

NOTE: AIMING TO SEND TO MEDIA 2PM TODAY (2 OCTOBER) - as case may be up for hearing tomorrow

Dear Commissioner,

Dear Premier,

We write concerning your intention to apply to the Supreme Court for the prohibition of the holding of public assemblies by Palestine Action Group on 6 and 7 October. We strongly urge you to reconsider your decision to apply to the court and instead work with assembly organiser to facilitate the exercise of the democratic right of protest under the protections in the Summary Offences Act and in line with the government's human rights obligations.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) requires all governments to guarantee and respect the right to peaceful protest and to create an enabling environment within their jurisdictions for the exercise and enjoyment of the right.¹ Governments are required to protect all forms of peaceful protest regardless of wherever it happens or what form it takes.² These protections are owed to all people and must be provided to everyone free from discrimination of any kind.³ Australia has an obligation to comply with international law and realise its principles in legislation.

Over 150 community organisations, including the Australian Council of Social Service, Community Legal Centres NSW, Australian Services Union NSW ACT and NSW Council for Civil Liberties, have called for Australian governments to respect these fundamental protest rights through the Declaration of our Right to Protest.⁴

Per the UN Human Rights Committee (UNHRC), in order to uphold the right to peaceful assembly restrictions on peaceful assembly must be 'necessary and proportionate in the context of a society based on democracy, the rule of law, political pluralism and human rights, as opposed to them being merely reasonable or expedient'.⁵ The application to prohibit Palestine

¹ Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), 129th sess, UN Doc CCPR/C/GC/37 (17 September 2020) 24.

² Human Rights Committee, General Comment No. 37 (n i) 6-7, 16

³ Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), 129th sess, UN Doc CCPR/C/GC/37 (17 September 2020) 6.

⁴ Declaration of Our Right to Protest, 2023 <https://australiandemocracy.org.au/protest-rights-declaration>

⁵ Human Rights Committee, General Comment 37, Art. 21 (Hundred and twenty-ninth session, 2020), Right of Peaceful Assembly, U.N Doc. CCPR/C/GC/37 (2020) paragraph 40.

Action Group's rally does not appear to be necessary and proportionate given the 51 weeks of peaceful rallies involving tens of thousands of community members. Rally organisers have consistently worked to ensure the safety of the rallies and have taken additional safety measures when asked to do so by police. The attempt to prohibit these rallies is a serious departure from the NSW State and Police's responsibility to uphold the democratic right of protest.

Signed,

INSERT SIGNATORY NAMES HERE

1. Community Legal Centres NSW
2. Young Labor Left
3. Amnesty International Australia
4. Grata Fund
5. Justice and Equity Centre
6. Australia Palestine Advocacy Network
7. Tzedek Collective
8. Australian Democracy Network
9. Australian Lawyers for Human Rights
10. Rising Tide
11. Socialist Alliance
12. Wage Peace
13. City of Sydney for Palestine
14. Central West for Palestine
15. Families for Palestine
16. Inner West for Palestine
17. NSW Council for Civil Liberties
18. Refugee Action Coalition
19. Democracy in Colour
20. NSW Labor Friends of Palestine
21. Philippines Australia Union
22. Teachers and School Staff for Palestine NSW
23. Trade Unionists for Palestine NSW
24. Stop the War on Palestine
25. Students Against War
26. Latin America Social Forum - Sydney

27. Social Workers for Palestine
28. Newcastle Mums for Palestine
29. Maritime Union of Australia (Sydney Branch)
30. Jews Against the Occupation '48
31. Eastern Suburbs 4 Palestine
32. Vote for Palestine
33. Palestinian Australians Welfare Association
34. Fairfield for Palestine
35. UTS Staff for Palestine
36. Islamic Friendship Association of Australia Inc
37. PSA For Palestine
38. First Mardi Gras
39. Professionals Australia for Palestine NSW
40. Jewish Council of Australia
41. Pride in Protest
42. Muslim Legal Network NSW
43. Conversations For Palestine
44. NTEU for Palestine
45. Sydney Uni Staff for Palestine
46. Sydney Anti-AUKUS Coalition
47. Muslim Votes Matter
48. Salvador Allende Monument Committee Inc - Sydney
49. Arab Theatre Studio Inc.
50. CPSU for Palestine
51. Mountains for Palestine
52. Sundays for Peace - Wagga Wagga
53. Our Race Community
54. The Greens
55. Ireland Palestine Solidarity "Australia" -
56. Palestine Action Group Muloobinba
57. No Weapons for Genocide and Free Palestine Newcastle
58. Little Palestine at Albos
59. Families for Palestine

INSERT COMMENTS FOR MEDIA HERE AND PHONE NUMBER IF OK TO BE CONTACTED

“In a democratic society, communities must be able to come together and have their say through protest. The attempt to prohibit a community rally that has safely run for 51 weeks is a serious attack on the right to protest. The NSW Police’s citing of flower planter boxes at Town Hall as one of their main safety concerns makes a mockery of the Form 1 process and the Supreme Court’s time.”

Anastasia Radievska, Protest Rights Campaigner Australian Democracy Network 0499 425 081

“To prohibit the holding of a peaceful protest in the midst of an unfolding genocide in Gaza would represent a serious incursion on the democratic right to protest. The suggestion that protests in support of Palestinian human rights make Jewish people uncomfortable or unsafe is an idea that itself encourages racism and social division.”

Sarah Schwartz, Executive Officer of the Jewish Council of Australia, +61493970412

“The freedom to protest peacefully is an essential characteristic of a healthy democracy. A blanket ban like this is anti-democratic. We have legal protections against dangerous, violent, or offensive conduct. It is those laws that should be applied if necessary, but hopefully there will be no need.”

– Geoffrey Watson SC, Director of The Centre for Public Integrity and Grata Fund, barrister at New Chambers
87778998900000”8

“Amnesty International has documented the repression of protests defending Palestinian human rights over the past year globally, and we are deeply concerned by NSW’s attempt to prohibit rallies. The use of discriminatory rhetoric and blanket bans on assemblies undermines Australia’s commitment to human rights and sets a troubling precedent for future demonstrations.

We urge the NSW Police Commissioner to work with organisers to facilitate this fundamental right to protest, as enshrined in Article 21 of the ICCPR. Peaceful protests, including non-violent direct actions, are protected under international human rights law, even when they

are not officially authorised. We call on NSW authorities to uphold their obligation to protect the right to peaceful assembly.”

Kyinzom Dhongdue Strategy & Advocacy Manager, Amnesty International Australia, media requests 0423 552 208

“For close to a year, we have witnessed the birth of the largest anti-war, anti-apartheid and anti-genocide protests in recent history take place in capital cities across our country. They have been peaceful and have united Australians from all walks of life - regardless of their religious beliefs, their cultural heritage, their age, their social class and their sexuality. They are calling for an end of apartheid, an end to war and an end to genocide.

The right to protest is a fundamental aspect of a healthy and functioning democracy and should be protected; even if protests or protest movements are unpopular with politicians and law enforcement of the day. The political and legal response to peaceful protests tells us much about the l of our democracy and the decline of important civil liberties in NSW.

The NSW Council for Civil Liberties was born from a protest in 1963 against police brutality. We will continue to stand shoulder to shoulder with protestors and for the right to protest.

Lydia Shelly, President of the NSW Council for Civil Liberties 0450 735 552

“This is a transparent attempt to limit democratic rights and right to protest in NSW. It is an abuse of the notification process and a further attempt to make the police the arbiter of what protests are and are not allowed.

Ian Rintoul, Refugee Action Coalition, 0417275713

“Labor governments should protect peaceful protest as a critical feature of social democracy and progressive politics. We urge the NSW Government to work constructively with police, rally organisers and affected communities to allow a peaceful rally and march to occur as planned on Sunday 6th October in Sydney.”

Peter Moss, Labor Friends of Palestine 0404 895 999

““The Sydney rallies in support of peace and justice for Palestinians have taken place safely for almost a year now. It is fundamentally important that we protect the right to protest. We oppose any tactics by the police or the NSW Government to prevent community members from rallying this weekend.”

Adam Connor, Young Labor Left President, NSW Young Labor Vice-President 0479031970

“As Palestinian Australians, the rally is an opportunity to be heard and seen. It's an opportunity to collectively heal and deal with the trauma we are experiencing. At the one year anniversary, more than any other time, we need to grieve and seek the support of those who stand for justice and advocate for our welfare. Taking this away would be yet another example of hypocrisy and double standards.”

Abeer Saleh VP Palestinian Australians Welfare Association 0412874790