

ratification of the ICCPR and the *Convention against Torture*, from which these rights are derived, human rights matter deeply and are worth fighting for. In the aftermath of the last truly global war, World War II, respect for human rights was recognised as the foundation of peace and justice.

Yet these are the very rights that Mr Thomas' captors and interrogators themselves abused and denied. If it had admitted evidence obtained in breach of these fundamental rights and freedoms, the Victorian Court of Appeal would have sanctioned those violations. This would have been repugnant to justice and humanity and a contravention of Australia's human rights obligations. It would have handed victory to the terrorists.

By allowing the appeal and quashing the convictions, the Court of Appeal has signalled that the 'war on terror' does not permit a 'war on human rights'. We must not succumb to the invidious temptation and hypocrisy of demanding compliance with human rights by others, while not respecting human rights at home. ■

Notes: **1** *The Queen v Joseph Terrence Thomas* [2006] VSCA 165 (18 August 2006). **2** *DPP v Thomas* [2006] VSC 120 (31 March 2006). **3** *Crimes Act 1914* (Cth) s23G. **4** See, eg, ICCPR articles 9(4) and 14(3); *Berry v Jamaica*, UN Human Rights Committee, Communication No 330/1998, UN Doc CCPR/C/50/D/330/1988 (1994) at [11.1]; *Kurbanov v Tajikistan*, UN Human Rights Committee, Communication No 1096/2002, UN Doc CCPR/C/79/D/1096/2002 (2003). **5** *The Queen v Joseph Terrence Thomas* at [121]–[122]. **6** 'Outline of Submissions of the Human Rights Law Resource Centre Ltd in Support of Application for Leave to Appear as Amicus Curiae', *Joseph Thomas v R*, Brian Walters SC and Michael Kingston, 3 July 2006. **7** [2006] VSCA 85 (20 April 2006). **8** *Royal Women's Hospital v Medical Practitioners Board of Victoria* [2006] VSCA 85 (20 April 2006) at [69]. **9** *Ibid* [73]. **10** *Ibid* [74]. **11** *Ibid* [75]. **12** *Ibid* [70].

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EVENTS

2006 Australian Lawyers Alliance Civil Justice Award presentation

By Andrew Freer



Jon Stanhope,
Chief Minister, ACT

On Monday 13 November 2006, more than 50 Lawyers Alliance members and others with an interest in civil justice issues attended a cocktail reception at the ACT Legislative Assembly. The purpose of the reception was to present the Civil Justice Award in person to ACT Chief Minister, Jon Stanhope.

A brief overview of Jon Stanhope's career and a list of relevant civil justice-orientated achievements formed the basis of the presentation. As an aside, it was noted that in January 2003 Jon Stanhope demonstrated considerable foresight by having chosen to wear fashionable underwear before he stripped off to help rescue a helicopter pilot who had crashed into a dam during the Canberra bushfires.

The Civil Justice Award is not politically motivated, but is judged on the basis of the protection and promotion of justice, freedom and the rights of individuals. Specific mention was made of Jon Stanhope's involvement in the introduction of the ACT *Human Rights Act*, his championing of a model prison, advocating the Civil Union

Bill, encouraging an informed debate on anti-terrorism legislation, making public statements rejecting the death penalty, giving support for the release/repatriation of David Hicks, and taking a measured approach in relation to tort reform.

In accepting the award, Jon Stanhope reiterated his determination to maintain a principled stance on issues affecting the rights of the individual. In doing so, he noted that it was not necessarily a populist position to take. Indeed, on some issues, he described occupying what felt like a somewhat lonely position. He made particular reference to the apparently systemic political chipping away of fundamental rights that have evolved in our legal system over many years. We allow this process to continue unabated and without protest at the peril of us all. ■

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