



# **Australian Government**

**Address by the Hon Philip Ruddock MP**

**Attorney-General of Australia**

**at the**

**Eleventh United Nations Congress on Crime Prevention and Criminal  
Justice**

**Bangkok, Thailand**

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**[Acknowledgements]**

Secretary General Costa, distinguished delegates.

On behalf of Australia, let me say it is an honour to be participating in this, the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

This conference provides a valuable opportunity for us to share experiences and to develop strategies that will help to overcome crime both internationally and within our own countries.

**[Introduction]**

Governments have a fundamental responsibility to protect the sovereignty of their nation and to ensure the safety and security of their citizens.

As Australia's Attorney-General, these are responsibilities I take very seriously.

The devastating terrorist attacks in Bali, the Marriott hotel bombing and the bombing outside the Australian embassy in Jakarta last year, have brought even closer to home the constant threat of terrorism to our region.

Fighting terrorism and other forms of crime is an enormous task. It requires the international community to work together and to make the most of its collective ideas, resources and enthusiasm. Our future prosperity, stability and security depends upon the strong and effective rule of law. And it is our duty to use and apply the law wisely and also to develop laws which are practical and mutually reinforcing.

As part of this process, Australia also welcomes the adoption by the General Assembly of a 13<sup>th</sup> instrument on terrorism.

**[Australian Counter-Terrorism Legislation]**

Australia has responded by enacting a comprehensive range of counter-terrorism laws.

We have made it an offence to commit, train or prepare for a terrorist act.

Legislation enables us to list terrorist organisations based on our national interest and security needs.

- It is an offence to belong to, or support in any way, a listed terrorist organisation.

Law enforcement agencies have greater powers to use a wider range of surveillance devices.

- And we have made it easier for agencies to access information contained in stored communication, such as e-mails, voice mail or in text messages.

Security sensitive information can now be protected during criminal proceedings - and we are moving on civil proceedings.

And it is a requirement that convicted terrorists must serve at least three quarters of their head sentence before being eligible for parole.

But the nature of the terrorist threat is always changing - and we must be vigilant to ensure our legal regime stays one step ahead.

We are constantly looking to refine our counter-terrorism laws to ensure they remain appropriate and effective.

We are pursuing the accession of the Convention on the Marking of Plastic Explosives for the Purpose of Detection as a matter of priority.

- This would result in Australia becoming a signatory to all twelve of the counter-terrorism conventions and protocols currently in force.

The Government has also flagged further legal issues that need close consideration.

- These include the use of international video-link evidence; the establishment of international forensic procedures; and the admissibility of evidence collected overseas.

The law provides a powerful weapon against terrorism.

The Australian Government has sought to harness this power by giving our law enforcement and intelligence authorities the legal powers they need, while at the same time maintaining a fair and reasonable justice system.

### **[Australian Counter-Terrorism Initiatives]**

Australia is a large country with an enormous coastline but a relatively small population.

That means our resources have to be strategically targeted.

Since the September 11 attacks we have implemented more than 100 measures and committed some A\$4 billion dollars to fight terrorism on many fronts.

But the reality is, no country can beat terrorism by acting alone.

Terrorism is a global phenomenon.

It is not constrained by international borders.

It does not discriminate by race, nationality, religion or creed.

Terrorists will target anyone who does not submit to their view of the world.

### **International Cooperation against Terrorism**

To overcome the terrorist threat we must have a concerted, coordinated and comprehensive international response.

In practical terms, this means we must achieve properly integrated criminal justice systems and intelligence procedures.

In our region, we have made considerable progress.

In February 2004 Indonesia and Australia hosted the Bali Regional Ministerial Meeting on Counter Terrorism.

One very important body coming out of this meeting was the Legal Issues Working Group. The Group is actively reviewing counter-terrorism laws in the region and helping countries to implement the 12 United Nations Counter-Terrorism Instruments and Protocols as well as relevant Security Council Resolutions.

Australia is assisting Cambodia to draft counter-terrorism legislation - and we hope to expand this assistance to other nearby countries.

Cooperation has also been boosted by the establishment of the Centre for Counter Terrorism Co-operation and Joint Intelligence Training for Australia, South East Asia and the Pacific. The Centre will operate through regular personnel exchanges.

Intelligence agents from our regional partners in the war against terror will attend the Centre to train in intelligence collection and analysis techniques.

At a bilateral level, we have signed 10 Memoranda with neighbouring countries, providing another effective way of strengthening cooperation between our security, intelligence, law enforcement and defence agencies.

The emphasis is very much on working together to create a unified regional legal framework which leaves no gaps for terrorists to exploit.

The Australian Government looks forward to building on these relationships and forging even closer ties in the future.

### **[National Security and Human Rights]**

All of the measures - by individual countries and by the international community - are designed to protect our people from attack.

There has long been a view that the objectives of national security and individual human rights are not compatible and that trade-offs need to be made between the two.

In Australia we have taken the approach that the protection of national security can also promote human rights.

Article 3 of the Declaration of Human Rights states that everyone has the right to life, liberty and security of person.

In other words, by ensuring national security, governments are creating an environment where individual human rights can prosper.

The UN High Commissioner for Human Rights Louise Arbour - last month - told the Commission on Human Rights that: *"our concern for state security... has been joined more expressly by a concern for human security"*.

As we continue to work together for the security of our region, we enhance the individual security and human rights of all people in the region.

### **[Conclusion]**

Terrorism threatens all countries that value peace and freedom and it threatens all people who value life and liberty.

Unfortunately, no country is immune from attack - no matter how many security measures they have.

Terrorism is a common threat and it requires a common response.

Ultimately it will be our unity, our universal beliefs, our shared determination and our combined strength that will enable us to overcome the terrorist threat and fulfil our responsibilities to our nations and to our citizens.