

## Index

- Abdel-Halim, Aziza, 205
- absolute right, 192
- Abu Ghraib, 151
- 'Act of State' doctrine, 130
- act of terrorism, 41, 42, 48, 168-179
  - definition, 168-169
  - involvement in, 172
  - prevention of, 5, 39
  - response to, 40
- administrative orders, 118
- advocacy of terrorism, 77
- Afghan training camps, 68
- Afghanistan, 9, 163, 164, 190
- African National Congress, 204
- Ahlu-Sunnah wal Jama'ah
  - Association of Australia, 208
- Air India bombing, 33
- Al-Kateb, Ahmed, 3, 11-17, 20, 23
- Al-Qa'ida, 33, 44, 50, 79, 81, 101, 163, 187, 201
- Albanian Australian Muslims, 198
- aliens, 15, 131
- American Bill of Rights, 45
- ancillary orders, 99
- Anti-terrorism, Crime and Security Act 2001 (UK), 182-183
- anti-terrorism laws, 3, 39, 40, 41, 44, 52-56, 67, 75-84, 144, 181-194, 199, 201, 222, 223, 228, 230, 231
  - application of, 41, 202
  - appropriate structures, 192-193
  - Australia, 39, 44, 45, 75
  - British, 41, 44, 45
  - Canada, 39, 41, 44
  - concerns, 199-203
  - constitutional validity, 3, 191-192
  - courts, role of, 57
  - criminal justice model, 189-191
  - effectiveness of, 186-193
  - executive, role of, 57
  - holistic approach, 186-187
  - international co-operation, 179, 193
  - Muslim voice, 198-209
  - necessity for, 181-185
  - parliament, role of, 57
  - principled validation, 185
  - rational code, 187-189
  - responses, 202-207
  - review of, 44
  - United Kingdom, 29, 127, 181-194
  - United States, 127
  - validity, 127
- Anti-Terrorism Laws Working Group of the Federation of Community Legal centres, 75
- anti-terrorism measures, 139
- anti-terrorism policy, 144, 198-209
  - concerns, 199-202
  - Muslim voice, 198-209
  - responses, 202-207
- anti-terrorism powers, 202, 225
- Anti-Terrorism Squad, 192
- apartheid, 184
- apprehended violence order, 109
- Arab culture, 213
- Arabs, 213, 214
- Arar, Maher, 44, 46, 47
- Arquilla, John, 70
- arrest without warrant, 111
- Asif Ali, Dr Mohammad, 212
- ASIS Sheraton Hotel raid case, 129
- asylum seekers, 3, 182, 213
- attempted crimes, 40
- Australian Arabs, 213
- Australian Communist Party v Commonwealth, 9-11, 13-16, 22-24
  - legality of, 22-24
- Australian Constitution, 8, 12-15, 18, 90, 119, 130, 131, 133, 141, 143, 231

- Australian Constitutional Convention, 130
- Australian Federal Police, 66, 106, 107, 211, 212, 215, 225, 226, 228
- Australian Federation of Islamic Councils, 205-207
- Australian Kurdish community, 81
- Australian Law Reform Commission, 143
- Australian Legal Convention, 56
- Australian Muslim Civil Rights Advocacy Network (AMCRAN), 201-204, 206
- Australian Muslim community, 199, 216
- Australian Muslims, 198-209, 213, 230  
concerns, 199-202  
responses, 202-207  
voice, 207-209
- Australian Parliamentary Joint Committee on Intelligence and Security, 31
- Australian Security Intelligence Organisation (ASIO), 5, 8, 53, 57, 79, 92, 96, 100, 101, 114, 120, 215, 216, 230  
powers, 75, 97  
questioning by, 6, 7, 111  
role, 83
- Australian Security Legislation Review Committee, 29
- Australian Somali, 78, 198
- Australian Tamil community, 81
- Ayub brothers, 68
- Bagaric, Mirko, 149, 150, 152, 153, 157
- bail, denial of, 3, 121
- bail orders, 22
- Bakri Muhammed, Omar, 184
- Bali bombing, 36, 40, 48, 114, 128
- Balkan paramilitaries, 37
- Basque Fatherland and Liberty (ETA) (Spain), 201
- Bill of Attainder, 15
- binding over orders, 22
- biological racism, 213
- Blackstone and Coke, *Commentaries on the Laws of England*, 121, 127
- Bloody Sunday, 189
- Booth, Cherie, 184
- border protection, 212
- Briginshaw* test, 122
- Brigitte, Willie, 113, 114
- British Guantanamo, 192
- British Muslims, 183
- British Parliamentary Joint Committee on Human Rights, 35
- Bronitt, Simon, 57
- Buffalo Creek Syndrome, 63
- Burma, 151
- bus bombings, 153
- Bush, George W., 152, 189
- Butler Report, 193
- Canadian Parliamentary Committee on Public Safety and National Security, 36
- case law, 22-24  
A v Hayden, 129  
A v Secretary of State for the Home Department, 10, 17, 90, 187, 191, 192  
Ali v Commonwealth, 130  
Al-Kateb v Goodwin, 3, 11-17, 20, 23, 121, 132, 133  
Australian Communist Party v Commonwealth, 9-11, 13-16, 22-24  
Belmarsh, 10, 11, 17  
Bolton, Re, 121  
Bringinshaw, 122  
Chu Kheng Lim v Minister for Immigration, 3, 121, 131-133  
Church of Scientology v Woodward, 101  
Coleman v Power, 142  
Commonwealth v Tasmania, 131  
Director of Public Prosecutions v Thomas, 52, 53, 56, 231  
Fardon v Attorney-General (Qld), 3, 21, 119, 121, 122, 130, 131

case law (*cont*)

Forge v Australian Securities and Investments Commission, 131  
 Grollo v Palmer, 119  
 Gypsy Jokers Motorcycle Club Incorporated v Commissioner of Police, 131  
 HA Bachrach Pty Ltd v Queensland, 130  
 Hamdi v Rumsfeld, 10, 129  
 Haneef case, 59, 68, 211, 212, 215, 217, 224-231  
 Hilton v Wells, 119  
 Ireland v UK, 150  
 Jabbour v Thomas, 115  
 Johnstone v Pedlar, 129  
 Kable v Director of Public Prosecutions, 3, 118, 119, 130, 131  
 Korematsu v United States, 9, 10, 15, 24, 121, 130  
 Kruger v Commonwealth, 130, 132  
 Kruger, Re, 121  
 Leghaei v Director-General of Security, 90  
 Little v Commonwealth, 15, 16, 132, 133  
 Liversidge v Anderson, 9, 15, 24  
 Lloyd v Wallach, 3, 15, 133  
 Lodhi v R, 92, 98-99  
 M v Secretary of State, 94  
 Mallah case, 33, 66  
 Marbury v Madison, 130  
 MB, Re, 11, 24, 188  
 Public Committee Against Torture in Israel v Government of Israel, 153  
 PV v Director of Immigration, 99  
 R v Benbrika, 91, 92  
 R v C, 99  
 R v Charkaoui, 10  
 R v F, 41  
 R v H, 94, 99  
 R v Halliday, 9, 15, 24  
 R v Khawaja, 28, 29, 31-36, 46-47  
 R v Khazaal, 93  
 R v Lappas, 91  
 R v Lodhi, 53, 56, 63, 66, 90-94, 98, 99

R v Roche, 39, 52, 63  
 R v Secretary of State for Home Department; ex p Ruddock, 193  
 R v Stead, 129  
 R v Thomas, 80  
 R v Thomas (No 3), 80  
 R (Al Rawi) v Secretary of State for Foreign and Commonwealth Affairs, 124  
 R (N) v Mental Health Review Tribunal (Northern Region), 122  
 R (Pro Life) v British Broadcasting Corporation, 124  
 R (Robert) v Parole Board, 99  
 Ruddock v Vadarlis, 129  
 Secretary of State for the Home Department v E, 188  
 Secretary of State for the Home Department v Rebman, 99, 124, 125  
 Shaughnessy v Mezei, 16  
 Suresh v Canada, 40, 46  
 Tampa case, 129  
 Thomas v Mowbray, 3, 6, 11, 17, 18-24, 28, 33, 52, 53, 56, 78, 109, 128, 131, 133, 231  
 Trobridge v Hardy, 133  
 United States of America v Dynar, 31, 32  
 Vasiljkovic v Commonwealth, 132, 133  
 Walsh; ex p, 3, 15, 133  
 Wilson v Minister for Aboriginal and Torres Strait Island affairs, 119  
 Woolley, Re; ex p Applicants M276/2003, 12, 132, 133  
 Yeo v Attorney-General (Qld), 122  
 Zadvydas v Davis, 23  
 catastrophic harm precautionary principle, 62  
 catastrophic terrorism, 61-64, 157, 187  
 character of terrorism, 30  
 citizens, protection of, 7  
 citizenship test, 214  
 civil disobedience, 41, 48

- civil libertarians, 203
- civil liberties, 54, 72, 203, 206, 207, 217, 223, 224, 232
  - preservation of, 123, 145
  - protection of, 6
- civil rights, 179
- civil rights organisations, 203
- civil violence, 77
- civilian targets, 43
- Clarke, Julie, 149, 150, 152, 153, 157
- classified documents, 92, 93
- classified information, 92, 174
  - access to, 92
- coalition of the willing, 10, 11
- combatant status, 79
- Commonwealth defence powers, 7-8
- Commonwealth Legal Aid Funding Guidelines, 94
- communications, interception of, 184
- Communist Party of Australia, 14, 23
  - ban of, 14
- community protection, 7, 11, 12, 53, 55, 114
- concentration camp, 121
- confession, 152, 153
  - coerce, 161
- Conroy, John, 150
- consent arrangements, role of, 91-92
- conspiracy, 40
  - prohibition of, 40
- Constitution, Australia *see* Australian Constitution
- constitutional positivism, 16, 17
- constitutionalism, 11, 23, 191-192, 194, 222
- CONTEST strategy, 186, 192
- control orders, 3-6, 11, 18, 22, 24, 53, 77, 106-109, 183, 190, 194
  - application for, 106, 107
  - Australia, 109
  - confirmation of, 107
  - considerations, 7
  - constitutional validity, 231
  - criticism of, 4, 109
  - initial, 106
  - interim, 18, 106, 107, 231
  - issue of, 7, 109, 231
  - making of, 106-107, 117
  - period of, 107, 108
  - prohibitions, 107-108
  - rationale, 114
  - reasonableness, 7
  - regimes, 109
  - requirements for, 7
  - restrictions, 107-108
  - revocation of, 107
  - safeguards, 6, 108-109
  - United Kingdom, 109
  - void, 107
- Cooper, Duff, 116
- Cordeman, Anthony, 61
- Cotler, Irwin, 35, 54, 223
- Council of Australian Governments, 118
- Council of Europe Convention on the Prevention of Terrorism, 183
- counselling order, 108
- counter-terrorism, 21, 50, 55, 61, 106-115, 162, 169, 179, 198, 207, 222, 229
  - Canada, 72
  - legislative developments, 166-168
  - offences, 168-179
  - powers, 177
  - United Kingdom, 72
- Counter-Terrorism Bill 2003 (NZ), 176-179
  - objectives, 177
  - provisions, 177-179
  - purpose of, 176-179
  - Treaty implementation, 166-177
- counter-terrorism laws, 8, 17, 52-54, 106, 114
  - accountability, 7
  - Australia, 52
  - changes to, 55
  - constitutionality, 56
  - international, 52
  - New Zealand, 166-179
  - purpose of, 6
  - review of, 6
  - United Kingdom, 7

- counter-terrorism measures, 61, 178, 194
  - reporting of, 216
- counter-terrorism offences, 6
- counter-terrorism policy, 3, 61, 62, 65, 72
  - preparedness, 3
  - prevention, 3
  - recovery, 3
  - response, 3
- counter-terrorism raids, 201
- court, 9-24, 57, 96-103
  - atmosphere, 100-101
  - overseas witnesses, 101-103
  - role of, 6, 57, 123-125
  - special counsel, 99-100
- crime, definition of, 51
- crimes against humanity, 185
- crimes of war, 185
- criminal acts, 51
- criminal charges, 121
- criminal conduct, involvement in, 226
  - reasonable suspicion, 226
- criminal gangs, 109
- criminal justice, 96, 185, 186, 189-191, 229
- criminal law, 28, 31-33, 37, 39-40, 42-46, 51, 59, 67, 69, 72, 128, 152
  - function of, 51
  - international, 185
  - precautionary, 59-73
  - purpose of, 51-52
  - role of, 37, 63
  - scope of, 51
  - use of, 60, 63
- criminal networking, 70
- criminal offences, 65
  - serious, 118
- criminal penalties, 57
- criminal prosecutions, 112, 187
- criminal sanctions, 52
- criminal sentencing, 153
- criminalisation, 50-57
- critical engagement, 139-140
- custody, 102, 132
  - America, 102
  - overseas, 102
- dangerous substances, 182
  - prohibition of, 172
- declaration of war, 22, 23
- Defence of the Muslim Lands*, 143
- defence powers, 7-8, 15, 19, 22, 23, 132, 133
  - peacetime, 22
- definition of terrorism, 28-37, 39, 41, 44-48
  - approaches to, 41
  - Australia, 31, 41
  - Britain, 41
  - Canada, 31, 34, 41
  - considerations, 33-37
  - criminal law, 31-33, 39-40, 42-44
  - flaws, 40-41
  - intelligence bases, 44
  - international law, 41, 46
  - motive, 29-33, 39-48
  - New Zealand, 31
  - restraints on, 39-48
  - risks, 34-37
  - Russia, 31
  - South Africa, 31
  - United Nations, 42, 46
  - United States, 44-46
- delegitimise governments, 191
- democracy, 45, 56, 81-83, 127, 138-142, 144-145, 163, 222
  - constitutional, 24
  - defence of, 145
  - liberal, 84, 223
  - participation, 138
  - pluralist, 84
  - preservation of, 138
  - representative, 142
  - Western, 7
- democratic communities, 81
- democratic freedoms, 46, 51
  - protection of, 48
  - violation of, 46
- democratic government, 82, 139
- democratic society, 81
- denial of bail, 3, 121

- Department of Homeland Security, 193
- deportation, 12, 20
- derogating orders, 183
- Dershowitz, Professor Alan, 149-151, 153, 157
- destabilise governments, 191
- detainee, 120, 124
  - identity, 120
  - information, provision of, 120
- detention, 20, 97, 110, 120, 132, 162, 227, 228, 230
  - administrative, 11, 13
  - arbitrary, 127
  - authorisation for, 14, 132
  - compulsory, 11, 12
  - custody, in, 132
  - disclosure of, 143-144
  - extension of, 113
  - grounds for, 15
  - indefinite, 11, 13, 14, 16, 17, 23, 188
  - involuntary, 21
  - Japanese-Americans, of, 10
  - justification for, 112
  - maximum period, 110
  - non-nationals, 187
  - period, 111-113, 188, 225, 228
  - pre-charge, 188
  - pre-trial, 114
  - prison, 120
  - procedures, 215
  - remand centre, 120
  - safeguards, 6, 110-111
  - without trial, 122, 183, 187, 188
- detention centres, 151
  - offshore, 151
- detention order, 15
- detention powers, 3, 5, 75, 225
  - delegation of, 12
  - execution of, 5
  - police, 184
- detention without charge, 110
- deterrence, 52
- Dickey, 7
- Diplock trials, 182
- disclosure of information, 18, 89-91, 93, 94, 97, 144
  - national security information, 99
  - notice of, 98
  - public interest immunity claims, 90
  - sensitive information, 99
- discrimination, 29, 35, 37, 43, 78, 186, 188
- dissent, 216
  - silencing, 216
- documents, classified, 92, 93
- domestic dissent, 35
- domestic extremism, 192
- domestic law, 130, 160, 166, 167
- domestic terrorism, 8
- Dyzenhaus, Professor David, 123
- education order, 108
- emergency, 9, 15, 188
  - declaration of, 189
  - rule of law, 10
- enemy aliens, 3
- enforcement agencies, 36
  - capacity, 53
  - powers, 51, 54
- Environmental Risk management Authority, 172
- Ericson, Professor Richard, 60
- Ethiopia, 77, 78
- ethnic gang rapes, 213
- European Convention on Human Rights, 35, 41, 183, 187
- European Convention on the Prevention of Terrorism, 36
- European Court of Human Rights, 150
- European Union Framework Decision on Combating Terrorism 2002, 30
- evidence, 17-22, 42, 45, 92, 97
  - cogent, 123
  - collection of, 47, 97, 112, 162
  - giving, 97, 99
  - preservation of, 110, 129
  - quality of, 111
  - suppression of, 97

- existing laws, 52-53
- external affairs powers, 131
- extremism, 47, 50, 51, 75, 84, 185, 186, 192, 222
- extremist groups, 224
- fair trial, right to, 87-94, 103, 222
- fear of terror, 9
- Federal Bureau of Investigation (FBI), 44, 45
- Financial Action Task Force on Money Laundering, 170
- financing terrorism, 166, 170-171, 174-175, 199, 200, 201
- Finsbury Park Mosque, 39
- foreign policy, 9
- Fouras, Jim, 116
- freedom fighters, 63
- freedom of association, 34, 36, 46, 69, 81, 222
- freedom of belief, 34
  - freedom of communication, 141
- freedom of conscience, 34
- freedom of expression, 29, 34, 36, 46, 47, 69, 115, 141, 145
- freedom of movement, 115
- freedom of religion, 34, 46, 47
- freedom of speech, 70-72, 191, 138-245
  - democracy, under, 140-142, 144-145
  - Howard, under, 142-144
- freedom of thought, 34
- Fretelin, 204
- Geneva Conventions and Protocols, 161, 162, 163
- genocide, 161
- Gillies, Peter, 52
- Glasgow International Airport, 225
- Global Islamic Youth Centre, 208
- global terrorism, 3, 45, 192
  - protection against, 3
- Guantanamo Bay, 108, 124, 189
- guilt by association, 209
- guilty until proven innocent, 212
- Hamas, 81, 83
- Hamza, Abu, 39, 184
- Haneef, Dr Mohamed, 59, 68, 211, 212, 215, 217, 224-231
  - lessons from, 228-230
- harm principle, 81
- Hicks, David, 108
- High Court of Australia, 10, 11, 23, 32
  - positivistic, 11-17
- hijacking, 50, 52, 187
- Hilton bombing, 114
- Hizb ut-Tahrir, 208
- Hizballah, 82, 83
- Hogg, Russell, 80
- home arrest, 183
- home-grown terrorism, 63
- Honderich, Ted, 82
- hostages, 42, 50
- human bridge, 68, 69
- human cargo, 213
- human rights, 54, 75, 147, 223, 224
  - balance, 29, 222-224
  - concerns, 34
  - freedom of speech, 138-145
  - infringement of, 40
  - international laws, 185
  - maintenance of, 12
  - preservation of, 6, 17
  - prisoners, 162
  - protection of, 6, 22, 123-125, 170-171
  - respect for, 222-223, 230-232
  - role of courts, 123-125
- Human Rights and Equal Opportunity Commission, 29, 31, 36, 54
- Husain, Ed, 71, 72
- ideological cause, 44
- ill treatment, 150, 163
  - prohibition of, 148, 153, 163
- immigration, 24, 131, 182
  - conditional, 20
  - detention, 13, 20, 23
  - imposition of restraints, 20
  - policy, 214
  - prohibited, 17

- immigration law, 46
- imprisonment, 160
  - life, 12, 200
- incitement, 40, 45
- individuals' rights, 230, 231
  - preservation of, 232
  - protection of, 114
- indoctrination, 71
  - concerns, 34
- Indonesia, 40
- inequality, 186
- information
  - access to, 92
  - classified, 92, 174
  - collection, 213
  - disclosure of, 18, 89-91, 93, 94, 97, 99, 144
  - extracting, 147, 153, 158, 161, 163
  - management, 91
  - national security, 91, 99
  - possession of, 190
  - protection of, 102
  - provision of, 120
  - restrictions on, 216
  - security, 174
  - sensitive, 99
  - use of, 47
- innocent until proven guilty, 218, 231
- intelligence, 21, 187
  - acting on, 22
  - collecting, 5, 120, 162, 192
  - government, 21
  - reliable, 5
  - security, 44, 45
- intelligence agencies, 44, 45, 201, 202
  - powers, 51, 54
- intelligence assessments, 35
- intention, 28
- intentional act, 42-44
- intentional causing of death, 42
- intentional murder, 40
- International Atomic Energy Agency, 168
- international co-operation, 193
- International Criminal Court, 39
  - jurisdiction, 39
- International Criminal Tribunal, 34
- international diplomacy, 20
- international law, 130, 147, 148, 162-164
  - customary, 148
  - human rights, 185
  - obligations under, 115, 166
- international terrorism, 8, 166, 186, 192
  - countering, 186
- internment, 150
- interrogation, 102, 152, 155, 158, 161, 163
  - legal regimes, 162
  - legitimate, 161
  - mental, 161
  - methods, 161
  - morally justified, 161
  - physical, 161
  - police, 216
  - process, 161-162
  - professional, 158, 161
  - safeguards, 162
- interrogators, professional, 161, 163-164
- intimidation, 222
- investigation, 35, 47, 64, 112, 113, 154, 156, 163
  - police, 6, 190, 191
  - techniques, 194
- investigation powers, 40, 177, 190, 191
- Iraq, 9, 164, 182, 184, 190, 193, 213, 216
- Irish Republican Army, 112, 181, 192
- Irish terrorism, 63
- Islam, 43, 44, 48, 50, 201, 213, 214, 219
  - beliefs, 51
  - diversity, 51
  - radical, 51
- Islamic Council of Victoria, 199, 204, 205, 208
- Islamic culture, 213
- Islamic extremist, 44
- Islamic practices, 200
- Islamist terrorism, 70, 162-164



- Israel, 71, 81, 82, 84, 153  
 Israeli Embassy bombing, 39  
 Izz al-Din al-Qassam Brigades, 81, 83  
 Jakarta, 112, 114  
 Japanese religious cult, 33  
 Japanese-Americans, 10  
 jihad, 112, 219  
 jihadist groups, 64, 68, 70  
 jihadist terrorism, 59, 60, 61, 63, 64, 71, 72  
*Join the Caravan*, 143  
 Joint Committee on Human Rights, 188  
 judicial power, 9-24, 132, 231  
   conferral of, 18  
   exercise of, 19, 20  
   protection of, 12  
 judicial role, 15  
 judiciary in time of emergency, 9  
 judiciary in time of terror, 9-24  
   High Court, 11-17  
 Kadous, Waleed, 201  
 Kafeel Ahmed, 225, 227  
 Kelly, Paul, 55  
 Kurdistan Workers' party, 83  
 Lashkar-e-Taiba, 33, 101, 102  
 Latham, Sir John, 3  
 law enforcement, 45, 64-72, 110, 128, 154, 201, 202  
 Lebanese gang rapists, 213  
 Lebanon, 81-84  
 legality  
   Communist Party case, 22-24  
   compulsion of, 10-11  
   content of, 10  
   cycles of, 10, 11  
   pretence of, 10  
   principle of, 10, 13  
   vener of, 11, 16, 188  
 legislation  
   Anti-Terrorism Act 2001 (Can): 109, 113  
   Anti-Terrorism Act 2004 (Cth): 79  
   Anti-Terrorism Act (No 2) 2005 (Cth): 118  
   Anti-Terrorism Bill (No 2) 2005 (Cth): 55, 198  
   Anti-terrorism, Crime and Security Act 2001 (UK): 182-183  
     Pts III-IV: 182  
     Pts VI-IX: 182  
     Pt VII: 182  
     Pt X: 182-183  
     Pt XI: 182  
   Australian Constitution  
     Chapter III: 12-15, 18, 90, 119, 130, 133  
     s 7: 141  
     s 24: 141  
     s 51: 131  
     s 51(v): 131  
     s 51(vi): 133  
     s 61: 131  
     s 75(v): 130  
     s 124: 130  
   Australian Security Intelligence Organisation 1979 (Cth): 131  
     Pt II, Div 3: 5  
     s 4: 88  
   Bill of Rights: 129  
   challenges to, 12  
   Civil Contingencies Act 2004 (UK): 186  
   Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Act 2007 (Cth): 143  
   Communist Party Dissolution Bill 1950 (Cth): 117  
   Counter-Terrorism Act (NZ): 176-179  
   Counter-Terrorism Bill 2003 (NZ): 166-167, 176, 177-179  
     Pt 1: 177  
     Pt 2: 167, 177  
     Pt 3: 177  
   Crime Commission Act 1977 (Qld): 117  
   Crimes Act 1914 (Cth)  
     Pt 1C: 111  
     Pt 1C, Div 2: 225  
     s 15AA: 226  
     s 23CB(5): 225

- Crimes Act 1961 (NZ)  
 ss 298A, 298B, 307A: 177  
 s 312: 177
- Crimes (Foreign Incursion and Recruitment) Act 1978 (Cth)  
 s 6: 77, 79
- Criminal Code (Cth): 53-54, 60-61, 64, 66, 72, 79, 118, 143  
 s 5.4: 200  
 s 80.2: 143  
 s 93.2: 92  
 Divs 100-102: 61  
 s 100.1: 28, 76, 78, 79  
 Div 101: 5, 71, 75, 76, 79, 128  
 s 101.2: 80  
 s 101.5: 143  
 s 101.6: 66  
 Div 102: 5, 65, 69, 71, 75, 76, 79, 128  
 s 102.1: 76, 77  
 s 102.1(1A)(c): 143  
 s 102.2: 65, 70  
 s 102.3: 65  
 s 102.4: 68  
 s 102.5: 77, 80  
 s 102.6: 80  
 s 102.7: 68, 69, 80  
 s 102.7(2): 226  
 s 102.8: 69  
 Div 103: 69, 75, 76, 79  
 s 103.1: 80  
 s 103.2: 80, 199  
 Div 104: 4, 18, 19, 106, 128, 131, 231  
 s 104.4: 20  
 s 104.4(1): 18  
 s 104.4(1)(d): 19  
 s 104.12A(3): 18  
 s 104.14: 21  
 Div 105: 4, 110, 118, 128, 129  
 s 105.4: 133  
 ss 105.34-105.41: 144
- Criminal Code 1985 (Can): 109, 113  
 s 83.1(1), 28
- Criminal Justice Act 1989 (Qld): 117
- Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)  
 s 13: 122
- Expansion of Competencies in Criminal Investigation and Prosecution Act 2007 (Netherlands): 113
- Extradition Act 2003 (UK): 193
- Federal Court of Australia Act 1976 (Cth)  
 s 22: 20
- Financial Transactions reporting Act 1996 (NZ): 175
- Hazardous Substances and New Organisms Act 1996 (NZ): 172
- Human Rights Act 1998 (UK): 17, 187, 189
- Imperial Acts Application Act 1969 (NSW)  
 s 6 and Sch 2: 129
- International Terrorism (Emergency Powers) Act 1987 (NZ): 166  
 interpretation of, 12, 13
- Justice and Security (Northern Ireland) Act 2007 (UK): 182
- Magna Carta, 158
- Migration Act 1958 (Cth): 17, 20, 226  
 s 198: 11  
 s 501: 226  
 s 501(5): 226
- Misuse of Drugs Act 1978 (NZ)  
 s 26: 177
- National Security Information (Criminal and Civil Proceedings) Act 2004 (Cth): 87-94, 96-99  
 Pt 3, Div 1, ss 21-23: 91  
 Pt 3, Div 2, ss 24-28: 91  
 s 4: 88  
 s 6: 88  
 s 8: 88, 101  
 s 9: 88  
 s 22: 91-94  
 s 24: 88-92, 97-98  
 s 25: 88-92, 98  
 s 26: 91, 98  
 s 27: 98  
 s 29: 90

- legislation (*cont*)
- National Security Information (Criminal and Civil Proceedings) Act 2004 (Cth) (*cont*)
    - s 30: 93
    - s 31: 98
    - s 31(8): 90
    - s 39: 94
    - s 42: 97
  - New Zealand Bill of Rights Act 1990 (NZ)
    - ss 4-5: 178
    - s 23(4): 178
  - New Zealand Security Intelligence Service Act 1969 (NZ): 179
    - s 2, 179
  - Northern Ireland (Emergency Provisions) Acts 1973-98: 189
  - Police Powers and Responsibilities Act 1997 (Qld): 117
  - Prevention of Terrorism Act 2001 (UK)
    - Pt IV: 183, 187, 188
  - Prevention of Terrorism Act 2005 (UK): 109, 182, 183, 187, 188
  - Protection of Constitutional Democracy Against Terrorist and Related Activities Act 2004 (Sth Af)
    - s 1(1)(xxv): 28
  - Racial and Religious Hatred Act 2006 (UK): 183
  - Sentencing Act 2002 (NZ): 179
    - s 9: 179
    - s 104: 179
  - Summary Proceedings Act 1957 (NZ), s 198B: 177-178
  - Telecommunications (Interception and Access) Act 1979 (Cth): 100
  - Terrorism Act 2000 (UK): 40, 44, 45, 66, 111, 182-184, 188
    - s 1: 190
    - s 1(1): 190
    - s 38B(1)(b): 225
    - s 44: 191
    - ss 57-58: 190
    - Pt VII: 182
  - Terrorism Act 2006 (UK)
    - s 1: 190
    - s 1(1): 191
    - s 1(2): 191
  - Terrorism (Bombings and Financing) Bill (NZ): 166, 167, 175
  - Terrorism (Extraordinary Temporary Powers) Act (ACT)
    - s 62: 117
  - Terrorism (Police Powers) Act 2002 (NSW), Pt 2A: 129
    - Div 5: 144
  - Terrorism (Preventative Detention) Act 2003 (Qld): 123
  - Terrorism Suppression Act 2002 (NZ): 166-169, 174, 175, 179
    - s 4: 171
    - s 4(1): 168
    - s 5: 28, 168-169, 171-172
    - s 5(1): 168
    - s 5(1)(b)-(c): 168
    - ss 7-8: 170
    - ss 9-13: 171
    - s 13A: 172
    - s 13B: 172, 176
    - s 13C: 172
    - s 13D: 172, 176
    - ss 20-42: 172
    - s 43: 175
    - s 55: 174
    - s 70: 173, 175, 176
    - Sch 3: 168
  - Terrorism Suppression Amendment Bill 2007 (NZ): 168, 171, 172, 174, 175
    - cl 124: 172
    - cll 14-16: 172
  - Terrorism Suppression Amendment Bill (No 2) 2004 (NZ): 167, 170, 173
  - Terrorist Financial Convention 1999, art 2: 30
  - United States Constitution: 130
  - legitimacy of law, 125, 140-142, 144, 189
  - Liberation Tigers, 82

- liberty
  - deprivation of, 13, 22
  - personal, 121, 127
  - protection of, 6, 23
  - restrictions on, 21, 109, 183
  - right of, 121, 127, 188, 191, 231
  - safeguards to, 6
- Libya, 41
- Lodhi, Faheem Khalid, 53, 56, 63, 66, 90, 97-99, 114
- London bombing, 33, 40, 48, 63, 183, 188, 198, 202, 205, 207
- Madrid bombing, 33, 40, 48, 63
- Mafia Model, 64
- maiming of innocent civilians, 40
- Mallah, Zeky, 66
- Mandela, Nelson, 54, 184, 204
- martyr effect, 37
- McSherry, Bernadette, 57
- McVeigh, Timothy, 33
- media
  - criticism of, 217
  - democratic, 218
  - free and open, 139, 140
  - investigative reporting, 217
  - journalists' Code of Ethics, 216
  - limitation on, 144
  - management, 216
  - manipulation, 217
  - monitors, 216
  - reporting, 211-219
  - responsible journalism, 219
  - rigorous, 219
  - robust, 218
  - sceptical, 140
  - scrutiny of, 216
  - trial by media, 212
- Media Entertainment and Arts Alliance (MEAA), 216
- Melbourne 13, 65-67, 71, 72
- mental element, 33
- Metropolitan Police Special Branch, 192
- Michaelsen, Dr Christopher, 223
- militant Islamists, 7
- military intervention, 190
- Minority Report, 59
- modern terrorism, 50, 53, 55, 57, 64, 71, 128
- money laundering offences, 175
- Montreal Convention on Offences and Certain Other Acts Committed On Board Aircraft, 168
- motive, 28, 29, 31-37, 39, 40, 41, 43-46
  - ideological, 5, 34
  - political, 5, 30, 34, 37, 40-48
  - proof of, 31, 34, 46, 47
  - religious, 34, 40-48
- Moussaoui, Zaccarias, 39
- multiculturalism, 46
- Mumbai train bombing, 33
- Muslim charities, 200, 201
- Muslim communities, 51, 71, 72, 198-209, 216, 230
- Muslim Community Reference Group (MCRG), 205, 206
- Muslim extremists, 76
- Muslim radicalisation, 184
- Muslim refugees, 198
- Muslim Women's National Network, 205
- Muslims, 183, 198-209, 213, 214, 216
- Namer, Assaf, 84
- National Intelligence Model, 192
- national security, 9, 11, 15, 18, 21-24, 44, 46, 51, 61, 87-94, 97, 98, 100, 122, 211, 213, 214, 223
  - definition, 88, 89, 102
  - detention, grounds for, 15
  - information management, 91, 98, 99
  - investigation, 44
  - invoking, 88-91
  - measures, 7
  - preservation of, 6, 96-103
  - protection, 96, 99, 115
  - threat, 3
- National Security Committee recommendations, 50
  - application of, 101
  - consent arrangements, 91-92

- National Security Committee recommendations (*cont*)
  - invoking, 88-91
  - National Security Information (Criminal and Civil Proceedings) Act 2004 (Cth), 87-94, 96-99
    - security clearance, 92-94
- national security laws in Singapore, 102
- necessity, defence of, 153
- neo-Nazis, 37
- networking, 70
- new terrorism, 50
- 9/11, 9, 11, 33, 40, 42, 44, 48, 53, 54, 61, 81, 96, 128, 148, 167, 181, 182, 187, 193, 211, 213, 223, 229
  - post, 17, 50, 63, 142, 179, 232
  - response to, 9, 17
- non-association orders, 109
- non-citizens, 12, 223
  - detention of, 16
- non-combatant status, 79
- non-derogating orders, 183
- non-nationals, 187
- Northern Ireland, 7, 150, 162, 182, 185, 189
- nuclear material, offences involving, 172
- Nuclear Material Convention, 169, 176
- Nuclear Terrorism Convention, 168
- O'Connor, Justice Dennis, 44
- Office for Security and Counter Terrorism, 193
- official discretion, role of, 80-84
- offshore detention centres, 151
- Oklahoma City bombing, 33
- Operation Crevice, 63
- operation of law, 80
- Operation Pendennis, 63, 79, 93
- organisation
  - definition, 79
  - what constitutes, 78, 79
- Osama bin Laden, 208
- ostensible peace, 19, 23
- Pacific Solution, 213
- Pakistani intelligence agents, 33
- Palestinian Islamic Jihad, 81
- Palestinians, 183
- Parliamentary Joint Committee on Intelligence and Security, 66, 67, 69, 71, 81, 84
- Peace Process in Ireland, 188
- personal liberty, 121, 127
- personal safety, 59
- physical harm, 37
- plane hijacking, 50, 52
- Plastic Explosives Convention, 176
- plastic explosives, prohibition on, 172
- political cause, 44
- political crime, 37
- political demands, 37
- political freedom, 81
- political motive, 5, 30, 34, 37, 40-48
- political rights, 179
- political violence, 37, 44, 82, 88, 191
- positivistically construed constitutional facts, doctrine of, 14
- post 9/11 terrorism laws, 40-41, 179
- Post, Robert, 140
- precautionary principle, 61, 63
- prejudice, 37
- preparations for, 6, 61-64
- preparatory offences, 5, 76
- presumption of innocence, 218, 231
- preventative detention, 75
  - constitutional issues, 129-133
  - executive power, 129-130
  - federal laws, 131-133
  - justification for, 113
  - policy, 127-129
  - powers, 53, 199
  - prohibition of, 111
  - rule of law, 10
  - safeguards, 110-111
  - state laws, 130-131
  - validity of, 127-133

- preventative detention orders, 3-6, 106, 110-113, 230
  - applications, 122
  - Australia, 7
  - character of, 120-122
  - constitutional considerations, 120-122
  - effect of, 119-120
  - extension of, 110
  - France, 7
  - grounds for, 4
  - initial, 122
  - issue of, 4, 110, 118-120, 123
  - judicial role, 118-119
  - making of, 110, 116-125
  - maximum period for, 7
  - notification, 122
  - period of, 118
  - proceedings, 122-123
  - public interest monitor, 122-123
  - rationale, 114
  - regimes, 111-113
  - review of, 110
  - safeguards, 6, 7, 110-111, 117-118
  - time-limits, 7
  - United Kingdom, 7
  - use of, 115
  - validity, 127
- preventative measures, 3, 4, 18
- preventative monitoring, 70
- preventative reforms, 4
- preventative weapon, 3-8
- prevention, 6-8, 17, 53, 59, 60, 64, 71, 78
- Prevention of Terrorism Act 2005 (UK), 109, 182, 183, 187, 188
- prisoners, 162
- private violence, 30
- profiling, 35, 46, 47, 202
  - ethnic, 46
  - racial, 35, 46, 202
  - religious, 35, 46
  - risks, 35
- prosecutions, 30, 34, 37, 43, 88, 89, 97, 112, 118, 170, 187
- protection against terrorism, 7-8, 53, 81
  - duty of, 7
- protection of the public, 7, 53, 55, 106, 109, 114, 122
- protective laws, 133
- protests, 41
- public debate, 55, 139, 142, 214, 217, 218
- Public Interest Monitor, 117
  - preventative detention orders, 122-123
  - role of, 117, 122-123
- public order, protection of, 115
- public-oriented violence, 30
- public safety, 54
- public trust, confidence and cooperation, 8
- punishment, 43, 50
  - collective, 43
- punitive laws, 133
- punitive sanctions, 141
- purpose, 28, 50
- Qatada, Abu, 184
- questioning, 3, 5, 160, 199, 225, 230
  - complaints mechanisms, 7
  - compulsory, 75
  - co-operation, 162
  - 'dead time', 225, 228
  - humane treatment, 7
  - investigative, 111
  - Judges Rules, 160, 162
  - legal representation, 7
  - period of, 7
  - procedures, 5, 215
  - safeguards, 6, 7
  - supervision of, 7
  - time-limit for, 7, 111
  - torture, use of, 155, 158, 160-163
- questioning powers, 5, 75
  - execution of, 5
- questioning under torture, 160-162
  - dishonest trickery, 161
  - international law, 161
  - prohibitions, 161
  - rules for, 160
  - threat of force, 161
- R v Khawaja, 28, 29, 31-36, 46-47
- racial profiling, 35, 46

- racial violence, 32
- racism, 213, 214
- radical Islamic books, 143
- radical Islamic groups, 33, 51
- radical terrorism, 106
- radicalization, 184, 186
- Rainbow Warrior* bombing, 32, 166
- reasonableness, 124, 148
- recognition to keep the peace, 109
- refugees, 198, 213
- Reid, Richard, 39
- religious cause, 44
- religious hatred, 183
- religious motive, 40-48
- religious profiling, 35, 46
- religious violence, 37, 44
- reporting on terrorism, 211-219
  - challenges for journalists, 215-217
  - coverage, 212
  - democratic, 217-218
  - investigative, 217
  - journalists' Code of Ethics, 216
  - judgmental, 211-212
  - leaks and spin, 214-215
  - media responsibilities, 218-219
  - racialised frame, 212-214
  - responsible journalism, 219
  - rigorous, 219
  - robust, 217-218
  - sensationalised, 211
- representative and responsible government, 142
- response to terrorism, 3-48, 51, 64-72
  - legality of, 11
- restraining orders, 22
- 'Right to Know' campaign, 218
- risk, 17-22, 36, 59-73, 106
  - anticipatory, 186, 187
  - management, 187
  - proportionate response, 62
  - social implications, 63
  - substantial, 226
  - uncertain, 62
- risk assessment, 17, 19, 20, 35, 211
- Roach, Michael, 201
- Roche, Jack, 39, 52, 63, 68, 114
- role of law, 222
- Ronfeldt, David, 70
- rule of law, 9, 10, 13, 14, 17-22, 24, 75, 124, 222-232
  - balance, 223-224
  - emergency, 10
  - maintenance of, 222-223, 230-232
  - preventative detention, 10
  - upholding, 10, 11, 24
- Sabeel Ahmed, 225
- safeguards, 6-7, 36, 54
  - control orders, 108-109
  - detention, 6, 110-111
  - interrogation, 162
  - preventative detention orders, 123
  - procedural, 182
- Sagerman, Dr Marc, 68
- sanctions, 140, 202
  - criminal, 52
  - punitive, 141
- search warrants, 123
- secrecy, 21
- Secret Intelligence Service (MI6), 193
- security, 228, 232
  - balance, 60, 222-224, 230-232
  - definition, 179
  - environment, 60
  - need for, 17
  - techniques, 187
- security clearances, 88, 92-94
  - application for, 94
- security intelligence, 44, 45
- Security Legislation Review Committee, 6, 31, 36
- security powers, 33
- security risks, 43, 44
  - identification of, 43
- security service (MI5), 192
- sedition laws, 143, 199
- self-defence, 77, 150, 152
- Sendero Luminoso (Peru), 201
- separation of powers, 12, 13, 19
- serious bodily injury, 42
- 7/7 bombers, 187, 188

- sharia, 219
- Sheikh Mohammed Omran, 208
- Sheller Committee, 41, 66, 67, 69, 73
- Sidique Khan, Mohammed, 183
- Sikh separatist group, 33
- sleeping cell terrorism, 63
- social freedom, 81
- Somali community, 75, 77, 78, 80
- Somali Islamic Courts movement, 78
- Somali refugees, 198
- Somali secessionists, 78
- South Africa, 184
- Special Counsel, 99
  - appointment of, 99
  - Hong Kong, 99
  - United Kingdom, 99
- special offences, 190
- Special Rapporteur on the Sub-Commission on the Promotion and Protection of Human Rights, 178
- Sri Lanka, 82
- suicide bombers, 52, 112, 187
- Sunstein, Cass, 63
- support, 6, 68, 229
  - material, 69, 71
  - moral, 70
  - what constitutes, 69
- surveillance, 12, 112, 193
- surveillance devices, 123, 199
  - surveillance powers, 183
- suspicion, 29, 63, 213, 214
  - reasonable, 226
- suspicion by association, 201
- Sydney 9, 66, 67, 72
- Syria, 44
- Tamil Eelam, 82
- Tamil Tigers, 65, 66, 83
- Tampa case, 129, 213
- targets, 43, 71
  - civilian, 43, 50
  - non-military, 50
  - potential, 112
  - random, 50
- terrorism, 219
  - advocacy, 77
  - aiding, 171
  - catastrophic, 61-64, 157, 187
  - character of, 30
  - combating, 148
  - concept of, 79
  - condemnation of, 43, 48
  - consequences, preparations for, 186
  - crime of, 39
  - definition of, 38-37, 39, 41, 44-48
  - encouraging, 184
  - establishment of, 34
  - facilitating, 71
  - fear of, 96
  - fight against, 169
  - financing, 166, 170-171, 174-175, 199, 200
  - global, 3, 45, 192
  - incitement of, 45
  - international, 8, 166, 186, 192
  - involvement in, 187
  - jihad, 59, 60, 61, 63, 64
  - label, 34
  - loathing of, 96
  - modern, 50, 53, 55, 57, 64, 71, 128
  - new, 50
  - preparation for, 64, 66, 67, 72, 76, 186
  - prevention, 6-8, 17, 53, 59, 64, 71, 78, 186
  - protection from, 7-8, 59
  - punishment of, 43
  - radical, 106
  - reasons for, 35
  - response to, 3-48, 51, 64-72, 106
  - risk, 186
  - roots, 64
  - suspicion of, 187
  - ticking time bomb, 148
  - transnational, 162
  - what constitutes, 29, 42, 78
- Terrorism Act 2000 (UK), 11, 28, 40, 44, 55, 111, 182, 187, 190, 191, 225
- Terrorism Act 2006 (UK), 45, 111, 182-184, 188, 190, 191



- terrorism debate, 198-219
- terrorism laws, 31, 40, 42, 48, 53, 174-179, 181-194, 198
  - balance, 114
  - independent review, 36, 41
- Terrorism Laws: ASIO, the Police and You*, 203
- terrorism offences, 5-6, 28, 36, 42, 47, 75-85, 88, 97, 169-172
  - collecting information on, 5
  - existing, 5
- terrorism policy, 198
- Terrorism Suppression Act 2002 (NZ), 28, 166-169, 170-172, 174-176, 179
  - purpose of, 176-179
- terrorism-related offences, 169-172
  - dealing with terrorist property, 171
  - engaging in terrorist acts, 172
  - financing terrorism, 170-171, 174-175
  - harbouring or concealing terrorists, 172
  - jurisdiction, 177
  - making property or financial or related services available, 171
  - offences involving nuclear material, 172
  - participating in terrorist groups, 171
  - recruiting members of terrorist groups, 171
  - terrorist bombing, 170
  - using or moving unmarked plastic explosives, 172
- terrorist act, 34, 52, 53, 65, 66, 79, 128, 144, 168-169, 173
  - advocacy, 143
  - commission of, 172
  - definition, 28, 53, 67, 76, 166, 168-169
  - engaging in, 172
  - facilitating, 179
  - financing, 168, 170
  - imminent, 110, 120
  - involvement in, 172
  - participation in, 171
  - physical harm, 37
  - planning, 226
  - prepare to commit, 53, 226
  - preservation of evidence, 129
  - prevention of, 6-8, 17, 53, 59, 225
- terrorist activities, 40, 64, 70, 115, 231
  - definition, 40
  - financing, 166
  - prevention of, 162
  - suspicion of, 113, 123
- terrorist attack, 31, 53, 59, 61, 67, 112, 147, 155, 200, 207, 225
  - engaging in, 4
  - evidence, 4
  - imminent, 4
  - implementation, 112
  - major, 62
  - planning, 59, 63, 112
  - preparations for, 4, 6
  - prevention of, 4-5, 7, 59, 60, 107, 110, 112
  - response to, 17
  - warning, 112
- terrorist bombing, 170
- terrorist cells, 61, 70
- 'terrorist entities', 172-174
  - dealings with, 174
- terrorist groups, 45, 61, 65, 128, 168, 171, 201
  - dealings with, 174
  - networked, 70
  - participation in, 171
  - recruiting members, 171
- terrorist human infrastructure, 72
- terrorist offence, definition of, 29, 35
  - British, 35
  - Canada, 35
- terrorist organisations, 4, 53, 57, 77, 79, 112, 128
  - assisting, 80
  - banned, 201
  - dealings with, 174
  - definition, 71
  - funding, 80, 167, 199, 201
  - leadership, 70, 71
  - membership, 53, 65-67, 76
  - participation, 66
  - recruitment, 67, 68
  - support of, 6, 68-71
  - training with, 4, 53, 80

- terrorist property
  - control of, 175
  - dealing with, 171
  - forfeiture of, 174, 182
  - suspected, 175
- terrorist suspect, 47, 97
- terrorist threat, 3-5, 50, 55-57, 61, 76, 112, 127, 145, 214, 232
  - level, 114
  - nature of, 63
  - reduction of, 63
- terrorist training, 67, 163
  - manuals, 163
- terrorist violence, 40, 185
- terrorists
  - aiding and abetting, 171
  - aims of, 31
  - capture of, 163
  - concealing, 172
  - condoning, 185
  - harbouring, 172, 185
  - property of, dealing with, 171
  - questioning of, 160-163
  - suspected, 63
- The Islamist by Ted Husain, 71
- Thomas, Jack, 3, 6, 11, 17, 18-24, 28, 33, 52, 53, 78-80, 231
- Tokyo sarin gas subway poisoning, 33
- Toronto 18, 63
- torture, 155, 188, 191
  - act of state, 147
  - assumptions, 156-157
  - authorisation for, 151, 160
  - community standards, 159
  - debate, 161
  - definition of, 147-148, 160-162
  - effect of, 150
  - effectiveness, 152-153, 155, 158
  - illegal, 163
  - immoral, 163
  - intentional, 147
  - interrogation, 152, 161
  - justification for, 155, 156
  - maintenance of, 149-153
  - methods of, 161
  - power of, 152
  - prohibition on, 147-153, 155, 157-158, 161
  - pro-torture argument, 149
  - questioning under, 155, 158, 160-163
  - reckless, 147
  - sensory deprivation, 162
  - sleep deprivation, 162
  - ticking bomb, 151-154, 156, 157
  - tolerance of, 151
  - use of, 148-149, 163
  - what constitutes, 155
- torture by warrant, 158-162
- Torture: When the Unthinkable Is Morally Permissible*, Julie Clarke, 157
- transnational Islamist terrorism, 162-163
- treason, 160
- trial, 43, 47, 52, 89, 97-101, 103, 114, 182, 222
- trial by media, 212
- United Nations, 30, 39, 42
- United Nations Committee against Torture, 147, 153
- United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 153, 155, 161, 163, 224
  - art 1: 147
  - art 3: 151
- United Nations Convention against Transnational Organized Crime 2000:
  - arts 2, 3, 31
- United Nations Convention for the Suppression of Acts of Nuclear Terrorism, 168
- United Nations Convention for the Suppression of Terrorist Bombings: 166, 193
- United Nations Convention for the Suppression of the Financing of Terrorism: 166, 193
- United Nations Convention on the Marketing of Plastic Explosives for the Purpose of Detention: 167

- United Nations Convention on the Physical Protection of Nuclear Material: 167
- United Nations Covenant on Civil and Political Rights: 178, 185
  - art 7: 148
  - art 17: 178
- United Nations Declaration on Human Rights: 114
- United Nations Declaration on Measures to Eliminate International Terrorism 1994: 30
- United Nations Human Rights Committee, 29
  - recommendations, 35
- United Nations Sanctions Committee, 173, 174
- United Nations Security Council Resolutions: 131
  - No 1267: 173
  - No 1373: 42, 167, 175-177
  - No 1566: 36, 42, 46, 169
  - No 1624: 45
- United Stand: Muslims Oppose Proposed Anti-Terror Laws*, 206
- United States, 10, 51
- United States Constitution, 130
- Universal Declaration of Human Rights, 54
- unlawful non-citizens, 11, 14, 17, 132
  - detention of, 12
- Victoria Police Security Intelligence Group, 78
- Vinayagamoorthy, Aruran, 79
- violence, 43
  - civil, 77
  - domestic, 109
  - incitement, 71
  - intentional, 39, 40, 43
- paramilitary, 185
  - political, 37, 44, 82, 88, 191
  - preparation to commit, 43
  - prevention of, 232
  - private, 30, 47
  - protection from, 109
  - public, 30, 47
  - racial, 32
  - religious, 37, 44
  - threats of, 35
- violent destruction, 5
- visa, revocation of, 226, 229
- Walker, Professor Clive, 229
- Walzer, Michael, 83
- war, 129, 132
- war crimes, 185
- war of words, 190
- war on terror, 9, 11, 24, 48, 133, 138, 142, 145, 147, 151, 184, 211-213, 216, 219
  - media coverage, 212, 215
- wartime defence powers, 133
- wartime detention, 23
- wartime detention order, 15
- what constitutes terrorism, 29
- Winterton, Professor George, 15
- witnesses, 101
  - overseas, 101-103
  - rolled-over, 101
  - use of, 101-103
- Yathavan, Sivarajah, 79
- Zedner, Professor Lucia, 224
- Zimbabwe, 151