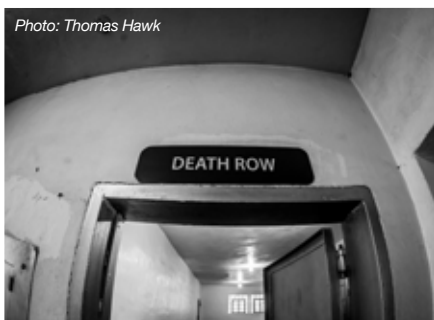


# Challenging Australia's record on the death penalty



Current Australian laws and practices can lead to death sentences for Australian citizens, according to Castan Centre Accountability Project Manager Adam Fletcher.

Adam, who recently appeared before a Parliamentary inquiry into the death penalty, explained how Australia's advocacy could be strengthened by a more consistent public stance, as well as by more safeguards against cooperation with other countries that might impose the death penalty.

The focus of Adam's submission to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade was official cooperation. He argued that mutual assistance and

information sharing arrangements - especially police-to-police cooperation - can lead to the imposition of the death penalty. As a result, these arrangements should adhere to the developing rule of international law that countries should refrain from actions which would expose people to the death penalty in other countries.

Australia is a State party to the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol. This means we have an obligation to work towards the universal abolition of the death penalty. Part of this obligation includes refraining from acts that may hamper the achievement of this goal.

Australia is generally considered a world leader in seeking the abolition of the death penalty. However, Adam's submission highlights how, at times, Australia has been inconsistent in its actions. This ad hoc approach potentially undermines the Government's message on this issue.

The UN Human Rights Committee expressed concern in 2009 that Australia lacks a comprehensive prohibition restricting international police cooperation and sharing of information that may lead to the imposition of the death penalty.

Ex-Attorney General and subcommittee Chair, Phillip Ruddock, recently endorsed the Centre's recommendation on this issue, saying that police should face tighter restrictions on sharing information with countries that impose the death penalty. The Australian Federal Police (AFP), however, oppose this proposal, saying that it would unnecessarily hamper their investigative abilities.

Adam's submission highlighted the need to make opposition to the death penalty an official part in the AFP's "international liaison functions." One of his recommendations is that the default position be a refusal for Australian officials to cooperate in death penalty cases. It is thus heartening that the former Attorney General has expressed his view that the laws be codified so that it is clear when Australia will co-operate and when we won't.

Adam was invited to appear at the public hearing for the Parliamentary committee in November. This was a fantastic opportunity for Adam to expand on his submission and answer the parliamentarians' questions. The subcommittee will report in the new year.

## Comings and Goings

The Centre has added several new staff and academic members in the past few months, positioning itself well for its future growth.

We are particularly delighted to welcome Adam Fletcher back to the fold as Accountability Project Manager, where he is responsible for the Centre's policy work. Adam previously worked in the role before embarking on a PhD in human rights, which is now coming to a close (he sincerely hopes). The position has lain dormant until recently, when new funding from the Helen and Bori Liberman Family Foundation enabled the Centre to resurrect it. Our monitoring shows that the position greatly increases the effect we have on human rights law, policy and practice by leveraging the expertise of our many academics who volunteer their time for the Centre. Adam

will work collaboratively with our academics to provide advice to parliamentary inquiries, comment in the media and lead proactive efforts to create real change in our priority areas.

Caitlin McInnis is the most recent arrival, joining the team as Project Officer, where she will be responsible for implementing the Centre's many public education and student programs while also contributing to its increasing volume of policy work. Caitlin is currently finishing a Law degree at Monash and has worked as a writer on the upcoming seasons 3 and 4 of the Centre's acclaimed *Have You Got That Right?* video series.

Caitlin is replacing Sarah Austin, who has joined Victoria Legal Aid's new lawyer program. It seems to be something of a career path for

Centre Project Officers, with former staff member Erica Contini also joining the VLA after a long stint with the Centre.

We are very pleased to welcome back Janice Hugo to her role as administrator after maternity leave, and sad to say goodbye to Simone Heane who has filled in for Janice in her absence. Simone made many good friends in the faculty during her time with us and will be missed.

Finally, the Centre has recently approved Katie O'Bryan as an Associate. Katie is an assistant lecturer in law and is currently completing her PhD thesis on the legal recognition of Indigenous water rights. She previously worked as a solicitor in native title in Western Australia and Victoria.

