

Officer Report**6.3 FREEDOM OF THE PRESS**

Submitting Councillor: Josh Fergeus

MOTION*That Council:*

- 1. Asserts the City of Monash's staunch support for Freedom of the Press;*
- 2. Notes that WikiLeaks has played an important and effective role in disclosing war crimes, corporate fraud, environmental damage and other criminal abuses;*
- 3. Notes that WikiLeaks founder Julian Assange has been held on remand in maximum security prison in the United Kingdom without charge, locked in a cell for 23 hours per day and that he continues to remain incarcerated;*
- 4. Notes that Mr Assange is now in very poor health and is facing extradition from the United Kingdom to the United States of America in an unprecedented Espionage Act prosecution for engaging in journalistic activity and, if convicted, faces 175 years imprisonment and potentially the death penalty for revealing the truth about the wars in Afghanistan and Iraq;*
- 5. Notes that the treatment and experience of Mr Assange sets a dangerous precedent for journalists worldwide;*
- 6. Notes that the United Nations Working Group on Arbitrary Detention has called for Mr Assange's immediate release and that the United Nations Special Rapporteur on torture, Nils Melzer, has examined Mr Assange in Belmarsh Prison and believes that his life is in danger;*
- 7. Notes and supports Amnesty International's call for the UK to hold firm and refuse to extradite Mr Assange to the USA and for the UK to abide by its obligations under international human rights law that forbids the transfer of individuals to another country where they would face serious human rights violations;*
- 8. Notes and supports the other major civil liberties, media freedom and human rights groups which have spoken out against the arrest and treatment of Julian Assange including:*
 - The International BAR Association of Human Rights Institute;*
 - The European Council;*
 - Freedom of the Press Foundation;*
 - Local, state and federal governments;*
 - Reporters Without Borders;*
 - Human Rights Watch;*
 - Australian Media Entertainment and Arts Alliance;*
 - Center for Constitutional Rights;*

- *Human Rights Law Centre;*
 - *Digital Rights Watch;*
 - *International Association for Media and Communication Research;*
9. *Writes to Prime Minister and the Minister for Foreign Affairs requesting that the Australian Government urgently request that UK authorities address Mr Assange's poor health and mistreatment and uphold the human rights of Mr Assange as an Australian citizen;*
10. *Issue a public statement detailing Council's position and writes to local State and Federal MPs advising them of this position.*

BUDGET IMPLICATIONS

There are no Budget implications to this Motion.

IMPACT ON INTERNAL RESOURCES

There will be a slight impact on internal resources, in relation to the generation of correspondence, etc, in relation to parts 9 and 10 of the Motion. These can be dealt with within the existing resource allocation.

COUNCIL PLAN AND COUNCIL POLICIES

Council is required to abide by the *Charter of Human Rights and Responsibilities Act 2006*.

RELEVANCE TO WORK ALREADY UNDERTAKEN BY OFFICERS OR COMMITTEES

As required by State legislation, the Council abides by the Charter of Human Rights and Responsibilities and has relevant processes in place to meet those responsibilities.

FURTHER CONSIDERATIONS

The Rights created under the Charter include:

- Humane treatment when deprived of liberty
- Right to liberty and security
- Recognition and equality before the law
- Protection from torture and cruel, inhuman or degrading treatment

But, it should be noted that this is State legislation and applies to the behaviour of public authorities.

Although the Motion's title refers to freedom of the press, parts 1, 3 and 4 of the Motion concerns that issue.

Parts 3 to 9, of the Motion concern the treatment of a person held in detention, overseas.

The issues that the Motion addresses relate to the actions of foreign governments.

It is considered that the subject matter addressed by the Motion goes beyond the responsibilities of Local Government.