terrorists themselves and the findings of international terrorism experts) [e.g. see comments by Professor Richard Pape, author of Dying to Win - the Strategic Logic of Suicide Terrorism:
<http://66.102.7.104/search?q=cache:zgQtB7oqwbkJ:www.abc.net.au/7.30/content/2005/s1418817.htm+terrorism+%22pape%22&hl=en>].

The Coalition Government (with evident support from politicized public servants) has already succeeded in enacting draconian laws permitting detention and silencing of Australians without charge and now demands further repugnant and counterproductive violations of our long-held democratic, habeus corpus, due process, freedom of speech and freedom of association rights.

Media non-reportage and poll-driven Opposition timidity have substantially contributed to the appalling rise of "democratic tyranny" in Australia. We are indeed approaching an Orwellian "1984" nightmare in which "2 plus 2 does not equal 4", "war is peace", "freedom is slavery" and "ignorance is strength" as well illustrated by mass hysteria over 5,000 Western civilian deaths from non-state terrorism over 20 years versus comprehensive Australian ignoring of 2.1 million avoidable deaths in post-invasion Occupied Iraq and Afghanistan due to US occupation and war in gross violation of the Geneva Conventions.

4. Quantifying the terrorist threat to Australia

Australians concerned with the "terrorist threat" to ourselves and to other human beings should at least get to the first stage of considering the actual data on "avoidable mortality". Thus consider the following "risk estimates" expressed as "annual percentage mortality": 0.00003% (Western civilians from jihadist terrorists over the last 20 years); 0.00003% (from shark attack), 0.0001% (Western civilians from jihadist terrorists over the last 4 years), 0.008% (car accidents), 0.1% (smoking-related causes; 19,000 Australian deaths annually due to bipartisan lethargy), 2.6% (under-5 infants in Occupied Iraq), 5.8% (under-5 infants in Occupied Afghanistan) and 10.4% (Australian POWs under the Japanese in WW2 - 8,000 deaths out of 22,000 POWs over 3.5 years).

THREE Australians have died in the last 3 decades from a terrorism event WITHIN AUSTRALIA (the 1978 Sydney Hilton Bombing that killed 3 and wounded 7) - and the surviving policeman and his barrister still believe that Australian Security may have been involved. Indeed right wing Australian Governments and politicized Security have an appalling post-war record of making Australia a haven for demonstrable terrorists such as Nazi war criminals; permitting violent fascist terrorists to train and operate in Australia (hence the famous Attorney General's raid on ASIO in 1973 over Croatian Ustase terrorists who had been bombing Yugoslav consulates in Australia); long-term support for Indonesian state terrorism (including the now-resumed training of the notorious, genocidal Kopassus state terrorism Special Forces units); putting Australian civilians and soldiers at risk by withholding crucial information about Indonesian military state terrorism; and continuous post-war support for immensely bloody US wars throughout the world (the post-1950 avoidable mortality and under-5 infant mortality in Asian and Pacific countries in which UK-US ally Australia has been

involved militarily in that era now total 67 million and 35 million, respectively).

How can we quantify the non-state terrorist threat to when no Australians have died from a domestic terrorist incident within Australia in 27 years? One way is to consider the number of Western civilian deaths from "terrorism" over the last 20 years and over the last 4 years and hence calculate the "annual probability of dying from terrorist attack" in these 2 scenarios. We can then compare these estimates with the "annual probability of dying" from other causes. Some such estimates are given below.

"Risk estimates" expressed as "annual percentage mortality" = "annual probability of dying (%)":

0.00002% (1 in 5,000,000) (American from lightning strike);

0.00003% (1 in 3,300,000) (American from shark attack);

0.00003% (1 in 3,300,000) (American from electrocution);

0.00003% (1 in 3,300,000) (Western civilian from jihadist terrorists averaged over the last 20 years);

0.0001% (1 in 1,000,000) (Western civilian from jihadist terrorists averaged over the last 4 years; assuming no passive or active US agency complicity in 9/11);

0.0004% (1 in 250,000) (Australian from homicide by a stranger);

0.0006% (1 in 150,000) (Australian from homicide in a non-residential setting);

0.0011% (1 in 90,000) (Australian from homicide by an acquaintance or family member);

0.0015% (1 in 60,000) (Australian from homicide);

0.0025% (1 in 40,000) (Australian from heroin from US-restored Afghan opium trade);

0.0040% (1 in 25,000) (American from heroin from US-restored Afghan opium trade);

0.008% (1 in 12,500) (Australian from car accident);

0.08% (1 in 1,250) Australian under-5 year old from any cause);

0.1% (1 in 1,000) (Australian from smoking-related causes; 19,000 Australian deaths annually due to bipartisan lethargy);

2.6% (1 in 38) (under-5 year old infant in Occupied Iraq; contravenes Geneva Conventions re civilians);

5.8% (1 in 17) (under-5 year old infant in Occupied Afghanistan; contravenes Geneva Conventions re civilians);

10.4% (1 in 10) (Australian POW under the Japanese in WW2 - 8,000 deaths out of 22,000 POWs over 3.5 years; an awful war crime).

The annual probability of a Westerner (e.g. an Australian) dying from a "Muslim" non-state terrorist attack is about 1 in a million, about 10 times LOWER than that of being killed by a family member or acquaintance, about 100 times LOWER than the risk of being killed in a car accident and about 1,000 times LOWER than the annual probability of death from tobacco-related causes. A further surprise is that despite 4 years of daily hype about "terrorism" and an academic, Security, public servant and media "establishment" costing our society scores of billions of dollars, nobody has been willing or able to give a quantitative estimate of the "terrorist threat" to Australians or to Parliament.

5. 2,000 actual Australian deaths linked to US war policies in Central Asia

As stated above, there have only been 3 terrorist-caused deaths in Australia in 3 decades and these are speculated by an expert police witness as being due to Australian Security itself. While there is continuing mainstream media hysteria about the possibility of terrorist attacks in Australia, these same media utterly IGNORE some 2,000 21st century Australian deaths linked to US wars and other egregious violence in Muslim countries.

The breakdown of the 7 million annual world-wide deaths from tobacco, drugs and alcohol (2003) is as follows: 4.9 million (71%; tobacco-related), 1.8 million (26%; alcohol-related), 223,000 (3%; illicit drugs such as heroin, cocaine and amphetamines); and about 100,000 (about 1.5%; heroin-related).

Recent estimates of the current, annual breakdown of Australian deaths from tobacco, drugs and alcohol is as follows: 19,000 (tobacco-related), 3,500 (alcohol-related); 700 (accidental deaths from illicit drugs) and about 400 (opioid-related accidental deaths).

The UK had a major role in development of the opium trade involving British India and China (18th-20th centuries). Major mortality events linked to British opium-linked exploitation of India and China include the Great Bengal Famine (1769-1770; 10 million deaths); other 18th-19th century famines in India (tens of millions of victims); 25 million 19th century cholera deaths (due to cholera dissemination by British shipping, rail and canals); the 19th century China Opium Wars and the subsequent Tai Ping rebellion (20-100 million associated famine victims); extraordinary Indian population stasis between 1890 and 1930 (due to famine, malnutrition, cholera, plague and influenza); and finally the WW2 man-made Bengal Famine in British-ruled India (4 million victims; speculated in Colin Mason's A Short History of Asia (Macmillan, London, 2000) to have been a deliberate scorched earth policy to block Japanese invasion from Burma - and accordingly near-comprehensively deleted from British history).

Post-war, the US had a major role in the setting up of the opium trade in Afghanistan, Pakistan and Burma (via the Kuomintang Nationalist Army and connected war-lords), the strategy evidently being connected with anti-Soviet and anti-Chinese policies and supporting armed anti-communist elements.

Conversely in the 1970s Nixon persuaded Turkey to eliminate its opium industry. In 2000 the 2 biggest sources of opium were Burma and Afghanistan. However in 2000 the victorious Taliban decided to destroy the opium poppy crop (notwithstanding its considerable financial importance) and before the US invasion in 2001 it had been virtually all destroyed. However the US victory meant that by 2002 Afghanistan under US guns had regained its previous important position as a major World opium producer.

In 1999 there were 1,084 accidental opioid-related deaths in Australia, representing 77% of accidental illicit drug-related deaths; by 2001 this had declined to 413 (representing 58% of accidental illicit drug-related deaths) due to a heroin drought in Australia. Resumption of Afghan opium and heroin production under US administration will presumably increase heroin availability and hence heroin-related deaths.

Continuing, US de facto pro-opium policies (including price-elevating domestic banning and the huge post-invasion opium expansion in Afghanistan) make the US (and its UK and Australian allies) complicit in the roughly 0.1 million heroin-related deaths globally EACH YEAR (about 20 times the total number of Western civilians killed by jihadists over 20 YEARS) and about 500 heroin-related deaths in AUSTRALIA EACH YEAR due to criminal activity benefiting directly from US state terrorism in which the Australian Government and its politicized Security are both slavishly complicit. (It should be noted that these estimates of heroin-related deaths are independent of injection-related HIV and other infections. According to UNAIDS there are currently 37.8 million HIV-positive people worldwide, 4.8 million were newly infected in 2003, 2.9 million died in 2003 and 20 million have died since 1981) [see: <http://www.unaids.org/en/default.asp>].

It can be estimated that the passive restoration by the US Coalition of the Taliban-destroyed opium industry in Afghanistan is heavily responsible for the post-2001 opioid drug-related deaths that total about 0.4 million for the world, including 1,200 Scots, 2,000 Australians, 3,000 Canadians, 3,200 Britons and 50,000 Americans. It is an extraordinary testament to the bias and ethics of mainstream corporate media that these important data are kept from the public worldwide [for detailed documentation see:

<http://www.aljazeera.com/Opinion%20editorials/2005%20Opinion%20Editorials/October/26%20o/US%20Coalition%20Complicity%20in%200.4%20Million%20Drug%20Deaths%20By%20Gideon%20Polya.htm>].

6. State terrorism, non-state terrorism and state-sponsored non-state terrorism

As summarized earlier, we can categorize "terrorism" into (1) non-state terrorists; (2) state-sponsored non-state terrorists; and (3) state terrorists. Because of the horrendous lethality of high technology war, state terrorism is vastly more deadly than non-state terrorism. Indeed the ANNUAL US death toll from homicide (about 20,000) is an order of magnitude greater than the number of victims of the 9/11 atrocity (about 3,000).

State terrorism has long outdone non-state terrorism for deadliness in Indonesia. Former president of Indonesia, Abdurrahman Wahid, a great and good man who helped rescue Indonesia from 40 years of US-backed military dictatorship, has recently indicated that the Bali bombings (that have killed about 100 Australians) probably involved the military. Successive Australian Governments and Security have supported the US-backed Suharto dictatorship and trained (and have recently resumed training) the notorious Kopassus Special Forces units responsible for immense atrocities against civilians. The major crimes of the US-backed Indonesian military have been 500,000 people murdered in 1965 (the "anti-communist coup"); hundreds of thousands imprisoned since 1965; 200,000 East Timorese murdered out of a population of about 600,000 during the 30 year Indonesian occupation after the US-sanctioned invasion in 1975; horrendous human rights abuses in addition to outright killings; backing of militias responsible for atrocities in East Timor after the independence referendum (information denied to Australian servicemen, NGOs and police by irresponsible Australian Government and Security); atrocities in Papua and Aceh over 40 years; the SIEV X refugee boat disaster (353 mostly women and children drowned in a process involving Indonesian military and police and variously suggested as involving Australia); continuing military-backed atrocities against Christians that have killed thousands; a post-1950 avoidable mortality (excess mortality) for Indonesia of 71.5 million; and shocking avoidable mortality (excess mortality) and under-5 infant mortality in the Suharto years totalling 41 million and 20 million, respectively..

"Jihadist" or "insurgent" "non-state terrorists" have killed about 5,000 Western civilians over the last 20 years (mostly on 9/11, according to the US Administration). However the US "state terrorist" response has so far been disproportionately associated with post-invasion avoidable (excess) mortality and under-5 infant mortality in the Occupied Iraqi and Afghan Territories that now total 2.1 million and 1.7 million, respectively. Anglo-American-dominated mainstream media utterly IGNORE the huge reality of state terrorism, notably US state terrorism.

Australia is under threat from ALL THREE types of terrorism, specifically (1) US state terrorism (compounded by uncritical and slavish Australian Government and Security association with US state terrorism, US media dominance in Australia and passive acceptance of direct US interference in Australian affairs, as in the 2004 election); (2) "jihadist" non-state terrorism; and (3) US state terrorism support for non-state terrorists (e.g. distinguished former Indonesian president Abdurrahman Wahid recently expertly suggested that the US-backed Indonesian military may have been involved in the Bali bombing atrocities).

There is an appalling record of US state terrorism over the last half century and of US support for non-state terrorism in Africa (e.g. in civil wars), Asia (e.g. mujaheddin and Al Qaeda in Afghanistan, reported US support for Al Qaeda in the Balkans into the mid-1990s; US-employed "rendition" torturers; US covert terrorism in Iraq) and Latin America (e.g. the US School of Americas trained 60,000 Latin American military and police personnel including torturers, dictators, death squads, state terrorists and non-state terrorists; US terrorist squads bombed churches in Ecuador; horrendous death squads, Contra rebels and other terrorism in Latin America) [see Philip Agee, Inside the Company. CIA Diary (Penguin, London, 1975)].

From media reports there is clearly a "jihadist" non-state terrorist threat to Australia - a threat that has been seriously EXACERBATED by the actions of US state terrorism (illegal and bloody occupation of Iraq); Israeli state terrorism (the continuing illegal occupation of the West Bank and Golan Heights and imprisonment of Gaza); uncritical Australian relations with Israel (uncritical support; possibly hundreds of Australians have served as soldiers in the illegal Israeli occupations; and tens of thousands of Australians are permitted to make donations directly or indirectly supporting Israel state terrorism - while donations to some Palestinian organizations are prohibited with draconian penalties in relation to Arab victims of Israeli state terrorism); and the close association of Australia with the US in its illegal invasions and bloody occupations of Iraq and Afghanistan associated with gross violations of the Geneva Conventions.

However it is realistic to suppose that there would be considerable danger to Australia (in appropriate circumstances) of a US-sponsored terrorist attack to give political support for the US line (as occurred back in 1960s Ecuador with the bombing of Catholic churches by US-funded terrorist teams to excite anti-communist sentiment and as reported in Philip Agee's Inside the Company. CIA Diary). Australia's close linkage to the US has meant that the US intervention seen by the public is merely of the kind meted out to Mr Mark Latham by the US ambassador during the 2004 election campaign.

7. Death ratios and the deadly consequences of modern high technology war

Ten years ago Nazi SS Captain Erich Priebke was extradited from Argentina to Italy to face a war crimes trial over the March 24, 1944 execution of 335 Italian men and boys (about 75 of them Jewish) at the Ardeatine Caves south of Rome. The massacre had been ordered by arch-terrorist Adolph Hitler in retaliation for the killing of 33 German soldiers by Italian partisans the previous day. Priebke was eventually found guilty and sentenced to 15 years, with this being subsequently effectively commuted to 5 years. Evil arch-terrorist Hitler evidently regarded an "enemy civilian death"/"German soldier death" "kill ratio" (or "death ratio") of 10 as appropriate - but how does this compare with "enemy civilian death" /"military death" "kill ratios" for other World War 2 combatants?

In World War 2 the Axis civilian deaths totalled 5.1 million as compared to Allied civilian losses in Europe and Asia totalling 54 million; US, British Empire, Axis and Soviet military losses totalled 0.29 million, 0.45 million, 5.9 million and 13.6 million, respectively. Accordingly the "enemy civilian"/"military death" "kill ratios" were 0.4 (for the Soviet forces), 9.2 (Axis), 11.3 (the British Empire) and 17.6 (the US). These statistics reflect the mass murder of Soviet POWs by the Nazis (and vice versa) and the relatively high technology war fought by the US (which made great use of strategic bombing e.g. of Dresden, Hamburg, Tokyo, Hiroshima and Nagasaki).

It is useful to examine the "kill ratios" in post-war conflicts involving US high technology war machines pitted against relatively lightly armed indigenous Asian soldiers in a swathe of countries from Korea to Iraq. It is difficult to

determine Asian civilian casualties in these conflicts because, in the words of US General Tommy Franks, "We don't do body counts." [see: <http://iraqbodycount.net/>]. However using UN Population Division demographic data from 1950 onwards it is possible to calculate "avoidable mortality" ("excess mortality"), which is the difference between the ACTUAL deaths in a country in a given period and the deaths EXPECTED for a peaceful, decently-run country with the same demographics [see: <http://globalavoidablemortality.blogspot.com/>].

The following "enemy civilian avoidable mortality"/"US combat death" "kill ratios" have been calculated for the Korean War (1950-1953) (23.8), the Indo-China War (1957-1975) (276.5), the Gulf War & Sanctions War (1990-2003) (12,259), the Afghanistan War (2001-2005) (15,716) and the Iraq War (2003-2005) (323.9).

The actual arithmetic involving the ratio of "avoidable (excess) deaths" (for the Asian country concerned over the relevant period)/"US combat deaths" is reproduced below (actual mortality figures are rounded off for clarity):

0.8 million Korean excess deaths/33,651 US combat deaths = 23.8

13.1 million excess Cambodian, Laotian & Vietnamese excess deaths/47,378 US combat deaths = 276.5

1.8 million Iraqi excess deaths/147 US combat deaths = 12,259

1.6 million Afghan excess deaths/102 US combat deaths = 15,716

0.5 million Iraqi excess deaths/1,513 US combat deaths = 323.9

The Geneva Conventions are quite clear about the responsibility of the invader and occupier to do everything in their power to preserve the life of civilians [see: <http://www.unhcr.ch/html/menu3/b/92.htm>]. However the annual per capita medical expenditure in Occupied Iraq and Afghanistan is less than 1% (ONE PERCENT) of that in metropolitan US and thus the horrendous death toll in post-invasion Iraq and Afghanistan constitutes passive genocide and a war crime [see: <http://www.abc.net.au/rn/science/ockham/stories/s1445960.htm>].

Unfortunately the above data show that the US (and its allies) have grossly violated the Geneva Conventions in these Asian Wars - and have done so in vast excess over the "enemy civilian"/"German soldier" "kill ratio" of 10 in the Ardeatine Caves atrocity. The reason for these horrendous US "kill ratios" is that high technology US warfare preserves politically-sensitive US military

lives at the expense of enemy civilian lives through high technology killing from afar (more bombs were dropped on tiny, remote Laos by the US than on all of Europe in all of World War 2); better training of its soldiers to kill; and through improved medical technology to save the lives of wounded soldiers.

Of course the real obscenity is revealed when one considers that about half of the victims are innocent infants under the age of 5. The under-5 infant mortality was 0.3 million (Korea, 1950-1953); 5.6 million (Indo-China, 1957-1975); 1.3 million (Iraq, 1990-2003); 1.4 million (Afghanistan, 2001-2005); and 0.3 million (Iraq, 2003-2005). US state terrorism has exacted a horrendous civilian death toll in US Asian wars.

8. "Terrorist" deaths are dwarfed by the global human cost of US wars

Using UN Population Division demographic data it is possible to calculate the post-1950 avoidable mortality (excess mortality) for every country in the world. Violent occupation by countries clearly does not help and neo-colonial prior threat and post-occupation periods also contribute to the "body count". One way of assessing the human impact of such occupation is by expressing "post-1950 avoidable mortality" as a percentage of the present population - thus for the USA this is 8.455 million/300.038 million = 1.5% (one of the best figures in the World and reflecting US wealth and great internal respect for life). However for the countries that the US has militarily occupied in the post-war period (ignoring immediate post-war occupation of Axis countries and a huge list of US-complicit wars and tyrannies in which US forces per se were not involved) the post-1950 avoidable mortality/2005 population has been 82.109 million/342.477million = 24.0%; about half the victims have been infants under the age of 5.

The war crimes of the US-led Coalition are horrendous and demand action by the International Criminal Court (albeit with the US in absentia because it does not recognize the Court's jurisdiction over Americans). The awful murder of 5,000 Western civilians over 20 years by "jihadist" and insurgent terrorists is an awful set of crimes but the full extent of the crimes of the responsible non-state terrorists has been realized in the appalling and utterly disproportionate mass murder and passive genocide by US wars. Peace is the only way but silence kills and silence is complicity (see: <http://members.optusnet.com.au/~gpolya/links.html>).

9. Serious threat to Australia and Australians from "state" terrorism

The US has had a very long history of "singular events" precipitating highly profitable wars from which the US (or more accurately, the US military-industrial complex) emerged with greatly enhanced power. The list of events (with consequences in parentheses) includes: the sinking of the USS Maine in Havana harbour (the Spanish-American War that yielded Guam, the Philippines, Cuba, Puerto Rico and Latin American hegemony); the sinking of the Lusitania (US entry into WW1); Pearl Harbor (US entry into WW2 and subsequent global domination); Gulf of Tonkin Incident (Vietnam War and domination of South East

Asia); US green-lighted Iraq invasion of Kuwait (Gulf War, Sanctions and US Middle East hegemony); 9/11 (continuing Afghanistan War and Iraq war and US strategic occupation in the Middle East and Central Asia).

There is considerable evidence that the UK and the US were aware of the impending Japanese attack on Pearl Harbor [e.g. see Rusbridger, J. and Nave, E. (1991), *Betrayal at Pearl Harbor. How Churchill Lured Roosevelt into World War II* (Summit, New York); just ask the opinion of senior Japanese social science and history academics]. Nobody denies the horror and evil of the 9/11 atrocity but there is mounting support for the hypothesis that at the very least the US Administration was passively complicit in the event i.e. as with Pearl Harbor, 9/11 was permitted to happen in the perceived overall national interest. Not just Mike Moore but also some eminent American writers and scholars are highly sceptical of the "official version". Thus the detailed arguments of the conservative, Bush-appointed Professor Morgan Reynolds [see: <http://www.lewrockwell.com/reynolds/reynolds12.html>], theologian Professor David Ray Griffin [see: <http://www.informationclearinghouse.info/article8765.htm>] and eminent writer Gore Vidal [see: <http://observer.guardian.co.uk/international/story/0,6903,819931,00.html>] all take serious issue with the official 9/11 version.

Thus it has been estimated that the probability that all of 22 key, necessary elements of the "official account" of 9/11 are correct is astronomically low - about 1 in 10 to the power 22 i.e. this conservative probability estimate is vanishingly miniscule (see: <http://www.globalresearch.ca/articles/DAV504A.html>). This of course has a huge bearing on the "War on Terror", consequently on current Australian demolition of "free speech" and "due process" and, if correct, would reduce the "annual probability of a Western civilian dying from a jihadist attack" (averaged over the last 4 years) to 0.00004% i.e. 10 times LESS likely than the annual risk of an Australian being murdered by a stranger. However even if we accept the "official story", the annual likelihood of a Westerner dying from jihadist violence is still extremely low (0.0001%).

A "terrorist attack" by the US or its surrogates in Australia would be of immense benefit to the US "War on Terror" in circumstances of Australian popular revulsion from human rights-violating anti-terror laws and horrendous, continuing avoidable mortality and under-5 infant mortality in Occupied Iraq and Afghanistan - however this is presently unlikely because of media- and politician-driven hysteria over the "terrorist threat". However the Australian Government - that is legislatively grossly violating fundamental civil and human rights (freedom of expression, freedom of association and no detention without charge) - is itself complicit with the horrendous consequences of continuing US wars.

Australia is utterly unprotected from attack by US "state" terrorism because of "blanket" media, political and hence popular acceptance of the Bush version of reality (notwithstanding his appalling record of deception over the reasons for the invasion of Iraq) and our extremely close relationship with the very people who constitute a significant threat.

If the US Administration was even passively complicit in 9/11 then the "annual probability of a Western (e.g. Australian) civilian being killed in a US-complicit terrorist act" would be about 0.0001%.

10. Disproportionate, human rights-violating anti-terror laws

Anti-terrorist legislation with bipartisan support has been progressively more repressive over the last 6 years. Like the celebrated frog in a pot slowly being brought to the boil, Australia is now at the edge of a precipice in which 8 centuries of hard-won human and civil rights are to be sacrificed with bipartisan and popular support because of terror hysteria - yet there have been NO terrorist atrocities or deaths within Australia for 27 years and NO quantitative estimate of the terrorist threat has been offered by Government nor by security authorities. Security authorities have also FAILED to apprise Government, Opposition, Parliament and People of a welter of other readily-accessible information in the international public domain with a direct bearing on the terrorism threat to Australia (such as the information presented in this submission).

There clearly is a "Muslim" terrorist threat to Australia that has been exacerbated by the war policies of the US and its allied governments, including that of Australia - according to sensible analysis, anti-terrorist experts [e.g. Professor Richard Pape] and indeed terrorists themselves (according to numerous mainstream media reports). Yet as far as I know I am the only Australian professional to have provided quantitative assessments of the actual, real terrorist threat to this country - quantitative assessments that have been utterly ignored by biased and hysterical, substantially US-owned Australian media who evidently place their support for a malignant and criminal foreign Administration before the interests of Australia.

I am not a lawyer and can only read the legislation passed already and that proposed with a naïve, layperson eye to astonishing impositions, extraordinary prohibitions and draconian penalties. However I am profoundly disquieted by remarkably consonant expert public statements of civil liberties lawyers, senior judges, the Law Council, Amnesty and the Australian branch of the International Commission of Jurists [see:

<http://www.icj-aust.org.au/?no=33>] that condemn these laws as a major assault on human and civil rights in this country.

11. Proposed sedition laws and existing anti-terror laws

The prior anti-terror laws must be now viewed in relation to the proposed laws, especially in relation to the "sedition" sections. The new "sedition" sections may permit warrants to be issued against innocent people for "ideological incorrectness" reasons. Such innocent people will then be at risk from both the "new" and the prior anti-terror laws. For efficiency I have indicated such risks below with an asterisk (*).

ASIO Legislation Amendment Act 1999*. This Act allowed "the Minister" to issue search and seize warrants "on reasonable grounds" that it would "assist the collection of intelligence"*.

Anti-Terrorism Act (No.3) 2004*. This Act allows removal of passports of "persons for whom ASIO questioning warrants are being sought". The request to the Minister for such a warrant is made if a person is prevented from travelling by (as well as many other things) a law, "an order or other direction (however described) under a law of the Commonwealth" or "reasonable grounds" that the "person would be likely to engage in conduct" that (among many things) "might constitute an indictable offence against a law of the Commonwealth, being an offence specified in a Minister's determination"*. The penalty for failure to surrender the travel documents "immediately" (e.g. by first consulting your travelling companion): imprisonment for 1 year. The "sedition" sections of the "proposed laws" in particular can threaten any Australian with passport removal, detention without trial and imprisonment for 1 year for not following orders "immediately"*.

Anti-terrorism Act (No. 2) 2004*. This Act relates to "intentionally" associating "on 2 or more occasions" with "another person" "who is a member of ... who promotes or directs the activities of a "terrorist organization". Some exceptions are provided (e.g. humanitarian associations or association with your wife or children on "a matter that could be reasonably regarded ... as a matter of family or domestic concern". The penalty for such association (e.g. chatting with a stranger on a train) is imprisonment for 3 years - but you have to "prove" a negative (a scientific impossibility), namely that you did not know of the stranger's association. As outlined below, it is difficult to determine what organizations have been proscribed as "terrorist organizations" in Australia at any particular time because of changes in Ministerial opinion and regulation.

Membership of a terrorist organization*. I understand that leadership of a group secretly proscribed as a "terrorist organization" is imprisonment for 25 years and membership of such a group is punished by imprisonment for 10 years. I found the the List rather difficult to track down and the List may be subject continual, day-to-day Government regulation. Further, the "sedition" sections of the "new laws" may enable rapid translation of any organization onto the The List. Recent events in Australia suggest that the law maybe interpreted as applying to "a" "terrorist organization" as generically defined but not actually named, not on the List or not even formally constituted by its members i.e. anything goes. Under Nazi legislation and regulations I presume that the prohibitions were set out explicitly e.g. being Jewish, non-European, homosexual or a socialist. The actual Laws and the List of prohibited organizations are publicly available (but not readily so in my experience), the List evidently may change from day to day, a "terrorist organization" can be what the authorities decide it is on the day, and the new "sedition" laws provide an evidentiary basis for draconian widening of such interpretations. Our innocent, suburban lives are thus seen to be presently only at the discretion of the Government and the security services - a Police State indeed.

ASIO Legislation Amendment (Terrorism) Bill 2002*. This Bill is of acute interest in revealing legislator mindset and in comparison with the subsequently

enacted ASIO Legislation Amendment (Terrorism) Act 2003 (see below). This Bill allowed for detention without trial of "persons of interest", this category being potentially greatly widened through "executive interpretation" of the "sedition" sections of the "new laws". Requested warrants are issued by Judges or Magistrates if they are "satisfied that there is a reasonable grounds for believing that the warrant will substantially assist the collection of intelligence that is important in relation to a terrorism offence". Children under 14 can be arrested but released when their age can be proven "on reasonable grounds". Children between 14 and 18 can be detained without charge but their parents or guardians must be notified. Others may be permitted to contact a family member. A Security-approved lawyer can be involved. The person can be detained for up to 7 days, strip searched, interrogated and is then potentially subject to revolving-door re-arrest. Documents and "things" can be seized and retained. Imprisonment for 5 years is provided for not providing requested information, documents or "things" and for not proving that the requested information and documents do not exist (a scientific impossibility): "A defendant bears an evidential burden" in relation to proving that he "does not have the information". Imprisonment for 2 years is provided if a lawyer, partner, family member, journalist or indeed anyone reports the detention.

ASIO Legislation Amendment (Terrorism) Act 2003. This enacted legislation is essentially the same as the 2002 Bill and allows for detention without trial of "persons of interest", this category being potentially greatly widened through "executive interpretation" of the "sedition" sections of the "new laws". Requested warrants are issued by Judges or Magistrates if they are "satisfied that there is a reasonable grounds for believing that the warrant will substantially assist the collection of intelligence that is important in relation to a terrorism offence". Children under 16 can be arrested but are released when their age can be proven "on reasonable grounds". Children between 16 and 18 can be detained without charge but their parents or guardians may be notified. Others thus detained may be permitted to contact a family member. A Security-approved lawyer can be involved. The person can be detained for up to 7 days, strip searched, interrogated and is then potentially subject to revolving-door re-arrest. Documents and "things" can be seized and retained. Imprisonment for 5 years is provided for not providing requested information, documents or "things" and for not proving that the requested information and documents do not exist (a scientific impossibility): "A defendant bears an evidential burden" in relation to proving that he "does not have the information" (stunning Kafkaesque bureaucratic totalitarianism that is beyond reason). Imprisonment for 5 years is provided if a lawyer, partner, family member, journalist or indeed anyone reports the detention - an extraordinary violation of free speech, community and family values.

12. Proposed Anti-Terrorism Bill (No. 2) 2005*

In considering the proposed "new laws" it is important to read them ALL in relation to the catch-all "sedition" sections. We are asked to TRUST the Government and Security that these laws will only apply to "real terrorists" and not to "ordinary Australians" such as those who have a more critical attitude to the hysteria being fed to us by politicians and substantially US-owned Australian media. However the Government and Security we are asked to TRUST are the same Government and Security who permitted the sustained mis-informing of Parliament and the People over a range of serious security-related matters, notable examples including the untrue, intrinsically racist "children overboard" claims and the series of untruths prior to the illegal invasion of

Iraq (such as the false claim of Iraqi possession of weapons of mass destruction, Al Qaeda links, mobile germ warfare laboratories, biological weapons, chemical weapons, uranium from Niger etc).

The "children overboard" falsehoods promoted a dangerously racist and intolerant environment in Australia. The falsehoods about Iraq promoted racism, intolerance and ultimately the ultimate in violence, the illegal invasion of a sovereign nation - with the serious consequence of exacerbation of the terrorist threat to Australia. Indeed the Australian participation in the occupation of Iraq and Afghanistan has made the Australian Government (and hence the Australian People) complicit in the post-invasion avoidable mortality (excess mortality) and under-5 infant mortality in the Occupied Iraqi and Afghan Territories that now total 2.1 MILLION and 1.7 MILLION, respectively, and the post-2001 opioid drug-related deaths of 2,000 AUSTRALIANS due to US Coalition permissive restoration of the Taliban-destroyed Afghan opium industry (in addition to the post-2001 opioid related deaths of 0.4 MILLION people world-wide, including 1,200 Scots, 3,000 Canadians, 3,200 Britons and 50,000 Americans).

The "sedition" sections may well mean that those PROTESTING such carnage and Coalition complicity will be threatened by "executive interpretation" of the "new laws" by those RESPONSIBLE for the carnage and complicity. Thus Government and Security may adopt the view that telling a violent and jealous man of his wife's infidelity would likely precipitate egregious violence - and that accordingly informing people (of all kinds and no matter the pacifist and humanitarian intent) about mass mortality of MILLIONS due to illegal war might cause proportionate violence. To avoid repetition, I have again marked the possibility of such false, anti-pacifist and anti-humanitarian interpretation of the various parts of the proposed legislation with an asterisk (*) below to indicate how pacifist humanitarians (not to mention many others) may potentially suffer egregious deprivation of liberty and human and civil rights - and indeed be prevented from peaceful expression of pacifism and humanitarianism.

Financing terrorism*. Intentional or reckless direct or direct provision of funds to a person who facilitates or engages in a terrorist act and whether the act occurs and even if no such facilitation or engagement occurs yields imprisonment for life as the penalty. Thus a Jewish Australian can give thousands (or even millions) of dollars to support UN-condemned illegal occupation of the West Bank but a Muslim Australian faces life imprisonment if a one dollar donation to a charity in a mosque (a requirement of Islam) is interpreted otherwise. Indeed the penalty is so draconian that a house-to-house or traffic lights charity collector should be regarded prudently as a Stasi agent provocateur.

Control orders*. The control order laws specify orders to be issued by judges, magistrates and senior members of the Administrative Appeals Tribunal on the "reasonable grounds" that such intervention will "substantially assist in preventing a terrorist act"* and that those controlled have provided "training" to or received "training" from a "listed terrorist organization". Such orders will not be made for people under 16, will be for 3 months for people 16-18 but for 12 months for older people. The restrictions and prohibitions may be in relation to place, leaving Australia, specified premises, wearing a tracking device, communicating or associating with certain people, use of telephone or the Internet, possessing specified articles or substances (e.g. pen and paper),

employment, specific reporting requirements, fingerprints and "a requirement that the person participate in specified counselling or education" (as in current mass media and in Room 101 in George Orwell's 1984: war is peace, ignorance is strength, slavery is freedom and 2 plus 2 does not equal 4) (however such participation occurs "only if the person agrees at the time of the counselling or education, to participate in the counselling or education")*. The Attorney-General assent to such processes is not needed through "urgent interim control orders" requested in writing, electronically or in person by senior Australian Federal Police (AFP) members to a court. The subject may attend court. Imprisonment for 5 years is provided for a person contravening such orders (e.g. answering a telephone or picking up a pen)*.

Preventative detention orders*. AFP officers can obtain a order that is court-approved if it would "substantially assist in preventing a terrorist act" or there are "reasonable grounds" that the subject has done anything connected (i.e. connectable)* with preparation for a terrorist act. No person under 16 can be thus detained and must be released when the age is established. A senior AFP member can make an "initial preventive detention order". People not charged with any crime can be thus detained for 14 days, can be strip searched, fingerprinted, photographed, subject to "use of such force as is necessary", interrogated and threatened with draconian penalties. After 14 days they can be detained again ad infinitum. Such completely innocent people* who are not even being charged with an offence can be held in remand centres with the worst kind of dangerous criminals and exposed to the sorts of appalling features of such incarceration (e.g. exposure to violence, rape, illicit drugs, HIV and hepatitis). Jesus Christ Himself as a pacifist and humanitarian* would be exposed to such treatment under these laws. The detained person is permitted to contact one family member, employer, one employee, a lawyer and one other person if agreed to by the AFP officer. A detainee under the age of 18 can contact a parent or guardian and one other person to represent their interests. Imprisonment for 5 years attaches to anyone disclosing the detention. A vital sentence from the Bill to now be memorised by all adults and school children in Police State Australia: "To avoid doubt, a person does not contravene [the non-disclosure regulation] merely by letting another person know that the detainee is safe but is not able to be contacted for the time being".

Search, information gathering, arrest and related powers*. A police officer can apprehend, search and arrest anyone in a "Commonwealth place" or prescribed security zone, including proscribed security zones thus declared in writing by the Minister (e.g. the victim's own home)*. Goods can be seized and forfeited.

Powers to obtain information and travel documents*. Penalties ("penalty points", whatever that means) are provided for non-compliance. Such regulations would have prevented citizens leaving totalitarian countries e.g. Hungarians escaping the Iron Curtain or Jews escaping from Nazi Germany or Nazi-occupied countries.

Power to obtain documents relating to serious terrorism or non-terrorism offences*. Penalties ("penalty points", whatever that means) are provided for non-compliance. The person is not excused on the grounds that it would contravene the law, incriminate, violate professional privilege or would otherwise be contrary to the public interest - but is not subject to any penalty for so doing e.g. the details of compliance are not admissible as evidence

against the person in proceedings except those related to the Act. Imprisonment for 2 years attaches to disclosure of such a disclosure notice.

Sedition*. "Sedition intention" is defined as an intention to effect bringing the Sovereign into hatred and contempt; urging disaffection against the Constitution, Federal Government or Federal Parliament; urging anyone to unlawfully procure change to anything established by Federal law; and "to promote feelings of ill-will or hostility between different groups so as to threaten the peace, order and good government of the Commonwealth"*. Imprisonment for 7 years is provided for urging violent overthrow of Constitution, governments or lawful authority; violent interference with an election; violence against another group or threatening the peace; conduct "assisting" an organization or country at undeclared or declared war (or specified to be so by Proclamation)* or engaged in armed hostilities against the Australian Defence Force*. Defences for acts done "in good faith" are specified e.g. "trying in good faith" to show mistaken policies or actions by the Sovereign politicians, administrators or foreign representatives (!); showing errors and defects in State and Federal Governments; urging lawful changes; good faith commentary on matters tending to cause ill-feeling between groups; and good faith industrial disputation. However the "good faith" defences may be rejected by the Court in "regard to any relevant matter" including whether the Court thought the acts were intended to be prejudicial to the defence and safety of Australia, cause public disorder*, assist certain specified persons or assist an enemy at war with Australia or its forces*. Further, while "proceedings ... must not be commenced without the Attorney-General's written consent" any person can be arrested and remanded in custody until such consent is obtained "within a reasonable time" - however what is a "reasonable time" in view of draconian penalties under this Bill? Thus this Bill and related laws potentially include life imprisonment (a donation at a mosque), 25 years (for leading a loose group secretly proscribed by Government or Security as a "terrorist" organization), 10 years (association with such a group), 7 years (anti-war protest), 5 years (disclosure of preventative detention of a child or spouse; reflex answering of a telephone if this is prohibited under a control order), 3 years (for talking twice to a fellow commuter on a train), 2 years (disclosure of a compulsory disclosure order) or 1 year (failure to immediately surrender your passport to an officer).

I am a pacifist, humanist, humanitarian and opposed to capital punishment. However, given the penalty of life imprisonment for an innocent Muslim making a charitable donation in a mosque, what should be the appropriate judicial punishment for US Coalition leaders complicit in the post-invasion under-5 infant mortality of 1.7 million under-5 year old infants in the Occupied Iraqi and Afghan Territories - 1,100 infant deaths DAILY - in gross contravention of the Geneva Conventions for the protection of conquered civilians?

13. Overview of the proposed Anti-Terrorism laws

The International Commission of Jurists (ICJ) (Australian section) has condemned these laws thus [see: <http://www.icj-aust.org.au/?no=33>]:

"Many of these proposals represent serious departure from the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR) to which Australia is a party. The IPCCR is appended to the Human Rights and Equal Opportunity Commission Act 1986, which has the responsibility to monitor Australian's compliance with the Covenant. Further, the Commonwealth of Australian and some States and Territories have incorporated the ICCPR into their Evidence Acts applicable in Australian courts. Whilst the UN may not have enforcement powers to force Australia to comply with treaties it has adopted, as a matter of fundamental principle and international law, Australia's laws should comply with international human rights standards we have signed on to. Under the ICCPR, Australia is only entitled to derogate from civil and political rights after it has declared a state of emergency in accordance with Article 4."

This appalling legislation can be seen as "terrorism" as defined by the The Shorter Oxford Dictionary, namely "furtherance of views through coercive intimidation". "Terrorists" "intimidate" by causing "intense fear", typically by killing people. The draconian penalties and outrageous opportunities for partisan executive interpretation of legislation will certainly intimidate. To the extent that it will intimidate and constrain opposition to Australia's continuing participation in US wars, the present Bill will promote the continuing mass mortality in US-occupied Iraq and Afghanistan - 1,100 under-5 year old infant deaths DAILY [according to UNICEF: <http://www.unicef.org/>] in gross contravention of the 1949 Geneva Conventions for the protection of civilians in occupied countries [see: <http://www.unhchr.ch/html/menu3/b/92.htm>] i.e. the Bill will intimidate and promote mass mortality.

I am a relatively conservative and wealthy, as with most Australians have long regarded the US alliance as the cornerstone of our security and have great affection for many Americans and things American. However as a person absolutely committed to peace, non-violence and humanity I have not been able in conscience to remain silent in the face of illegal US wars that have taken the lives of 2.5 million people since 3,000 innocent people were murdered on 9/11 - 2.1 avoidable (excess deaths) in post-invasion Occupied Iraq and Afghanistan and 0.4 million post-2001 opioid drug-related deaths (about 2,000 in Australia) due to permissive US Coalition restoration of the Taliban-destroyed Afghan opium industry. [For my writings on this and related matter search Google for "Gideon Polya" or consult my website: <http://members.optusnet.com.au/~gpolya/links.html>].

As a scientist, scholar and humane citizen I have already been personally intimidated by the Bill. In the final chapter of a huge book I have nearly finished on global avoidable mortality I commented on the basic human and social primate phenomenon of "allo-mothering" (aunt behaviour). Allo-mothering is the care females exhibit for the infants of other females. This form of altruism has probably been selected for evolutionarily because of the obvious benefits for infants, mothers, socializing and for the training of potential mothers in infant care [e.g. see Richard Dawkins (1976), *The Selfish Gene* (Oxford University Press, Oxford)]. I briefly commented on the violation of this innate primate behaviour by US Secretary of State Madeline Albright when she commented "It was worth it" on being questioned over half a million Iraqi child deaths due to sanctions; and on present US Secretary of State Condoleezza Rice's complicity in the largely avoidable post-invasion deaths of 1.7 million under-5 year old infants in US-occupied Iraq and Afghanistan. However cognizant of imprisonment for 7 years for violation of the Schedule 7 - Sedition inclusions from the

Crimes Act 1914 in relation to the Sovereign, I deleted a brief reference to the New Elizabethan Age that has seen post-1950 avoidable mortality and under-5 infant mortality totalling about 745 million and 509 million, respectively, in countries subject to post-war occupation by the UK.

There is an extraordinary disparity between 5,000 Western deaths from "Muslim" terrorists over 20 years and 2.5 million post-9/11 avoidable deaths associated with the US response over the last 4 years. The "terrorists" have not benefited at all from this violence, it has caused immense suffering in Western-occupied Muslim countries, has strengthened illegal Israeli occupation and Palestinian dispossession in the West Bank and has produced extraordinary benefits to the US military-industrial complex (extra post-9/11 profits of about \$0.5 TRILLION, US strategic occupation in the Middle East and Central Asia, world hegemony and domination of scarce oil resources). It is quite reasonable to suggest that at least part of the "terrorist" threat has been manufactured by the beneficiaries involving covert agents provocateurs (indeed Al Qaeda was US-supported for a decade in Afghanistan and up to the middle 1990s in Kosovo; the US "ran" terrorist groups devoted to blowing up Catholic Churches in Ecuador etc).

The fortunate absence of any terrorist-related deaths of Australians within Australia must be contrasted with about 80,000 post-2001 tobacco-related Australian deaths, 24,000 post-2001 avoidable indigenous Australian deaths, 14,000 post-2001 alcohol-related Australian deaths and 2,000 post-2001 opioid drug-related Australian deaths in which the US Coalition is complicit through restoration of the Afghan opium industry. The "terrorist threat" is real and indeed quantifiable - the estimated "annual probability of a Western civilian dying from Muslim terrorist attack" (averaged over the last 4 years) is 0.0001% or 1/1,000,000 - but has been used to hysterically justify draconian demolition of human rights and civil liberties in Australia, as exhibited by the present Bill. In contrast, nearly 100,000 Australian s have died avoidably since 9/11 from tobacco, alcohol and opioid drugs, ultimately due to Australian Government lethargy and complicity in the UK-US-dominated legal tobacco and legal alcohol industries and US restoration of the Afghan opium industry to about 87% of world share. It is notable that the violent and intolerant Taliban largely eliminated all three drug abuses from Afghanistan before they were eliminated by the US Coalition in 2001. Australian David Hicks has been abusively imprisoned by the US without trial for 4 years, allegedly for association with the Taliban and opposing the US, the same US that is responsible for about 2,000 post-2001 Australian opioid drug-related deaths through its restoration of the Taliban-destroyed Afghan opium industry.

14. The Anti-Terrorism Bill is intrinsically racist

A major problem with the Bill is that while it nowhere specifies "Muslim", "Islamic", "Islamist" or "Arab", everyone knows just who this Bill is aimed at. In this sense the 2005 Anti-terrorism Bill is similar to the infamous 1901 Immigration Act that (to mollify the British who were concerned about Australia offending 300 million non-European British subjects and the Japanese) did not specify exclusion of non-Europeans. However the Immigration Act did specify executive discretion and Section 3(a) allowed for any immigrant or visitor to Australia being subject to a "dictation test" in "any European language" (these inclusions kept Australia "White" and were notoriously used to deport anti-Nazi Egon Kisch in 1934, his multilingualism not extending to the Scottish Gaelic of

my Highlands forebears). The 2005 Anti-terrorism Bill, like the 1901 Immigration Act that enabled the White Australia Policy, is intrinsically racist as outlined below.

The 4 decade occupation of Gaza, the Golan Heights, East Jerusalem and the West Bank is illegal and has been subject to repeated UN resolutions to this effect. The illegality also extends to violations of the UN Charter, the Universal Declaration of Human Rights and the 1949 Geneva Conventions on the treatment of conquered civilians. The post-invasion avoidable mortality (excess mortality) and under-5 infant mortality in the Occupied Palestinian Territories now total about 0.3 million and 0.2 million, respectively - a crime that dwarfs the 9/11 atrocity (3,000 victims) by a factor of ONE HUNDRED (100). Yet possibly hundreds of Australians have served in the Israeli army that is still involved in this illegal and deadly occupation (with impunity and notwithstanding existing Australian laws about mercenaries and terrorism). Tens of thousands of Australians give money annually to Israel and hence indirectly support the illegal occupation of Palestinian lands -with impunity.

To counter the inevitable knee-jerk accusations of "anti-Semitism" and "anti-Israel" sentiment let me state that our family was wiped from Europe by the Nazis, my father was a Jewish refugee to this country and I of course support the existence of Israel, abhor anti-Semitism and oppose any racism. I do, however, believe that immediate peace with justice and reconciliation is possible in Israel/Palestine. However the 2005 Anti-terrorism Bill will no more be applied to illegal Israeli actions than to illegal UK and US actions - the post-invasion avoidable mortality in the Occupied Palestinian, Iraqi and Afghan Territories now totals about 0.3, 0.5 and 1.6 million, respectively, while the corresponding under-5 infant mortality now totals 0.2, 0.3 and 1.4 million, respectively. The illegality of all of these deadly actions has variously been set out by competent lawyers and by no less than the Secretary-General of the UN, Kofi Annan.

While an Australian Palestinian or Australian Lebanese could face life imprisonment for modestly and religiously donating to a Middle East charity, executive interpretation and a selective list of "proscribed terrorist organization" will ensure that Jewish Australian donations to Israel will not be subject to any sanction via this Bill. Similarly, while Muslim Australians already face severe penalties for "training" with "terrorist organizations" (and I hasten to add that such potentially dangerous "terrorist" activity should be comprehensively identified and curbed), no penalties apply to Jewish Australians serving with the Israeli army of occupation in the Occupied Palestinian Territories or to other pro-US Australian mercenaries in the Middle East. Indeed, it should be reiterated that selective attitudes by misguided politicians and Security in the "better dead than Red" era meant that post-war Australia became a haven for Nazis and a notorious base for Croatian Ustase terrorist training.

Notwithstanding protestations to the contrary, the Anti-Terrorism Bill will clearly be subject to selective executive interpretation because state terrorism and state-sponsored non-state terrorism are ignored and the specific anti-terrorist operations of the Bill are specified by the List of proscribed terrorist organizations with all of these 18 presently listed organizations

being of Muslim people [see the Australian National Security List of terrorist organizations at:

http://www.nationalsecurity.gov.au/agd/www/nationalsecurityhome.nsf/Page/Listing_of_Terrorist_Organisations].

For comments by the Australian Muslim Civil Rights Advocacy Network (AMCRAN) see:

<http://66.102.7.104/search?q=cache:ZB5SJAFIMmYJ:www.amcran.org/index.php%3Foption%3Dcontent%26task%3Dview%26id%3D46%26Itemid%3D1+australia+listed+%22proscribed+terrorist%22&hl=en>].

Yet, in addition to state terrorists and state-sponsored terrorists (ignored to the serious detriment of Australian security), there are many other terrorist organizations around the world [see: http://en.wikipedia.org/wiki/Terrorist_group]. The listing requires the Attorney-General being satisfied that there are "reasonable grounds" for an organization being involved in the planning of terrorist acts.

Until the anti-racist legislation of the Whitlam Government in 1973, the White Australia Policy was applied through secret executive interpretation (although everyone quickly got to realize that there was a White Australia policy). It is not generally realized that there is now a New White Australia Policy involving racism by executive interpretation of regulations that essentially involve racial profiling and selective "risk factor" listing of dozens of non-European countries [see: <http://www.wsws.org/articles/1999/jan1999/imm3-j26.shtml>]. While the New White Australian Policy will simply prevent immigration or acquisition of tourist visas, selective executive interpretation of the Anti-Terror Laws will involve gross abuse of human and civil rights and potentially huge prison sentences for simple, innocent acts of "donation", "association" and "expression of opinion".

15. Summary

The Shorter Oxford Dictionary defines "terror" as "intense fear" and "terrorism" as the "furtherance of views through coercive intimidation". "Terrorists" "intimidate" by causing "intense fear", typically by killing people.

"Terrorists" fall into 3 major categories, namely (1) non-state terrorists; (2) state-sponsored non-state terrorists; and (3) state terrorists. However the proposed Anti-Terrorism Bill, informed by a shifting, Ministerially-determined List of specified "terrorist organizations", effectively confines itself to "Muslim-origin non-state terrorism". The current List specifies 18 organizations, all of them of Muslim people.

Like the Old and New White Australia Policies, the Anti-Terrorism laws will be subject to secret executive interpretation and are intrinsically racist, notwithstanding the absence of racial or religious specifics in the legislation. The racial and religious specifics are in the shifting List of proscribed organizations.

The public discussion of the proposed Anti-Terror Laws has been conducted in an informational vacuum. Thus there has been NO discussion of World's Best Practice "risk management protocols" (involving successive untrammelled reportage, scientific analysis and systemic change) - and the Bill will result in minimizing intelligence (by driving dissidents or extremists underground), knee-jerk, draconian and disproportionate responses (rather than sensible scientific analysis) and no sensible systemic change (e.g. "Muslim" terrorism is expected to evaporate after withdrawal of Western armies from variously illegal, brutal and deadly occupations of Muslim countries).

To the best of my knowledge, NO quantitative estimates of the actual "terrorist threat" have been offered by Government, Security nor indeed by anyone else. Estimates (based on publicly available statistics) of the "annual probability of death" are 0.0001% (Western civilian through "jihadist" terrorism; averaged over the last 4 years) as compared to about 001% (Australian from homicide by a family member or an acquaintance), 0.01% (Australian from car accident), 0.1% (Australian from tobacco-related reasons) and about 6% (under-5 infant in US Coalition-occupied Afghanistan in gross contravention of the Geneva Conventions).

NO Australians have been killed from terrorist acts within Australia in 27 years. However about 2,000 Australians have died from opioid drug-related reasons since the US Coalition (including Australia) restored the Taliban-destroyed Afghan opium industry in 2001. Public discussion and the Bill IGNORE the actual avoidable deaths in Australia and elsewhere due to UK-US-dominated commerce and war - 7 million people die annually world-wide through tobacco, alcohol, illicit drugs and opioids, the annual global breakdown being 5 million, 1.8 million, 0.2 million and 0.1 million, respectively, and the annual Australian death toll breakdown about 19,000, 3,500, 1,000 and 500, respectively.

Public hysteria and the Bill focus solely on "Muslim non-state terrorism" and IGNORE the immense carnage due to disproportionate US and Coalition responses to 9/11. While 5,000 Western civilians have been murdered by "jihadists" over the last 20 years (assuming no US agency complicity in 9/11) - however the post-invasion avoidable mortality (excess mortality) in the Occupied Palestinian, Iraqi and Afghan Territories now totals about 0.3, 0.5 and 1.6 million, respectively, while the corresponding under-5 infant mortality now totals 0.2, 0.3 and 1.4 million, respectively.

There is NO discussion or perception of threat to Australia from state terrorism or state-sponsored terrorism although, for example, US wars and occupation have been associated with post-1950 avoidable mortality in the victim countries totalling 82 million (this analysis being confined to wars and occupations specifically involving US forces rather than surrogate forces). High technology US wars and non-provision of life-sustaining requisites demanded by the Geneva Conventions have led to horrendous avoidable mortality. If the eminent and informed former President of Indonesia Abdurrahman Wahid is correct, the successive Bali bombings that killed 100 Australians may well be due to state-linked terrorism (military-linked terrorism). The uncritical politician,

Security, academic and media complicity with the US Empire means that there is comprehensive ignoring of a significant state terrorism threat to Australia (estimated likelihood of 0.0001% if there was passive or active US agency complicity in 9/11).

The "sedition" sections of the Anti-Terror Laws enable malignant, selective persecution of innocent, pacifist and humanitarian Australians under existing anti-terrorism laws and under the proposed laws. The penalties specified are draconian - 1 year imprisonment to life imprisonment that could apply to innocent and normally legitimate actions such as tardiness in responding to an official demand; inability to provide information or documentation that do not actually exist; expression of concern over the detention without trial of a spouse or child; expression of sensible, pacifist and humanitarian opinion (underscored by the recent arrest, detention without trial and deportation of US pacifist teacher Scott Parkin under existing laws); reflex picking up of a telephone or even a pen by an innocent person under a control order; conversation with someone on public transport; charitable donation.

The proposed Anti-terror laws violate basic international agreements to which Australia is party including the International Covenant on Civil and Political Rights (ICCPR) (variously included with Australian Federal and State legislation) and the Universal Declaration of Human Rights (UDHR). These agreements as well as the Geneva Conventions are already being violated by our involvement in the occupations of Iraq and Afghanistan.

The Anti-Terror Laws will effectively make Australia a state disconnected from major international covenants, with serious implications for human rights, civil rights, international trade, international relations, overseas students, tourism and Australia's reputation as one of the world's oldest liberal democracies.

The proposed Anti-Terror Laws will make Australia a Police State.

This has been written in the public interest.

Dr Gideon Polya, November 10, 2005
Melbourne, Victoria