

# Know 5G - Academic Source References and Violations of Law and Legislation



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3/19/2021

# INTRODUCTION

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The contents of this document are provided for your benefit and interest, that the reference quotable statements made by credentialed experts and qualified professionals in various scientific reports, medical journals and other official sources and information channels are backed by components of legislation of various jurisdictions which are also provided in the same sections 1 through 12. They are broken down into these 12 main categories for clarity.

For your convenience, you will find the linked index in this document, both in Microsoft Word and Adobe Acrobat Reader, to scan through to the appropriate source references and legal references required to complete your letter(s). It is not necessary, but highly encouraged to read through the entire document, should you wish to gain a deeper understanding of the issues at hand, and the violations of legislations and laws which the 5G rollout presents.

## **Displaying linked index items:**

**Microsoft Word - click on the “View” menu, and then click on the “Navigation Pane” checkbox to display the clickable linked index for all sections and sub-sections.**

**Adobe Acrobat Reader - on the left hand side strip, use the Bookmarks icon to display the clickable linked index.**

**(The location may vary depending upon your version of Word or Acrobat Reader).**

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## INTERNATIONAL LAW PRINCIPLES

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### **Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal**

1950

Text adopted by the International Law Commission at its second session, in 1950 and submitted to the General Assembly as a part of the Commission's report covering the work of that session. The report, which also contains commentaries on the principles, appears in Yearbook of the International Law Commission, 1950, vol. II, para. 97.

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#### **Principle I**

Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

#### **Principle II**

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

#### **Principle III**

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

#### **Principle IV**

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

#### **Principle V**

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

#### **Principle VI**

The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

## **Principle VII**

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

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## SECTION 1 – IMPROPER PROCEDURES

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Legislation with respect to the disregard of proper procedures for the following:

- 1/ Technological development protocols and safety standards
- 2/ Observation of the precautionary principle
- 3/ Human experimentation
- 4/ Proper public notice and disclosure

## REFERENCES – IMPROPER PROCEDURES

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### 01 - REGULATORS HAVE DELIBERATELY EXCLUDED THE SCIENTIFIC EVIDENCE OF HARM

Stakeholders thus far in the development of 5G have been industry and governments, while renowned international EMF scientists who have documented biological effects on humans, animals, insects and plants, and alarming effects on health and the environment in thousands of peer-reviewed studies have been excluded. The reason for the current inadequate safety guidelines is that [conflicts of interest](#) of standard-setting bodies “due to their relationships with telecommunications or electric companies undermine the impartiality that should govern the regulation of Public Exposure Standards for non-ionizing radiation”. Professor Emeritus Martin L. Pall lays out the conflicts of interest in detail, and the lists of important studies that have been excluded, in his [literature review](#).

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

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### 02 - DUTY TO INFORM AND EMFS

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the

potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** [https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

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### 03 - The Mid-term review of the European Environment and Health Action Plan 2004-2010

(2008): “The European Parliament... [n]otes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete, ... obviously take no account of developments in information and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.”

**SOURCE:** <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0410>

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### 04 - RESOLUTION 1815 (COUNCIL OF EUROPE, 2011):

“Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

**SOURCE:** <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

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### 05 - JOURNAL OF ONCOLOGY

World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review)

## Abstract

In May 2011 the International Agency for Research on Cancer (IARC) evaluated cancer risks from radiofrequency (RF) radiation. Human epidemiological studies gave evidence of increased risk for glioma and acoustic neuroma. RF radiation was classified as Group 2B, a possible human carcinogen. Further epidemiological, animal and mechanistic studies have strengthened the association. In spite of this, in most countries little or nothing has been done to reduce exposure and educate people on health hazards from RF radiation. On the contrary ambient levels have increased. In 2014 the WHO launched a draft of a Monograph on RF fields and health for public comments. It turned out that five of the six members of the Core Group in charge of the draft are affiliated with International Commission on Non-Ionizing Radiation Protection (ICNIRP), an industry loyal NGO, and thus have a serious conflict of interest. Just as by ICNIRP, evaluation of non-thermal biological effects from RF radiation are dismissed as scientific evidence of adverse health effects in the Monograph. This has provoked many comments sent to the WHO. However, at a meeting on March 3, 2017 at the WHO Geneva office it was stated that the WHO has no intention to change the Core Group.

## 7. Concluding remarks

The meeting at WHO was an obvious disappointment. During the discussion the two WHO officials showed little interest to collaborate with the scientists convened at the meeting in spite of the scientific evidence on adverse health effects. Their in-house experts seem to be members of ICNIRP, although not exclusively. This may explain why only short-term thermal effects from RF radiation are accepted as proofs of harm, and why non-thermal biological effects are ignored. In the draft of the Monograph a large bulk of peer-reviewed scientific publications on non-thermal effects are dismissed, c.f. as also by ICNIRP ([19](#)). Most remarkable is that WHO has no intention to replace the Core Group of experts affiliated with ICNIRP. Thereby ICNIRP is given full access to and exclusive possibilities to influence the Monograph. In view of the huge economic interests built into the ICNIRP guidelines, and several of its expert members' ties to industry, no doubt this is a large conflict of interest that will seriously undermine not only the credibility of the Monograph on RF radiation but also the credibility of WHO as a protector of world health. Seriously enough, the Monograph will be the hallmark for years to come on evaluation of health hazards from RF radiation and pave the way for increasing exposure to RF radiation to people and environment, e.g. the fifth generation (5G), internet of things, etc.

Children and adolescents may be more sensitive to RF radiation than adults ([2](#)). Thus as an authoritative agency, WHO has an obligation to reference all the scientific research results and call the experts from all the related fields like engineering, health and medicine to engage in the re-evaluation of all health effects including non-thermal of RF radiation. Related agencies should launch an objective and transparent project for this assessment. The EMF project was started many years ago and many new wireless digital technologies are developed and new devices are popularizing with a very fast speed.

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that

WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

To evaluate cancer risks it is necessary to include scientists with competence in medicine, especially oncology. Furthermore, what are the personal advantages, at least in the short time, for those refusing to accept peer-reviewed scientific publications on adverse effects on health and environment from RF radiation? Ironically enough, whether knowingly or not, the WHO staff seems to protect themselves from high involuntary RF radiation levels at least in the measured areas within the Geneva building.

**SOURCE: <https://www.spandidos-publications.com/ijo/51/2/405>**

Authors: Lennart Hardell

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**06 - WORLD HEALTH ORGANIZATION, RADIOFREQUENCY RADIATION AND HEALTH –  
A HARD NUT TO CRACK**

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

**SOURCE: Dr. Lennart Hardell - *World Health Organization, radiofrequency radiation and health – a hard nut to crack (Review)* – International Journal of Oncology, June 21st 2017. doi: 10.3892/ijo.2017.4046**

**<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5504984>**

## 07 - CANCER RISK FROM CELL PHONE RADIATION IS SMALL, STUDIES SHOW - NEW YORK

“Two new studies exposed rats and mice to high levels of radio-frequency radiation — the type emitted by your cellphone. But researchers said there was little cancer risk for humans. Credit...Victor J. Blue for The New York Times”

“He said that nearly 20 animal studies on this subject have been done, “with the vast majority coming up negative with respect to cancer.”

“The Food and Drug Administration issued a statement saying it respected the research by the toxicology program, had reviewed many other studies on cellphone safety, and had “not found sufficient evidence that there are adverse health effects in humans caused by exposures at or under the current radio-frequency exposure limits.”

“The statement, from Dr. Jeffrey Shuren, director of the F.D.A.’s center for devices and radiological health, also said, “Even with frequent daily use by the vast majority of adults, we have not seen an increase in events like brain tumors.”

“A seemingly paradoxical finding that has also puzzled the researchers is that the rats exposed to the cellphone radiation actually lived longer than the controls. One possible explanation, Dr. Bucher said, is that the radiation may ease inflammation, and lessen the severity of a chronic kidney disorder that is common in aging rats and can kill them

**SOURCE: Denyse Grady - *Cancer Risk From Cell phone Radiation Is Small, Studies Show - New York***

**Times, February 2nd 2018.**

<https://www.nytimes.com/2018/02/02/health/cell-phones-cancer.html>

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## 08 - STOP5G STRATEGY KIT

Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

Industry is Deeply Involved in the Science

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#) This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by industry is less likely to find health risks than studies paid for by institutions or authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP's self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE: Page 38 of STOP5G Strategy Kit  
5G, millimetre waves AI AND THE INTERNET OF THINGS (IOT)**

<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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#### **09 – THE TRANSFER OF RESPONSIBILITY FOR SETTING A NEW AUSTRALIAN STANDARD TO ARPANSA, SECTION 4.106**

ARPANSA was established on 5 February 1999 under the Australian Radiation Protection and Nuclear Safety Act, the Act was enacted to protect the health and safety of people, and to protect the environment from harmful effects of radiation, through understanding risks, best practice regulation, research, policy, services, partnerships and engaging with the community, and

**SOURCE:**  
[https://en.wikipedia.org/wiki/Australian\\_Radiation\\_Protection\\_and\\_Nuclear\\_Safety\\_Agency](https://en.wikipedia.org/wiki/Australian_Radiation_Protection_and_Nuclear_Safety_Agency)

ARPANSA was established on 5 February 1999 under the Australian Radiation Protection and Nuclear Safety Act 1998. The object of the Act is to protect the health and safety of people, and to protect the environment from the harmful effects of radiation. ARPANSA itself is an amalgamation of the Australian Radiation Laboratory, formerly part of the Department of Health and Aged Care, and the Nuclear Safety Bureau, formerly a statutory authority. It comes under the aegis of the Department of Health and Aged Care.

**SOURCE:**

[https://www.aph.gov.au/parliamentary\\_business/committees/senate/environment\\_and\\_communications/completed\\_inquiries/1999-02/emr/report/c04?fbclid=IwAR0SHAr07qi8lJUPYTAoi2h1fbjnomImbJnABt2qVhzMfiaU1oIvDXkcZ-s](https://www.aph.gov.au/parliamentary_business/committees/senate/environment_and_communications/completed_inquiries/1999-02/emr/report/c04?fbclid=IwAR0SHAr07qi8lJUPYTAoi2h1fbjnomImbJnABt2qVhzMfiaU1oIvDXkcZ-s)

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**10 - SO WHAT ARE THE LIMITS IN AUSTRALIA?**

ARPANSA set the standard for radio frequency (“RF”) exposure, yet announced in 2002 a general public limit of 1000 microwatts per cm<sup>2</sup>, 100 times higher than legally permitted limits in China, Poland and Russia. This limit is grossly out-of-date, given that 2002 was prior to the third generation (3g) technology introduction in Australia, as there is a plethora of newer research material available showing the dangers of RF Electromagnetic Energy (“EME”), combined with networks and technology available today that are many more times powerful than the turn of the century.

**SOURCE:** <https://stop5gincanberra.com/worldwide-concerns/>

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**11 - AUSTRALIAN STANDARD ON RADIOFREQUENCY FIELDS EXPOSURE LEVELS**

Current safety standards don’t allow for differing pulse and bandwidths, frequencies, cumulative exposure, waveform, nor differences in people’s heights, weights, their ages and subsequent body operating frequencies. Nor do they take into consideration multiple sources of exposure or wave frequency effects within the body. Harm is caused by both the high-frequency carrier wave and the low-frequency pulsations.

**SOURCE:** Taken from sections 4.12- 4.15 from Chapter 4 - Australian standard on radiofrequency fields exposure levels

[https://www.aph.gov.au/parliamentary\\_business/committees/senate/environment\\_and\\_communications/completed\\_inquiries/1999-02/emr/report/c04?fbclid=IwAR0SHAr07qi8lJUPYTAoi2h1fbjnomImbJnABt2qVhzMfiaU1oIvDXkcZ-s](https://www.aph.gov.au/parliamentary_business/committees/senate/environment_and_communications/completed_inquiries/1999-02/emr/report/c04?fbclid=IwAR0SHAr07qi8lJUPYTAoi2h1fbjnomImbJnABt2qVhzMfiaU1oIvDXkcZ-s)

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**12 – 5G: GREAT RISK FOR EU, US AND INTERNATIONAL HEALTH! COMPELLING EVIDENCE FOR EIGHT DISTINCT TYPES OF GREAT HARM CAUSED BY ELECTROMAGNETIC FIELD (EMF) EXPOSURES AND THE MECHANISM THAT CAUSES THEM**

There is the concern of covered-up or non-existent health and safety reports via ARPANSA and regulators because of their relationships with telecommunications or electric companies, and may have deliberately suppressed/excluded the scientific evidence of harm from 5G due to their agenda for commercial gain and population control. We recognise this is a billion dollar industry and as such creates an enormous conflict of interest. In his literature review, Professor Emeritus Martin L. Pall discusses the conflict of interest and lists out important studies that have been excluded

**SOURCE:** 5G: Great risk for EU, U.S. and International Health! Compelling Evidence for Eight Distinct Types of Great Harm Caused by Electromagnetic Field (EMF) Exposures and the Mechanism that Causes Them.

By Martin L. Pall, PhD Professor Emeritus of Biochemistry and Basic Medical Sciences Washington State University. Dated May 17, 2018

<https://www.ehtrust.org/wp-content/uploads/5g-emf-hazards-dr-martin-l.-pall-eu-emf2018-6-11us3.pdf>

and ARPANSA themselves frequently publishes technical reports that typically downplay issues, an example being TR178 published in June 2017 which surprisingly made 13 recommendations for further research.

**SOURCE:** List of recent ARPANSA Technical Reports,  
<https://www.arpansa.gov.au/research-and-expertise/technical-reports>

Specifically, ARPANSA Technical Report 178,  
<https://www.arpansa.gov.au/sites/default/files/tr178.pdf>

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**13 – “CLEAR EVIDENCE OF CANCER” CONCLUDES U.S. NATIONAL TOXICOLOGY PROGRAM EXPERT PANEL ON CELL PHONE RADIATION**

“Large-scale independent studies such as a \$25 million U.S. National Toxicology Program (NTP) that clearly show biological impacts occur at non-thermal exposures like those that take place from cell phones today.”

**SOURCE:** Quote from: “Clear Evidence of Cancer” Concludes U.S. National Toxicology Program Expert Panel on Cell Phone Radiation. Dated: June 6, 2018

<https://ehtrust.org/clear-evidence-of-cancer-concludes-the-expert-panel-to-the-us-national-toxicology-program-on-cell-phone-radiation-study-findings/>

This contrasts ARPANSA's unsigned letter in December 2018 to a Perth Stop 5g group, two Australian scientists and two Swedish addressees when stating, "Where RF EME exposure exceeds protection guidelines, it can heat the human body with a risk of permanent damage (known as a thermal effect). It is the assessment of ARPANSA, the WHO and other international health authorities that there are no established health effects from RF EME at levels below current protection guidelines"

**SOURCE:** ARPANSA's unsigned letter, Re: The role of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the health impacts of millimetre waves. Dated: 18 Dec 2018

<https://stopsmartmetersau.files.wordpress.com/2019/03/arpansa-letter-18-dec-2018.pdf>

and contradict themselves about health impacts before saying, "It is not expected that the 'informed consent' principle, an international convention for medical experiments established in the Nuremberg Code (1947), would apply to non-experimental activities such as the deployment of technology infrastructure within appropriate regulatory requirements", and

Martin Pall PhD, Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University, was asked by Stop 5G Perth and Australia wide to respond to ARPANSA's unsigned letter. Professor Martin Pall's 28-page forensic analysis of ARPANSA's letter,

**SOURCE:** Martin Pall PhD, Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University, 28 page forensic analysis of ARPANSA's letter

<https://stopsmartmetersau.files.wordpress.com/2019/03/prof-pall-response-to-arpansa-letter-4-march-2019.pdf>

which includes reference to his own 90 page document on eight pathophysiological effects caused by non-thermal microwave frequency EMF exposures and the mechanism that causes them, and

**SOURCE:** Professor Martin Pall PhD's 90-page body of work from May 2018

<https://www.radiationresearch.org/wp-content/uploads/2018/06/EU-EMF2018-6-11US3.pdf>

is a chilling indictment of the competence, professionalism and independence of ARPANSA. ARPANSA is the organisation that supposedly monitors and identifies radiation risks to Australians! and

Pall notes that ARPANSA provided, “not one iota of evidence that its exposure standard is based on scientific research or that it protects us from any, let alone all harmful effects nor that it protects people of all ages and health status against all known adverse effects of RF (the word they are using for microwave frequency) exposures”. Professor Pall pointed out that by ignoring 158 bodies of evidence ARPANSA completely fails in its responsibility to protect the health of Australians. He goes on to say that, in general, “ARPANSA makes grandiose claims that are both undocumented and found to be false or, at best highly questionable when one examines the scientific literature”.

Professor Pall raised a number of questions for ARPANSA in his response. He asked ARPANSA to provide answers to these questions within three weeks of receiving his letter

**SOURCE:** Entire paragraph from

<https://stopsmartmeters.com.au/2019/03/22/emeritus-professor-martin-pall-slams-arpansa-response/>

In a paragraph towards the end of the unsigned ARPANSA letter, they write, “It is not expected that the ‘informed consent’ principle, an international convention for medical experiments established in the Nuremberg Code (1947), would apply to non-experimental activities such as the deployment of technology infrastructure within appropriate regulatory requirements”, was further criticised by Pall, who responded by laying out the Nuremberg Code’s ten points

**SOURCE:** Imarc’s publication of THE NUREMBERG CODE AND ITS IMPACT ON CLINICAL RESEARCH

<https://www.imarcresearch.com/blog/bid/359393/nuremberg-code-1947>

Then further explained that without proper intrinsic scientific testing and applying the Code’s precautionary principles, the 5g rollout is experimentation on the people. Other professors concur that 5g is an experiment

**SOURCE:** UK’s Dailymail. 5g is an experiment,

<https://www.dailymail.co.uk/health/article-5784487/The-roll-5G-wireless-service-massive-health-experiment-public-health-expert-warns-a.html>

ARPANSA's response (to Professor Pall and others it is presumed) appeared only as a "misinformation about Australia's 5g network", webpage on their own website, and

**SOURCE:** ARPSANA. 3 June 2019, Misinformation article,

<https://www.arpansa.gov.au/news/misinformation-about-australias-5g-network>

in June 2019, which was lacking in both science and substance, and essentially informed the reader to trust them. Professor Paul's summation in his 28 page letter is fitting, "With 100% consistency, ARPANSA avoids all of the strongest available science in this area. With 100% consistency, ARPANSA has produced a stunningly biased document, whose positions are repeatedly and consistently contradicted by the strongest science and by large numbers of independent scientists. With 100% consistency, ARPANSA has failed to protect the health and safety of the people of Australia. With 100% consistency, ARPANSA has protected the economic interests of the telecommunications industry"

**SOURCE:** <https://stopsmartmeters.com.au/2019/06/12/an-open-letter-to-arpansa-in-response-to-their-media-statement/>

Under the white paper section of the 5GPPP website, 2020 has been a very busy year for them, starting with this statement, providing proof of experimentation:

"The 5G PPP Verticals task force has prepared an overview of the extended pilot trials that are being executed to validate 5G for vertical use cases using the three research infrastructure projects

**5G-EVE, 5GENESIS and 5G-VINNI.** These trials are being performed in the context of the 5G Public-Private Partnership (5G PPP) programme and cover multiple domains, like autonomous driving, smart factories, healthcare, media, energy, etc"

**SOURCE:** <https://5g-ppp.eu/white-papers/>

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## 14 ~ RADIATION: 5G MOBILE NETWORKS AND HEALTH

### Exposure Levels

Currently, exposure from 5G infrastructures at around 3.5 GHz is similar to that from existing mobile phone base stations. With the use of multiple beams from 5G antennas, exposure could be more variable as a function of location of the users and their usage. **Given that the 5G**

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**technology is currently at an early stage of deployment, the extent of any change in exposure to radiofrequency fields is still under investigation**

**SOURCE:** <https://www.who.int/news-room/q-a-detail/5g-mobile-networks-and-health>

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## LAW AND LEGISLATION – IMPROPER PROCEDURES

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### CONSTITUTIONAL LAW

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#### COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECTION 51

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:  
(xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (**but not so as to authorize any form of civil conscription**), benefits to students and family allowances;

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### FEDERAL LEGISLATION

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#### CRIMES ACT 1914 SECTION 24AB SABOTAGE

(1) In this section:

**act of sabotage** means the destruction, damage or impairment, with the intention of prejudicing the safety or defence of the Commonwealth, of any **article**:

- (a) that is used, or intended to be used, by the Defence Force or a part of the Defence Force or is used, or intended to be used, in the Commonwealth or a Territory not forming part of the Commonwealth, by the armed forces of a country that is a proclaimed country for the purposes of section 24AA;
- (b) that is used, or intended to be used, in or in connexion with the **manufacture, investigation or testing of weapons or apparatus of war**;

**article** includes any thing, substance or material.

(2) A person who:

- (a) carries out an act of sabotage; or
- (b) has in his or her possession any article that is capable of use, and which he or she intends for use, in carrying out an act of sabotage;

shall be guilty of an indictable offence.

Penalty:Imprisonment for 15 years.

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#### CRIMINAL CODE ACT 1995 DIVISION 11.2 COMPLICITY AND COMMON PURPOSE

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.
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**CRIMINAL CODE ACT 1995 DIVISION 274.2 TORTURE - DELIBERATE EXPERIMENTATION:**

(2) A person (the *perpetrator*) commits an offence if the perpetrator:

- (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
- (b) the conduct is engaged in for any reason based on discrimination of any kind; and
- (c) the perpetrator engages in the conduct:
  - (i) in the capacity of a public official; or
  - (ii) acting in an official capacity; or
  - (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.

Penalty: Imprisonment for 20 years.

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**CRIMINAL CODE ACT 1995 DIVISION 268.13 CRIME AGAINST HUMANITY—TORTURE**

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

**Penalty: Imprisonment for 25 years.**

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**CRIMINAL CODE ACT 1995 DIVISION 268.25 WAR CRIME—TORTURE**

- (1) A person (the perpetrator) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (d) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (e) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(c).

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**CRIMINAL CODE ACT 1995 DIVISION 268.23 CRIME AGAINST HUMANITY—OTHER  
INHUMANE ACT**

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another **proscribed inhumane act** as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995 DIVISION 268.28 WAR CRIME—WILFULLY CAUSING  
GREAT SUFFERING**

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and

- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995 DIVISION 268.48 WAR CRIME—MEDICAL OR SCIENTIFIC EXPERIMENTS**

**OR 268.93** only difference is e) Non-international armed conflict

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment causes the death of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of an adverse party; and
- (e) the conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for life.

(2) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of an adverse party; and
- (e) the conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty for a contravention of this subsection: Imprisonment for 25 years.

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**STATE LEGISLATION**

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**CRIMES ACT 1958 (VICTORIA) SECTION 9A. TREASON**

- (1) A person who—
- (a) kills the Sovereign, does the Sovereign any bodily harm tending to the death or destruction of the Sovereign or maims, wounds, imprisons or restrains the Sovereign;
  - (b) kills the eldest son and heir apparent, or the Consort, of the Sovereign;
  - (c) levies war, or does any act preparatory to levying war, against the Commonwealth of Australia;
  - (e) instigates a foreigner to make an armed invasion of the Commonwealth or any Territory not forming part of the Commonwealth;
- shall be guilty of an indictable offence, called treason, and liable to—
- (a) level 1 imprisonment; or
  - (b) imprisonment for such other term as is fixed by the court—
- as the court determines.
- 

**CRIMES ACT 1958 (VICTORIA) SECTION 31. ASSAULTS**

- (1) A person who—
- (a) assaults or threatens to assault another person with intent to commit an indictable offence;
- is guilty of an indictable offence.
- Penalty: Level 8 imprisonment.
- (2) In sub-section (1), "**assault**" means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where the application of force is—
- (a) without lawful excuse; and
  - (b) with intent to inflict or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty—
- and results in the infliction of any such consequence (whether or not the consequence inflicted is the consequence intended or foreseen).
- (3) In sub-section (2)—
- "application of force"** includes—
- (a) application of heat, light, electric current or any other form of energy

**CRIMES ACT 1958 (VICTORIA) SECTION 321M. ATTEMPT**

A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.

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**CRIMES ACT 1958 (VICTORIA) SECTION 322F. OTHER ENACTMENTS NOT AFFECTED**

This Part shall not affect the operation of any enactment restricting the institution of proceedings for an offence.

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT (VIC) 2006  
SECTION 10 PROTECTION FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING  
TREATMENT**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

Section 10 Protection from Torture and Cruel, Inhuman or Degrading Treatment

A person must not be—

- (a) subjected to torture; or
- (b) treated or punished in a cruel, inhuman or degrading way; or
- (c) subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent.

**CHHRA 2006 Section 11      Protection of families and children**

Imposition of experiments without free informed consent contravenes Article 7 of the International Covenant on Civil and Political Rights [1] and Article 15(1) of the Convention on the Rights of Persons With Disabilities [2].

[1] <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

[2] <http://www.un.org/disabilities/convention/conventionfull.shtml>

Australian Human Rights Commission Act 1986 (Page 108) Part III Article 7

Article 5 ICCPR

Article 7 ICCPR

UN Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment sections????

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**CASE LAW**

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**CASE: DOCKET NO. 98-9009**

**CELLULAR TELEPHONE COMPANY, (AT & T WIRELESS SERVICES), V. THE TOWN OF OYSTER BAY AND THE TOWN BOARD OF THE TOWN OF OYSTER BAY**

Case: Docket no. 98-9009

United States Court of Appeals, Second Circuit

Cellular Telephone Company, doing business as AT & T Wireless Services, Plaintiff – Appellee, v. The Town of Oyster Bay and The Town Board of the Town of Oyster Bay, Defendants – Appellants

Decided: January 29, 1999

“At the bottom of this case you’ll see this statement:

“The statute uses the term “environmental effects” to describe an impermissible basis for decision. Although one court has questioned whether “environmental effects” and “health concerns” are the same, see *Iowa Wireless Servs., L.P. v. City of Moline, Illinois*, 29 F.Supp.2d 915, 924 (C.D.Ill.1998), we believe that the terms are interchangeable and will use “health concerns” to refer to the constituent testimony on the connection between rfes and cancer and other health problems.”

The court was wrong, we know it and this ruling can be rectified by another court ruling.”

**SOURCE:**

**Court case:** <https://caselaw.findlaw.com/us-2nd-circuit/1374660.html>

**Article :** Court Law versus Section 704 of the 1996 Telecommunications Act

<https://citizensfor5gawareness.org/2020/04/15/court-law-versus-section-704-of-the-1996-telecommunications-act/>

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**CASE: 2:17-CV-03445-SJF-ARL**

**FEDERAL JUDGE RECOMMENDS COURT DISMISS CROWN CASTLE SUITE AGAINST OYSTER BAY, “CITIZENS HAVE WON”**

Court case 2:17-CV-03445-SJF-ARL  
March 2, 2020

“Federal judge ruled that building permits are needed to install cellphone equipment in the town.”

**SOURCE:**

**Article :** Federal judge rules in favor of town of Oyster Bay in cellphone equipment case  
<https://www.msn.com/en-us/news/us/federal-judge-rules-in-favor-of-town-of-oyster-bay-in-cellphone-equipment-case/ar-BB10HG40>

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**CASE: 13543/14**

**CAPE TOWN RESIDENTS FORCE MTN TO REMOVE CELLPHONE TOWER**

Court case: 13543/14  
Heard: 21 May 2015 Delivered: 3 June 2015

Residents of Constantia in Cape Town have won a legal battle against MTN to have a ...  
cellphone mast taken down.

**SOURCE:**

**Court case:** <http://www.saflii.org/za/cases/ZAWCHC/2015/79.pdf>

**Article :** Cape Town Residents Force MTN to Remove Cellphone Tower  
[https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvJVkDg1Yly\\_tSGNb29CYqdDbKsNRTV69kyXI](https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvJVkDg1Yly_tSGNb29CYqdDbKsNRTV69kyXI)

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**SUPREME COURT CASE: S238001**

**SUPREME COURT RULES PERMIT MUST BE GRANTED FOR TELECOMMUNICATION  
EQUIPMENT**

Supreme Court Case: S238001  
April 4, 2019  
*T-Mobile West LLC et al vs the City and County of San Francisco, et al*

The California Supreme Court voted unanimously to uphold a lower court's ruling in favor of municipal control by the City and County of San Francisco over wireless industry initiatives.

The City ruled that a permit must be granted prior to seeking to "construct, install or maintain telecommunications equipment in the public right-of- way"

**SOURCE:**

**Supreme Court case:** <https://law.justia.com/cases/california/supreme-court/2019/s238001.html>

**Article :** State Supreme Court Sides With San Francisco

Published April 5, 2019

<https://insidetowers.com/cell-tower-news-state-supreme-court-sides-with-san-francisco/?fbclid=IwAR2JdaegIki60QJK62BKfr2BH9MZrV-ZJe6vMZaZuBHYcn-YoWOJuLh5M>

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## INTERNATIONAL LAW AND LEGISLATION

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### PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED IN THE CHARTER OF THE NÜRNBERG TRIBUNAL AND IN THE JUDGMENT OF THE TRIBUNAL

Principle I: Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II: The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

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## SCRIPTURAL LAW

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### EPHESIANS 4:18

"They are darkened in their understanding, alienated from the life of God because of the ignorance that is in them, due to their hardness of heart."

### JAMES 2:10

"For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all."

**LUKE 16:17**

“And it is easier for heaven and earth to pass, than one tittle of the law to fail.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 3:20**

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**ROMANS 13:10**

“Love does no harm to a neighbor. Therefore love is the fulfillment of the law.”

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**PROVERBS 19:16**

“Whoever keeps commandments keeps their life,  
but whoever shows contempt for their ways will die.”

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**LEVITICUS 5:17**

“If anyone sins and does what is forbidden in any of the Lord’s commands, even though they do not know it, they are guilty and will be held responsible.”

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**EXODUS 23:1**

“Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness.”

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**EPHESIANS 5:29**

“for no man ever yet hated his own flesh; but nourisheth and cherisheth it,”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Nor can he who is put upon inquiry escape the consequences thereof, by declining to make proper investigations. In Equity, every man is chargeable with all that due diligence, in the particular matter, would have resulted in. Equity requires a party to do all that, in good reason and good conscience, he should have done; and a failure to do what it was a party’s duty to have done, will not relieve him from the penalties of his neglect.

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Qui non obstat quod obstare potest facere videtur - He who does not prevent what he can, seems to commit the thing

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He who comes into equity must come with clean hands

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## SECTION 2 - LACK OF HEALTH STUDIES

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### REFERENCES – LACK OF HEALTH STUDIES

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#### 01 – INTERNATIONAL APPEAL – STOP 5G ON EARTH AND IN SPACE

##### **Harmful Effects of Radio Frequency Radiation Are Already Proven**

Even before 5G was proposed, [dozens of petitions and appeals](#) by international scientists, including the [Freiburger Appeal](#) signed by over 3,000 physicians, called for a halt to the expansion of wireless technology and a moratorium on new base stations.

In 2015, [215 scientists from 41 countries](#) communicated their alarm to the United Nations (UN) and World Health Organization (WHO). They stated that “numerous recent scientific publications have shown that EMF [electromagnetic fields] affects living organisms at levels well below most international and national guidelines”. More than 10,000 peer-reviewed scientific studies demonstrate harm to human health from RF radiation. Effects include:

- [Alteration of heart rhythm](#)
- [Altered gene expression](#)
- [Altered metabolism](#)
- [Altered stem cell development](#)
- [Cancers](#)
- [Cardiovascular disease](#)
- [Cognitive impairment](#)
- [DNA damage](#)
- [Impacts on general well-being](#)
- [Increased free radicals](#)
- [Learning and memory deficits](#)
- [Impaired sperm function and quality](#)
- [Miscarriage](#)
- [Neurological damage](#)
- [Obesity and diabetes](#)
- [Oxidative stress](#)

Effects in children include [autism](#), [attention deficit hyperactivity disorder \(ADHD\)](#) and [asthma](#).

Damage goes well beyond the human race, as there is abundant evidence of harm to diverse plant- and [wildlife](#) and laboratory animals, including:

- [Ants](#)
- [Birds](#)
- [Forests](#)

- [Frogs](#)
- [Fruit flies](#)
- [Honey bees](#)
- [Insects](#)
- [Mammals](#)
- [Mice](#)
- [Plants](#)
- [Rats](#)
- [Trees](#)

### **Regulators Have Deliberately Excluded the Scientific Evidence of Harm**

Stakeholders thus far in the development of 5G have been industry and governments, while renowned international EMF scientists who have documented biological effects on humans, animals, insects and plants, and alarming effects on health and the environment in thousands of peer-reviewed studies have been excluded. The reason for the current inadequate safety guidelines is that [conflicts of interest](#) of standard-setting bodies “due to their relationships with telecommunications or electric companies undermine the impartiality that should govern the regulation of Public Exposure Standards for non-ionizing radiation”. Professor Emeritus Martin L. Pall lays out the conflicts of interest in detail, and the lists of important studies that have been excluded, in his [literature review](#).

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

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### **02 – DUTY TO INFORM AND EMFS**

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** [https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

[The Mid-term review of the European Environment and Health Action Plan 2004-2010](#) (2008): “The European Parliament... [n]otes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete, ... obviously take no account of developments in information and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.”

**SOURCE:** <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0410>

[Resolution 1815 \(Council of Europe, 2011\)](#): “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

**SOURCE:** <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

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### D3 – PLANETARY ELECTROMAGNETIC POLLUTION: IT IS TIME TO ASSESS ITS IMPACT

Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour. These findings deserve urgent attention.

At the [Oceania Radiofrequency Scientific Advisory Association](#), an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant

biological or health effects associated with exposure to anthropogenic electromagnetic fields. We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects. This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment. Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally. Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.

**SOURCE:** The Lancet, Planetary Health. Article: “Planetary electromagnetic pollution: it is time to assess its impact

Authors: Priyanka Bandara & David O. Carpenter

Published: December, 2018. Volume 2, Issue 12, E512-E514

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPIZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaE|c.facebook>

#### **D4 – BIOLOGICAL EFFECTS FROM EXPOSURE TO ELECTROMAGNETIC RADIATION EMITTED BY CELL TOWER BASE STATIONS AND OTHER ANTENNA ARRAYS**

Numerous biological effects do occur after short-term exposures to low-intensity RFR but potential hazardous health effects from such exposures on humans are still not well established, despite increasing evidence as demonstrated throughout this paper. Unfortunately, not enough is known about biological effects from long-term exposures, especially as the effects of long-term exposure can be quite different from those of short-term exposure. It is the long-term, low-intensity exposures that are most common today and increasing significantly from myriad wireless products and services.

People are reporting symptoms near cell towers and in proximity to other RFR-generating sources including consumer products such as wireless computer routers and Wi-Fi systems that appear to be classic “microwave sickness syndrome,” also known as “radiofrequency radiation sickness.” First identified in the 1950s by Soviet medical researchers, symptoms included headache, fatigue, ocular dysfunction, dizziness, and sleep disorders. In Soviet medicine, clinical manifestations include dermatographism, tumors, blood changes, reproductive and cardiovascular abnormalities, depression, irritability, and memory impairment, among others. The Soviet researchers noted that the syndrome is reversible in early stages but is considered lethal over time ([Tolgskaya et al. 1973](#)).

Safety to populations living or working near communications infrastructure has not been given the kind of attention it deserves. Aggregate ambient outdoor and indoor exposures should be emphasized by summing up levels from different generating source points in the vicinity. Radiofrequency radiation should be treated and regulated like radon and toxic chemicals, as aggregate exposures, with appropriate recommendations made to the public including for consumer products that may produce significant RFR levels indoors. When indoor consumer products such as wireless routers, cordless/DECT phones, leaking microwave ovens, wireless speakers, and (or) security systems, etc. are factored in with nearby outdoor transmission infrastructure, indoor levels may rise to exposures that are unsafe. The contradictions in the studies should not be used to paralyze movement toward safer regulation of consumer products, new infrastructure creation, or better tower siting. Enough good science exists regarding long-term low-level exposures — the most prevalent today — to warrant caution.

The present U.S. guidelines for RFR exposure are not up to date. The most recent IEEE and NCRP guidelines used by the U.S. FCC have not taken many pertinent recent studies into consideration because, they argue, the results of many of those studies have not been replicated and thus are not valid for standards setting. That is a specious argument. It implies that someone tried to replicate certain works but failed to do so, indicating the studies in question are unreliable. However, in most cases, no one has tried to exactly replicate the works at all. It must be pointed out that the 4 W/kg SAR threshold based on the de Lorge studies have also not been replicated independently. In addition, effects of long-term exposure, modulation, and other propagation characteristics are not considered. Therefore, the current guidelines are questionable in protecting the public from possible harmful effects of RFR exposure and the U.S. FCC should take steps to update their regulations by taking all recent research into consideration without

waiting for replication that may never come because of the scarcity of research funding. The ICNIRP standards are more lenient in key exposures to the population than current U.S. FCC regulations. The U.S. standards should not be “harmonized” toward more lenient allowances. The ICNIRP should become more protective instead. All standards should be biologically based, not dosimetry based as is the case today.

Exposure of the general population to RFR from wireless communication devices and transmission towers should be kept to a minimum and should follow the “As Low As Reasonably Achievable” (ALARA) principle. Some scientists, organizations, and local governments recommend very low exposure levels — so low, in fact, that many wireless industries claim they cannot function without many more antennas in a given area. However, a denser infrastructure may be impossible to attain because of citizen unwillingness to live in proximity to so many antennas. In general, the lowest regulatory standards currently in place aim to accomplish a maximum exposure of 0.02 V/m, equal to a power density of 0.0001  $\mu\text{W}/\text{cm}^2$ , which is in line with Salzburg, Austria’s indoor exposure value for GSM cell base stations. Other precautionary target levels aim for an outdoor cumulative exposure of 0.1  $\mu\text{W}/\text{cm}^2$  for pulsed RF exposures where they affect the general population and an indoor exposure as low as 0.01  $\mu\text{W}/\text{cm}^2$  (Sage and Carpenter 2009). In 2007, *The BioInitiative Report, A rationale for a biologically based public exposure standard for electromagnetic fields (ELF and RF)*, also made this recommendation, based on the precautionary principle (Bioinitiative Report 2007).

**SOURCE:** <https://www.nrcresearchpress.com/doi/10.1139/A10-018#.XoIMPG5uKUK>

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## 05 – SUPPORTING LETTERS FROM SCIENTISTS AND MEDICAL EXPERTS

In the case of "protection from exposure to electromagnetic fields", it is thus of paramount importance to act from a prudence avoidance/precautionary principle point of view. Anything else would be highly hazardous! Total transparency of information is the key sentence here, I believe consumers are very tired of always having the complete truth years after a certain catastrophe already has taken place. For instance, it shall be noted, that today's recommendation values for wireless systems, the SAR-value, are just recommendations, and not safety levels. Since scientists observe biological effects at as low as 20 microWatts/kg, is it then really safe to irradiate humans with 2 W/kg (i.e., with 100,000 times stronger radiation!), which is the recommendation level for us? And, furthermore, it is very strange to see, over and over again, that highly relevant scientific information is suppressed or even left out in various official documents, as high up as at the governmental level of society. This is not something that the consumers will gain anything good from, and, still, the official declaration or explanation (from experts and politicians) very often is: "If we (=the experts) would let everything out in the open, people would be very scared and they would panic." Personally, I have never seen this happen, but instead I have frequently seen great disappointment from citizens who afterwards have realized they have been fooled by their own experts and their own politicians...

In many commentaries, debate articles and public lectures - for the last 20-30 years - I have urged that completely independent research projects must be inaugurated immediately to ensure our public health. These projects must be entirely independent of all types of commercial interests; public health cannot have a price-tag! It is also of paramount

importance that scientists involved in such projects must be free of any carrier considerations and that the funding needed is covered to 100%, not 99% or less. This is the clear responsibility of the democratically elected body of every country.

Many wireless systems are close to beds, kitchens, playrooms, and similar locations, as well as are now introduced into schools and pre-schools. These wireless systems are never off, and the exposure is not voluntary. These wireless systems are being forced on citizens everywhere. Based on this, the inauguration of such wireless systems with grudging and involuntary exposure of millions to billions of human beings to pulsed microwave radiation should immediately be prohibited until 'the red flag' can be hauled down once and for all. In conclusion, wireless systems, such as Wi-Fi routers, can not be regarded as safe in schools, but must be deemed highly hazardous and unsafe for the children as well as for the staff. I encourage governments and local health and educational bodies to adopt a framework of guidelines for public and occupational EMF exposure that reflects the Precautionary Principle.

With my very best regards

Yours sincerely

Olle Johansson, assoc. professor.

**SOURCE:** Karolinska Institutet, Department of Neuroscience, Experimental Dermatology Unit

[http://www.wifi-in-schools-australia.org/p/blog-page\\_3.html](http://www.wifi-in-schools-australia.org/p/blog-page_3.html)

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## 06 – 5G: THE BIG PICTURE

### **The Un-reassuring Assurances of Government and Industry**

The Government body charged with protecting public health, Public Health England, advises us that there is no convincing evidence that Radio Frequency radiation (which radio, television, mobile phones, smartphones and 5G all use) has any adverse health effects on either adults or children.

It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

This advice is based on the recommendations of a supposedly independent body called AGNIR (Advisory Group on Non-Ionising Radiation), which produced a report in 2012 on the safety of Radio Frequency radiation. The report stated that there was a lack of “convincing” and “conclusive” evidence for any adverse health effects.<sup>9</sup> It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

It turns out that far from being independent, AGNIR has a high proportion of members with blatant conflicts of interests, and their report distorted or simply left out of account evidence that should have compelled them to reach the opposite conclusion to the one they arrived at. In a forensic analysis of the report, the environmental health researcher, Sarah Starkey, makes it clear that only a wilful disregard of the available scientific evidence could explain its internal contradictions and apparent incompetence.

Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects ...

And yet it is the basis of current UK Government policy, allowing government to roll out 5G without so much as even a nod towards the need for prior health and safety assessment.<sup>11</sup> Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects, which continues to grow at the rate of roughly 350 per year, on average practically one every day.<sup>12</sup>

One of the reasons for ignoring this evidence in the hell-for-leather dash to create the 5G electronic ecosystem is the conviction in government circles that, unless we introduce it immediately, we will be “left behind” and our economic growth and competitiveness will be put at risk. There is simply no time to consider the possible health consequences.

The National Infrastructure Commission, whose 2016 report, *CONNECTED FUTURE*, forms the basis of current Government policy, pushed this panicky vision of the UK falling behind other nations and urged the government to ensure that the new digital infrastructure is fully in place by 2025.<sup>13</sup> The NIC report repeatedly points out that the rewards of the “connected future” are to be measured in billions of pounds worth of revenue.

The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that *DISCONNECT* us more and more from the real world is entirely missed.

The mind-boggling amounts involved are well exemplified in a recent estimate that the global media industry alone stands to gain \$1.3 trillion from 5G by 2025, not least because 5G will “unlock the potential of augmented reality (AR) and virtual reality (VR)”.<sup>14</sup> The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that *DISCONNECT* us more and more from the real world is entirely missed.

The sums involved are sufficient to explain why the telecoms industry has for the last twenty-five years done its utmost to ensure that research into the health effects of wireless technologies produce negative or inconclusive results. Since 1993, the industry has financed a large number of studies, saving governments a great deal of expense and at the same time preserving the convenient illusion that the jury is still out on whether exposure to Radio Frequency radiation causes harm.

Earlier this year, *THE GUARDIAN* published an article citing research which showed that while 67% of independently funded studies found a biological effect of exposure to Radio Frequency radiation, only 28% of industry-funded studies did. Industry-funded studies are almost two and a half times less likely than independent studies to find health effects.<sup>15</sup> The authors of the *GUARDIAN* article explain that the telecoms industry doesn't need to win the scientific argument about safety, but simply keep the argument running indefinitely by producing studies with results that fail to verify, or even better contradict, the research that does find adverse health effects.

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually PROTECTS the user from brain tumours!

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually PROTECTS the user from brain tumours! This study, which is full of contradictions and suffers from grievous design flaws, is often quoted as the most authoritative to date, while it has in fact been thoroughly discredited.

Nevertheless, the impression is maintained that there is no scientific consensus, and so there are not sufficient grounds for action to be taken. Needless to say, this suits Government just as much as it suits industry.

Beyond the health effects there is another level altogether of what the roll out of 5G actually entails.

**SOURCE: Article: “5G: The Big Picture” by Jeremy Naydler, Ph.D. April 25, 2019**

<https://childrenshealthdefense.org/news/5g-the-big-picture/>

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## 07 - JOURNAL OF ONCOLOGY

World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review)

### Abstract

In May 2011 the International Agency for Research on Cancer (IARC) evaluated cancer risks from radiofrequency (RF) radiation. Human epidemiological studies gave evidence of increased risk for glioma and acoustic neuroma. RF radiation was classified as Group 2B, a possible human carcinogen. Further epidemiological, animal and mechanistic studies have strengthened the association. In spite of this, in most countries little or nothing has been done to reduce exposure and educate people on health hazards from RF radiation. On the contrary ambient levels have increased. In 2014 the WHO launched a draft of a Monograph on RF fields and health for public comments. It turned out that five of the six members of the Core Group in charge of the draft are affiliated with International Commission on Non-Ionizing Radiation Protection (ICNIRP), an industry loyal NGO, and thus have a serious conflict of interest. Just as by ICNIRP, evaluation of non-thermal biological effects from RF radiation are dismissed as scientific evidence of adverse health effects in the Monograph. This has provoked many comments sent to the WHO. However, at a meeting on March 3, 2017 at the WHO Geneva office it was stated that the WHO has no intention to change the Core Group.

### 7. Concluding remarks

The meeting at WHO was an obvious disappointment. During the discussion the two WHO officials showed little interest to collaborate with the scientists convened at the meeting in spite of the scientific evidence on adverse health effects. Their in-house experts seem to be members of ICNIRP, although not exclusively. This may explain why only short-term thermal effects from RF radiation are accepted as proofs of harm, and why non-thermal biological effects are ignored. In the draft of the Monograph a large bulk of peer-reviewed scientific publications on non-thermal effects are dismissed, c.f. as also by ICNIRP (19). Most remarkable is that WHO has no intention to replace the Core Group of experts affiliated with ICNIRP. Thereby ICNIRP is given full access to and exclusive possibilities to influence the Monograph. In view of the huge economic interests built into the ICNIRP guidelines, and several of its expert members' ties to industry, no doubt this is a large conflict of interest that will seriously undermine not only the credibility of the Monograph on RF radiation but also the credibility of WHO as a protector of world health. Seriously enough, the Monograph will be the hallmark for years to come on evaluation of health hazards from RF radiation and pave the way for increasing exposure to RF radiation to people and environment, e.g. the fifth generation (5G), internet of things, etc. Children and adolescents may be more sensitive to RF radiation than adults (2). Thus as an authoritative agency, WHO has an obligation to reference all the scientific research results and call the experts from all the related fields like engineering, health and medicine to engage in the re-evaluation of all health effects including non-thermal of RF radiation. Related agencies should launch an objective and transparent project for this assessment. The EMF project was started many years ago and many new wireless digital technologies are developed and new devices are popularizing with a very fast speed.

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

To evaluate cancer risks it is necessary to include scientists with competence in medicine, especially oncology. Furthermore, what are the personal advantages, at least in the short time, for those refusing to accept peer-reviewed scientific publications on adverse effects on health and environment from RF radiation? Ironically enough, whether knowingly or not, the WHO staff seems to protect themselves from high involuntary RF radiation levels at least in the measured areas within the Geneva building.

**SOURCE:** <https://www.spandidos-publications.com/ijo/51/2/405>

Authors: Lennart Hardell

## 08 - MOBILE PHONES AND CANCER – THE FULL PICTURE

“As other authors have pointed out, the US’s National Toxicology Program results raise several questions about methodology and interpretation but certainly do not show RF leads to cancer. .... A multitude of studies have been performed to this end, and as the World Health Organisation states, there has been no evidence of detrimental health effects: “A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.”

“The 13-country Interphone study examined phone usage in more than 5,000 patients with brain tumours, concluding there was no causal relationship between phone use and brain tumours. And while one would expect cancer rates to increase with usage were this a cause, the dose-response curve betrayed no signs of correlation. In some instances, it registered a decrease in risk with increasing usage. .... Interphone’s actual conclusion: “Overall, no increase in risk of glioma or meningioma was observed with the use of mobile phones.”

“Other studies have been similarly robust; a Danish cohort study followed 358,403 people for 27 years, again finding no link between phone usage and tumour rates. The scientific consensus to date is that there is no evidence linking cancer to mobile phones.”

“Since the early 1990s, mobile phone usage worldwide has grown at an exponential rate. If phones are linked to cancer, we’d expect to see a marked uptick in cancer with uptake. Yet we do not. American mobile phone penetration increased from almost nothing in 1992 to practically 100% by 2008 and there is zero indication glioma rates have increased, a finding replicated by numerous other studies.”

“RF [is] notoriously low energy and non-ionising, lacking the ability to wreak havoc on DNA. For cancers to form, a carcinogen needs to damage DNA – unless some extremely novel mechanism were to be discovered, it is extraordinarily unlikely that RF could cause cancer.”

“While constant monitoring of an emergent technology is laudable, current evidence contradicts the hypothesis that mobile phones increase the risk of cancer.”

**SOURCE:** The Guardian, Australian Edition. Author David Robert Grimes  
Date: Sun 22 July 2018

<https://www.theguardian.com/technology/2018/jul/21/mobile-phones-are-not-a-health-hazard>

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## 09 – ASSOCIATION BETWEEN MOBILE PHONE USE AND SEMEN QUALITY: A SYSTEMIC REVIEW AND META-ANALYSIS

Evidence from current studies suggests potential harmful effects of mobile phone use on semen parameters. A further multi-centred and standardized study is needed to assess the risk of mobile phone use on the reproductive system.

SOURCE: <https://pubmed.ncbi.nlm.nih.gov/24700791/>

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**10 – LONG-TERM EFFECTS OF 900 MHZ RADIOFREQUENCY RADIATION EMITTED FROM MOBILE PHONE ON TESTICULAR TISSUE AND EPIDIDYMAL SEMEN QUALITY**

In conclusion, we claim that long-term exposure of 900 MHz RF radiation alter some reproductive parameters. However, more supporting evidence and research is definitely needed on this topic.

SOURCE: <https://pubmed.ncbi.nlm.nih.gov/23781998/>

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**11 – REPORT OF FINAL RESULTS REGARDING BRAIN AND HEART TUMORS IN SPRAGUE-DAWLEY RATS EXPOSED FROM PRENATAL LIFE UNTIL NATURAL DEATH TO MOBILE PHONE RADIOFREQUENCY FIELD REPRESENTATIVE OF A 1.8 GHZ GSM BASE STATION ENVIRONMENTAL EMISSION**

**Conclusions:** The RI findings on far field exposure to RFR are consistent with and reinforce the results of the NTP study on near field exposure, as both reported an increase in the incidence of tumors of the brain and heart in RFR-exposed Sprague-Dawley rats. These tumors are of the same histotype of those observed in some epidemiological studies on cell phone users. These experimental studies provide sufficient evidence to call for the re-evaluation of IARC conclusions regarding the carcinogenic potential of RFR in humans.

SOURCE: <https://pubmed.ncbi.nlm.nih.gov/29530389/>

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**12 – MOBILE PHONE RADIATION CAUSES BRAIN TUMORS AND SHOULD BE CLASSIFIED AS A PROBABLY HUMAN CARCINOGEN (2A) (REVIEW)**

We conclude that radiofrequency fields should be classified as a Group 2A' probable human carcinogen under the criteria used by the International Agency for Research on Cancer (Lyon, France). Additional data should be gathered on exposures to mobile and cordless phones, other WTDs, mobile phone base stations and Wi-Fi routers to evaluate their impact on public health.

SOURCE: <https://pubmed.ncbi.nlm.nih.gov/25738972/>

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### 13 – ELECTROHYPERSENSITIVITY AS A NEWLY IDENTIFIED AND CHARACTERIZED NEUROLOGIC PATHOLOGICAL DISORDER: HOW TO DIAGNOSE, TREAT, AND PREVENT IT

“Moreover, 80% of the patients with EHS present with one, two, or three detectable oxidative stress biomarkers in their peripheral blood, meaning that overall these patients present with a true objective somatic disorder.”

“In 2002, Santini et al. in France reported similar symptomatic intolerance in users of digital cellular phones and among people living near wireless communication base stations [3,4].”

Because EHS is becoming a new insidious worldwide plague involving millions of people, we ask the World Health Organization (WHO) to include EHS as a neurologic disorder in the international classification of diseases.

SOURCE: <https://www.mdpi.com/1422-0067/21/6/1915/htm>

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### 14 – WORLDWIDE STATEMENTS OF ORGANIZATIONS REGARDING EMF

Thermal effects are defined as effects that originate in elevated temperatures from the absorption of electromagnetic energy. The specific absorption rate (SAR) is defined as the rate of absorption of electromagnetic energy in a unit mass of biological tissue. It is proportional to the incremental temperature increase in that tissue. Indeed while a significant temperature increase must be avoided as it can be of immediate adverse health consequences (tissue necrosis, cardiac stress, etc.) exposures can be without (measureable) temperature increase either because of heat dissipation or because the exposure is too low to be associated with relevant heating. The latter type of exposure is termed non-thermal. Biological and health-relevant effects at non-thermal levels have been shown and discussed by many research groups all over the world (9), (10), (22), (23), (24).

The ICNIRP recommendations were adopted by the EU in its Council Recommendation of 1999, without considering long-term non-thermal effects. However, it should be stressed that at an international EMF conference in London (2008), Professor Paolo Vecchia, ICNIRP Chairman from 2004 to 2012, said about the exposure guidelines “What they are not”: “They are not mandatory prescriptions for safety”, “They are not the ‘last word’ on the issue”, and “They are not defensive walls for industry or others” (25).

**SOURCE:** <https://www.degruyter.com/view/journals/reveh/31/3/article-p363.xml>

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## 15 – 5G, MILLIMETRE WAVES AI AND THE INTERNET OF THINGS (IOT)

### **Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”**

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

### **Industry is Deeply Involved in the Science**

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#). This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by industry is less likely to find health risks than studies paid for by institutions or authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP’s self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE:** STOP5G Strategy Kit (page 38)  
<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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## 16 – ADVERSE HEALTH EFFECTS OF 5G MOBILE NETWORKING TECHNOLOGY UNDER REAL-LIFE CONDITIONS

### Abstract

This article identifies adverse effects of non-ionizing non-visible radiation (hereafter called wireless radiation) reported in the premier biomedical literature. It emphasizes that most of the laboratory experiments conducted to date are not designed to identify the more severe adverse effects reflective of the real-life operating environment in which wireless radiation systems operate. Many experiments do not include pulsing and modulation of the carrier signal.

**SOURCE:**

<https://www.sciencedirect.com/science/article/abs/pii/S037842742030028X>

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## 17 – BUILDING SCIENCE AND RADIOFREQUENCY RADIATION: WHAT MAKES SMART AND HEALTHY BUILDINGS

Adverse biochemical and biological effects at commonly experienced RFR levels indicate that exposure guidelines for the U.S., Canada and other countries are inadequate to protect public health and the environment.

**SOURCE:**

<https://www.sciencedirect.com/science/article/pii/S0360132319305347>

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## 18 – ICNIRP GUIDELINES FOR LIMITING EXPOSURE TO ELECTROMAGNETIC FIELDS (100 KHZ TO 300 GHZ)

**SUMMARY** The only substantiated adverse health effects caused by exposure to radiofrequency EMFs are nerve stimulation, changes in the permeability of cell membranes, and effects due to temperature elevation. There is no evidence of adverse health effects at exposure levels below the restriction levels in the ICNIRP (1998) guidelines and no evidence of an interaction mechanism that would predict that adverse health effects could occur due to radio frequency EMF exposure below those restriction levels.

**SOURCE:** ICNIRP Guidelines for Limiting Exposure to Electromagnetic Fields (100 kHz to 300 GHz)

Special Submission, Published in: Health Phys 118(5): 483-524; 2020

The above excerpt is from page 523 of the Submission

Published Ahead of print in March 2020: Health Phys 118(00):000-000;2020

[https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q\\_YdL2q4iF4ZtotOine3LykRhFWN4Gue5TQp-MGZcbRnQ](https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q_YdL2q4iF4ZtotOine3LykRhFWN4Gue5TQp-MGZcbRnQ)

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### 19 – THE PROCRUSTEAN APPROACH – SETTING EXPOSURE STANDARDS FOR TELECOMMUNICATIONS FREQUENCY ELECTROMAGNETIC RADIATION

This thesis contends that, rather than taking a precautionary approach, Western standard setting organisations have actually followed what can best be described as a procrustean approach. This approach consists of cutting off from consideration scientific data that does not confirm to their bed of knowledge. Such an approach can be considered just as inimical to public health protection as was Procrustes' mythical bed for the public of his time.

**SOURCE:** <https://www.emfacts.com/the-procrustean-approach/>

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### 20 – THE SIGNIFICANCE OF THE NUREMBERG CODE – AS IT APPLIES TO 5G

1. The voluntary consent of the human subject is absolutely essential.

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.

2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.
8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiment seems to him to be impossible.
10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill, and careful judgment required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.

**SOURCE:** CEP – Center for Electrosmog Prevention: a California nonprofit working to protect public health

<https://www.electrosmogprevention.org/international-electrosmog-prevention-news/stop-5g/the-significance-of-the-nuremberg-code-as-it-applies-to-5g/>

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## 21 - THE NUREMBERG CODE AND ITS IMPACT ON CLINICAL RESEARCH

The Nuremberg Code aimed to protect human subjects from enduring the kind of cruelty and exploitation the prisoners endured at concentration camps. The 10 elements of the code are:

1. Voluntary consent is essential

2. The results of any experiment must be for the greater good of society
3. Human experiments should be based on previous animal experimentation
4. Experiments should be conducted by avoiding physical/mental suffering and injury
5. No experiments should be conducted if it is believed to cause death/disability
6. The risks should never exceed the benefits
7. Adequate facilities should be used to protect subjects
8. Experiments should be conducted only by qualified scientists
9. Subjects should be able to end their participation at any time

The scientist in charge must be prepared to terminate the experiment when injury, disability, or death is likely to occur

**SOURCE:** <https://www.imarcresearch.com/blog/bid/359393/Nuremberg-Code-1947>

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## 22 – ETHICAL PRINCIPLES FOR MEDICAL RESEARCH INVOLVING HUMAN SUBJECTS

Page 2192:

25. "Participation by individuals capable of giving informed consent as subjects in medical research must be voluntary. Although it may be appropriate to consult family members or community leaders, no individual capable of giving informed consent may be enrolled in a research study unless he or she freely agrees."

Page 2193:

26. "In medical research involving human subjects capable of giving informed consent, each potential subject must be adequately informed of the aims, methods, sources of funding, any possible conflicts of interest, institutional affiliations of the researcher, the anticipated benefits and potential risks of the study and the discomfort it may entail, post-study provisions and any other relevant aspects of the study. The potential subject must be informed of the right to refuse to participate in the study or to withdraw consent to participate at any time without reprisal. Special attention should be given to the specific information needs of individual potential subjects as well as to the methods used to deliver the information.

After ensuring that the potential subject has understood the information, the physician or another appropriately qualified individual must then seek the potential subject's freely-

given informed consent, preferably in writing. If the consent cannot be expressed in writing, the non-written consent must be formally documented and witnessed.

All medical research subjects should be given the option of being informed about the general outcome and results of the study.”

28. “For a potential research subject who is incapable of giving informed consent, the physician must seek informed consent from the legally authorised representative. These individuals must not be included in a research study that has no likelihood of benefit

for them unless it is intended to promote the health of the group represented by the potential subject, the research cannot instead be performed with persons capable of providing informed consent, and the research entails only minimal risk and minimal burden.”

29. “When a potential research subject who is deemed incapable of giving informed consent is able to give assent to decisions about participation in research, the physician must seek that assent in addition to the consent of the legally authorised representative. The potential subject’s dissent should be respected.”

30. “Research involving subjects who are physically or mentally incapable of giving consent, for example, unconscious patients, may be done only if the physical or mental condition that prevents giving informed consent is a necessary characteristic of the research group. In such circumstances the physician must seek informed consent from the legally authorised representative. If no such representative is available and if the research cannot be delayed, the study may proceed without informed consent provided that the specific reasons for involving subjects with a condition that renders them unable to give informed consent have been stated in the research protocol and the study has been approved by a research ethics committee. Consent to remain in the research must be obtained as soon as possible from the subject or a legally authorised representative.”

**SOURCE: World Medical Association Declaration of Helsinki.** Originally adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964 and subsequently complemented until the 64th WMA General Assembly, Fortaleza, Brazil, October 2013

November 27, 2013 Volume 310, Number 20

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjc98aMsZ\\_rAhXjjeYKHZWnDK4QFjACegQIAxAB&url=https%3A%2F%2Fwww.wma.net%2Fwp-content%2Fuploads%2F2016%2F11%2FDoH-Oct2013-IAMA.pdf&usg=AOvVaw3II5cd12oj9Tse1luMnCSu](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjc98aMsZ_rAhXjjeYKHZWnDK4QFjACegQIAxAB&url=https%3A%2F%2Fwww.wma.net%2Fwp-content%2Fuploads%2F2016%2F11%2FDoH-Oct2013-IAMA.pdf&usg=AOvVaw3II5cd12oj9Tse1luMnCSu)

## 23 – THE BELMONT REPORT – NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIOURAL RESEARCH

Page 3: “The fact that a procedure is “experimental,” in the sense of new, untested or different, does not automatically place it in the category of research. Radically new procedures of this description should, however, be made the object of formal research at an early stage in order to determine whether they are safe and effective. Thus, it is the responsibility of medical practice committees, for example, to insist that a major innovation be incorporated into a formal research project.”

Page 6: “In most cases of research involving human subjects, respect for persons demands that subjects enter into the research voluntarily and with adequate information.”

Page 10: “Informed Consent – Respect for persons requires that subjects, to the degree that they are capable, be given the opportunity to choose what shall or shall not happen to them. This opportunity is provided when adequate standards for informed consent are satisfied.

While the importance of informed consent is unquestioned, controversy prevails over the nature and possibility of an informed consent. Nonetheless, there is widespread agreement that the consent process can be analyzed as containing three elements : information, comprehension and voluntariness.”

**SOURCE: The Belmont Report** - National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research, Department of Health, Education and Welfare (DHEW) - Bethesda, Maryland, September 30th 1978

[https://videocast.nih.gov/pdf/ohrp\\_belmont\\_report.pdf](https://videocast.nih.gov/pdf/ohrp_belmont_report.pdf)

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## 24 – STANDARDS AND OPERATIONAL GUIDANCE FOR ETHICS REVIEW OF HEALTH-RELATED RESEARCH WITH HUMAN PARTICIPANTS OF THE WHO

Page 14:

Chapter III – Standards and guidance for members of the research ethics committees (RECs)  
Standard 7: Ethical basis for decision-making in research ethics committees

### 6. Informed consent process

“The ethical foundation of informed consent is the principle of respect for persons. Competent individuals are entitled to choose freely whether to participate in research, and to make decisions based on an adequate understanding of what the research entails. Decisions for children or adults who lack the mental capacity to provide informed consent should be made by an authorized surrogate decision-maker.”

**SOURCE: World Health Organization (2011)**

[https://apps.who.int/iris/bitstream/handle/10665/44783/9789241502948\\_eng.pdf;jsessionid=84A8770C0A05F4493339B34D2EF0BA27?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/44783/9789241502948_eng.pdf;jsessionid=84A8770C0A05F4493339B34D2EF0BA27?sequence=1)

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## 25 – INTERNATIONAL ETHICAL GUIDELINES FOR HEALTH-RELATED RESEARCH INVOLVING HUMANS

Page 1:

Guideline 1: Scientific and social value and respect for rights

“The ethical justification for undertaking health-related research involving humans is its scientific and social value: the prospect of generating the knowledge and the means necessary to protect and promote people’s health.”

“Although scientific and social value are the fundamental justification for undertaking research, researchers, sponsors, research ethics committees and health authorities have a moral obligation to ensure that all research is carried out in ways that uphold human rights, and respect, protect, and are fair to study participants and the communities in which the research is conducted. Scientific and social value cannot legitimate subjecting study participants or host communities to mistreatment, or injustice.”

Page 24:

Guideline 7: Community engagement

“Researchers, sponsors, health authorities and relevant institutions should engage potential participants and communities in a meaningful participatory process that involves them in an early and sustained manner in the design, development, implementation, design of the informed consent process and monitoring of research, and in the dissemination of its results.”

Page 33:

Guideline 9: Individuals capable of giving informed consent

“Researchers have a duty to:

- > seek and obtain consent, but only after providing relevant information about the research and ascertaining that the potential participant has adequate understanding of the material facts;
- > refrain from unjustified deception or withholding of relevant information, undue influence or coercion (see Guideline 10 – Modifications and waivers of informed consent);
- > ensure that the potential participant has been given sufficient opportunity and time to consider whether to participate; and
- > as a general rule, obtain from each potential participant a signed form as evidence of informed consent. Researchers must justify any exceptions to this general rule and seek the approval of the research ethics committee.”

“With the approval of the research ethics committee, researchers must renew the informed consent of each participant if there is a substantive change in the conditions or procedures of the research, or if new information becomes available that could affect the willingness of participants to continue. In long-term studies, researchers should ensure at pre-determined intervals that each participant is willing to stay in the study, even if there are no changes in the design or objectives of the research.”

“It is the principal investigator’s responsibility to ensure that all personnel obtaining informed consent for a study comply with this Guideline.”

Page 37:

Guideline 10: Modifications and waivers of informed consent

“Researchers must not initiate research involving humans without obtaining each participant’s individual informed consent or that of a legally authorized representative, unless researchers have received explicit approval to do so from a research ethics committee.”

**SOURCE:** Prepared by the Council for International Organizations of Medical Sciences (CIOMS) in collaboration with the World Health Organization (WHO) – Geneva, Switzerland, 2016.

<https://cioms.ch/wp-content/uploads/2017/01/WEB-CIOMS-EthicalGuidelines.pdf>

## LAW AND LEGISLATION – LACK OF HEALTH STUDIES

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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**Australian Human Rights Commission Act 1986**  
**SCHEDULE 2, PART 1 ARTICLE 1 – INTERNATIONAL COVENANT ON CIVIL AND**  
**POLITICAL RIGHTS**

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/)

Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence

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**Australian Human Rights Commission Act 1986**  
**SCHEDULE 2, PART III, ARTICLE 6 – INTERNATIONAL COVENANT ON CIVIL AND**  
**POLITICAL RIGHTS**

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/)

Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
  3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
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**Australian Human Rights Commission Act 1986**  
**SCHEDULE 2, PART III, ARTICLE 7 – INTERNATIONAL COVENANT ON CIVIL AND**  
**POLITICAL RIGHTS**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/)

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

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**Criminal Code Act 1995**  
**Section 5.2 Intention**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

Section 5.2 – Intention

- (1) A person has intention with respect to conduct if he or she means to engage in that conduct.
  - (2) A person has intention with respect to a circumstance if he or she believes that it exists or will exist.
  - (3) A person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary course of events.
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**CRIMINAL CODE ACT 1995**  
**SECTION 5.3 KNOWLEDGE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

### Section 5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.

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**CRIMINAL CODE ACT 1995**  
**SECTION 5.4 RECKLESSNESS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

### Section 5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
    - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
    - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
  - (2) A person is reckless with respect to a result if:
    - (a) he or she is aware of a substantial risk that the result will occur; and
    - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
  - (3) The question whether taking a risk is unjustifiable is one of fact.
  - (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.
- 

**CRIMINAL CODE ACT 1995**  
**SECTION 5.5 NEGLIGENCE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

### Section 5.5 Negligence

A person is negligent with respect to a physical element of an offence if his or her conduct involves:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
  - (b) such a high risk that the physical element exists or will exist;
- that the conduct merits criminal punishment for the offence.
- 

**CRIMINAL CODE ACT 1995**  
**SECTION 80.2D ADVOCATING GENOCIDE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision B – Treason

Section 80.2D Advocating genocide

- (1) A person commits an offence if:
  - (a) the person advocates genocide; and
  - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

- (4) A reference in this section to advocating genocide includes a reference to:
    - (a) advocating genocide, even if genocide does not occur; and
    - (b) advocating the commission of a specific offence that is genocide; and
    - (c) advocating the commission of more than one offence, each of which is genocide.
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**CRIMINAL CODE ACT 1995**  
**SECTION 268.3 GENOCIDE BY KILLING**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.3 Genocide by killing

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.
- Penalty: Imprisonment for life.

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#### CRIMINAL CODE ACT 1995

#### SECTION 268.4 GENOCIDE BY CAUSING SERIOUS BODILY OR MENTAL HARM

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.4 Genocide by causing serious bodily or mental harm

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes serious bodily or mental harm to one or more persons; and
- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

(2) In subsection (1):

*causes serious bodily or mental harm* includes, but is not restricted to, commits acts of torture, rape, sexual violence or inhuman or degrading treatment

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CRIMINAL CODE ACT 1995

SECTION 268.5 GENOCIDE BY DELIBERATELY INFLICTING CONDITIONS OF LIFE  
CALCULATED TO BRING ABOUT PHYSICAL DESTRUCTION

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts certain conditions of life upon one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
  - (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.

Penalty: Imprisonment for life.

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CRIMINAL CODE ACT 1995

SECTION 268.13 CRIME AGAINST HUMANITY - TORTURE

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.13 Crime against humanity – torture

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.23 CRIME AGAINST HUMANITY – OTHER INHUMAN ACT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.23 Crime against humanity – other inhumane act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

**CRIMINAL CODE ACT 1995**

**SECTION 268.27 WAR CRIME – BIOLOGICAL EXPERIMENTS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.27 War crime – biological experiments

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator subjects one or more persons to a particular biological experiment; and
  - (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.28 WAR CRIME – WILFULLY CAUSING GREAT SUFFERING**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.28 War crime – wilfully causing great suffering

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

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**CRIMINAL CODE ACT 1995**  
**SECTION 268.70 WAR CRIME – MURDER**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.70 War crime – murder

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator causes the death of one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

**CRIMINAL CODE ACT 1995**

**SECTION 268.72 WAR CRIME – CRUEL TREATMENT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.72 War crime – cruel treatment

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.73 WAR CRIME – TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.73 War crime – torture

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are not taking an active part in the hostilities; and
  - (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and
  - (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.77 WAR CRIME – ATTACKING CIVILIANS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Chapter 8 Offences against humanity and related offences

Division 268 Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court.

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict.

Subsection 268.77 War crime – attacking civilians

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator directs an attack; and
- (b) the object of the attack is a civilian population as such or individual civilians not taking direct part in hostilities; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.93 WAR CRIME – MEDICAL OR SCIENTIFIC EXPERIMENT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Subsection 268.93 War crime – medical or scientific experiments

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment causes the death of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and
- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

(2) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and

- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty for a contravention of this subsection: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**  
**SECTION 274.2 TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 Offences against humanity and related offences

Division 274 Torture

Section 274.2 Torture

(2) A person (the *perpetrator*) commits an offence if the perpetrator:

- (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
- (b) the conduct is engaged in for any reason based on discrimination of any kind; and
- (c) the perpetrator engages in the conduct:
  - (i) in the capacity of a public official; or
  - (ii) acting in an official capacity; or
  - (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.

Penalty: Imprisonment for 20 years.

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**COMPETITION AND CONSUMER ACT 2010**  
**SCHEDULE 2, CHAPTER 3, PART 3.1, DIVISION 5, SECTION 50 HARASSMENT AND**  
**COERCION**

<https://www.legislation.gov.au/Details/C2011C00003>

Schedule 2 The Australian Consumer Law

Chapter 3 Specific protections

Part 3.1 Unfair practices

Division 5 – Other unfair practices

Section 50 Harassment and coercion

(1) “A person must not use physical force, or undue harassment or coercion, in connection with:

- (a) the supply or possible supply of goods or services; or
- (b) the payment for goods or services; or ...”

Note: A pecuniary penalty may be imposed for a contravention of this subsection.

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**COMPETITION AND CONSUMER ACT 2010**  
**SECTION 168 HARASSMENT AND COERCION**

<https://www.legislation.gov.au/Details/C2011C00003>

Schedule 2 the Australian Consumer Law

Chapter 4 Offences

Part 4.1 Offences relating to unfair practices

Division 5 – Other unfair practices

Section 168 Harassment and coercion

(1) “A person commits an offence if:

- (a) the person uses physical force, or undue harassment or coercion; and
- (b) the physical force, or undue harassment or coercion is used in connection with:
  - (i) the supply or possible supply of goods or services; or
  - (ii) the payment for goods or services; or...

Penalty:

- (a) if the person is a body corporate—\$1,100,000; or
- (b) if the person is not a body corporate—\$220,000”

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## STATE LEGISLATION

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### CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT VICTORIA 2006 SECTION 9 RIGHT TO LIFE

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

Section 9 – Right to life

Every person has the right to life and has the right not to be arbitrarily deprived of life

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### CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT VICTORIA 2006 SECTION 17 PROTECTION OF FAMILIES AND CHILDREN

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

Section 17 – Protection of families and children

- (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State
  - (2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child
- 

### PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008 PART 2, SECTION 5 PRINCIPLE OF EVIDENCE BASED DECISION-MAKING

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

Part 2 Objective, principles and application

Section 5 Principle of evidence based decision-making

Decisions as to –

- (a) the most effective use of resources to promote and protect public health and wellbeing; and
- (b) the most effective and efficient public health and wellbeing interventions should be based on evidence available in the circumstances that is relevant and reliable.

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**PART 2, SECTION 7 PRINCIPLE OF PRIMACY OF PREVENTION**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

Part 2 Objective, principles and application

Section 7 Principle of primacy of prevention

- (1) The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.
- (2) For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**PART 2, SECTION 8 PRINCIPLE OF ACCOUNTABILITY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

Part 2 Objective, principles and application

Section 8 Principle of accountability

- (1) Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.
- (2) Members of the public should therefore be given
- (a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and
- (b) opportunities to participate in policy and program development.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**PART 2, SECTION 9 PRINCIPLE OF PROPORTIONALITY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

Part 2 Objective, principles and application

Section 9 Principle of proportionality

Decisions made and actions taken in the administration of this Act

- (a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and

(b) should not be made or taken in an arbitrary manner.

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## CASE LAW

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### CASE: [2013] AATA 105, MCDONALD VS COMCARE

Summary: Dr McDonald (scientist) won 75% of salary when he was unable to work because his employer failed to protect him from radiation although he had been diagnosed with EHS.

Administrative Appeals Tribunal (Australia)

Division: General Administrative division

File Numbers: 2011/0031, 2011/5355 & 2012/2826

Re: Alexander McDonald (Applicant) And Comcare (Respondent)

#### Decision

Tribunal: Deputy President J W Constance

Date: 28 February 2013

Place: Melbourne

#### **Application 2011/0031**

1. The reviewable decision made by Comcare on 9 November 2010 (being reconsideration 23114453) is set aside.

2. In substitution for the decision set aside it is decided that:

- (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being an aggravation of a condition of nausea, disorientation and headaches;
- (2) the injury was suffered by him between April 2006 and May 2007.

#### **Application 2011/5355**

3. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25525982) is set aside.

4. In substitution for the decision set aside it is decided that:

- (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being a chronic adjustment disorder with depressed moods;
- (2) the injury was suffered by him between 1 July 2010 and 31 December 2010.

5. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25673997) is set aside.

6. In substitution for the decision set aside it is decided that as at the date of this decision Dr McDonald is not entitled to compensation in accordance with sections 24 and 27 of the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of the injury being chronic adjustment disorder with depressed moods.

### Application 2012/2826

7. The reviewable decision made by Comcare on 22 June 2012 (being reconsideration 27176306) is set aside.

8. The matter is remitted to Comcare for reconsideration in accordance with these reasons for decision.

**SOURCE:**

<http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/aat/2013/105.html>

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**CASE: 904/2019 OF 3.12.2019, ROMEO V. INAIL – TURIN, ITALY  
JUDGMENT SUMMARY - MOBILE PHONE CAUSED HEAD TUMOUR**

Court case: 904/2019 of 3.12.2019, Romeo v. INAIL

Summary: (Turin, Italy) The Court of Appeal of Turin confirms in a full judgment published on 13 January 2020, the decision of the Tribunal of Ivrea of 2017. Judge Fadda considers that the worker's acoustic neuroma (benign tumour of the head) was indeed caused by the use of the mobile phone.

All the scientific elements of the case were re-examined and re-analysed by two new experts appointed by the Court of Turin (Carolina Marino, Angelo D'Errico). The Court of Appeal fully accepted their conclusions and rejected INAIL's appeal, stating that CTU had provided: "strong evidence to assert a causal role between the complainant's occupational exposure, his exposure to radiation from mobile phones and the disease that occurred".

**SOURCE:** <https://www.phonegatealert.org/en/the-court-of-appeal-of-turin-confirms-the-link-between-a-head-tumour-and-mobile-phone-use>

**Judgement of the court 22 Jan 2002:** <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62000CJ0218&from=IT>

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**CASE: TRIBUNAL DE GRANDE INSTANCE DE BORDEAUX, FRANCE  
FRENCH COURT ORDERS REMOVAL OF 13 SMART METERS**

Court Case: 19/[redacted]

A French court has ordered the removal of the controversial Linky electricity smart meters from 13 homes, for medical reasons.

**SOURCE:** <https://stopsmartmeters.com.au/2019/08/03/french-court-orders-the-removal-of-smart-meters-for-health-reasons/>

Court document 2 January 2019: [https://linky.mysmartcab.fr/ressources/TGI-de-Bordeaux.pdf?fbclid=IwAR3IDusugBaX9oE5s63rPaFMC2M613\\_t6VAdQJSXJduPDbr\\_bohYeBX734](https://linky.mysmartcab.fr/ressources/TGI-de-Bordeaux.pdf?fbclid=IwAR3IDusugBaX9oE5s63rPaFMC2M613_t6VAdQJSXJduPDbr_bohYeBX734)

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## INTERNATIONAL LAW AND LEGISLATION

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### INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS PART III, ARTICLE 12

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

#### PART III

#### Article 12

1. “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

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### UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS ARTICLE 3 HUMAN DIGNITY AND HUMAN RIGHTS

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

#### Principles

#### Article 3 – Human dignity and human rights

1. “Human dignity, human rights and fundamental freedoms are to be fully respected.”
  2. “The interests and welfare of the individual should have priority over the sole interest of science or society.”
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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 4 BENEFIT AND HARM**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 6 CONSENT**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 6 – Consent

1. “Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without...”
  2. “Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned.” ..... “Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law.”
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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 7 PERSONS WITHOUT THE CAPACITY TO CONSENT**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 7 – Persons without the capacity to consent

- (b) “research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the

person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual's human rights. Refusal of such persons to take part in research should be respected.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 8 RESPECT FOR HUMAN VULNERABILITY AND PERSONAL INTEGRITY**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 8 – Respect for human vulnerability and personal integrity

“...human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 14 SOCIAL RESPONSIBILITY AND HEALTH**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 14 – Social responsibility and health

1. “The promotion of health and social development for their people is a central purpose of governments that all sectors of society share.”
  2. “Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, progress in science and technology should advance:
    - (a) access to quality health care and essential medicines, especially for the health of women and children, because health is essential to life itself and must be considered to be a social and human good;
    - (b) access to adequate nutrition and water;
    - (c) improvement of living conditions and the environment;...”
-

**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)**

**ARTICLE 3**

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

“Everyone has the right to life, liberty and security of person” (art. 3).

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**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)**

**ARTICLE 5**

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4TH 1950**

**ARTICLE 2.1**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

“Everyone's right to life shall be protected by law (art 2.1).

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4TH 1950**

**ARTICLE 3**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

No one shall be subjected to torture or to inhuman or degrading treatment or punishment”  
(art. 3).

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18<sup>TH</sup> 1961**

**PART I & SECTION 7**

[https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable_en.pdf)

Part I “The Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:”

7. “Children and young persons have the right to a special protection against the physical and moral hazards.”

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18<sup>TH</sup> 1961**

**ARTICLE 7 & SECTION 10**

[https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable_en.pdf)

Article 7 – “The right of children and young persons to protection.

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:”

10. “to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.”

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**RESOLUTION 1815 (COUNCIL OF EUROPE, 2011)**

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

“The potential dangers of electromagnetic fields and their effect on the environment: “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

Also worth noting, Part 4: While electrical and electromagnetic fields in certain frequency bands have wholly beneficial effects which are applied in medicine, other non-ionising frequencies, whether from extremely low frequencies, power lines or certain high frequency waves used in the fields of radar, telecommunications and mobile telephony, appear to have more or less

potentially harmful, non-thermal, biological effects on plants, insects and animals as well as the human body, even when exposed to levels that are below the official threshold values.”

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## SCRIPTURAL LAW

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### HOSEA 4:6

“My people are destroyed for lack of knowledge; because you have rejected knowledge, I reject you from being a priest to me. And since you have forgotten the law of your God, I also will forget your children.”

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### JAMES 2:10

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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### 1 TIMOTHY 1:8-10

“But we know that the law [is] good, if a man use it lawfully; “

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### ROMANS 3:20

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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### ROMANS 13:8

“Let no debt remain outstanding, except the continuing debt to love one another, for whoever loves others has fulfilled the law.”

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### MATTHEW 7:12

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**GALATIANS 5:14**

“For the entire law is fulfilled in keeping this one command: “Love your neighbor as yourself.”

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**ROMANS 13:10**

“Love does no harm to a neighbor. Therefore love is the fulfillment of the law.”

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**DEUTERONOMY 4:40**

“Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the Lord your God gives you for all time.”

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**EPHESIANS 5:29**

“for no man ever yet hated his own flesh; but nourisheth and cherisheth it,”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Manga negligentia culpa est, magna culpa dolus est - Gross negligence is a fault, gross fault is a fraud

Idem est scire aut scire debet aut potuisse - To be able to know is the same as to know

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Nemo ex alterius facto praegravari debet - No man ought to be burdened in consequence of another's act

## **SECTION 3 – PHYSICAL HEALTH IMPACTS**

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### **REFERENCES – PHYSICAL HEALTH IMPACTS**

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#### **D1 – INTERNATIONAL APPEAL – STOP 5G ON EARTH AND IN SPACE**

##### **Harmful Effects of Radio Frequency Radiation Are Already Proven**

Even before 5G was proposed, [dozens of petitions and appeals](#) by international scientists, including the [Freiburger Appeal](#) signed by over 3,000 physicians, called for a halt to the expansion of wireless technology and a moratorium on new base stations.

In 2015, [215 scientists from 41 countries](#) communicated their alarm to the United Nations (UN) and World Health Organization (WHO). They stated that “numerous recent scientific publications have shown that EMF [electromagnetic fields] affects living organisms at levels well below most international and national guidelines”. More than 10,000 peer-reviewed scientific studies demonstrate harm to human health from RF radiation. Effects include:

- [Alteration of heart rhythm](#)
- [Altered gene expression](#)
- [Altered metabolism](#)
- [Altered stem cell development](#)
- [Cancers](#)
- [Cardiovascular disease](#)
- [Cognitive impairment](#)
- [DNA damage](#)
- [Impacts on general well-being](#)

- [Increased free radicals](#)
- [Learning and memory deficits](#)
- [Impaired sperm function and quality](#)
- [Miscarriage](#)
- [Neurological damage](#)
- [Obesity and diabetes](#)
- [Oxidative stress](#)

Effects in children include [autism, attention deficit hyperactivity disorder \(ADHD\)](#) and [asthma](#).

Damage goes well beyond the human race, as there is abundant evidence of harm to diverse plant- and [wildlife](#) and laboratory animals, including:

- [Ants](#)
- [Birds](#)
- [Forests](#)
- [Frogs](#)
- [Fruit flies](#)
- [Honey bees](#)
- [Insects](#)
- [Mammals](#)
- [Mice](#)
- [Plants](#)
- [Rats](#)
- [Trees](#)

### **Regulators Have Deliberately Excluded the Scientific Evidence of Harm**

Stakeholders thus far in the development of 5G have been industry and governments, while renowned international EMF scientists who have documented biological effects on humans, animals, insects and plants, and alarming effects on health and the environment in thousands of peer-reviewed studies have been excluded. The reason for the current inadequate safety guidelines is that [conflicts of interest](#) of standard-setting bodies “due to their relationships with telecommunications or electric companies undermine the impartiality that should govern the regulation of Public Exposure Standards for non-ionizing radiation”. Professor Emeritus Martin L. Pall lays out the conflicts of interest in detail, and the lists of important studies that have been excluded, in his [literature review](#).

## World Governments Are Playing Dice with Life on Earth

Albert Einstein famously asserted that “God does not play dice”. Yet by pursuing the broadcast on Earth and from space of 5G, an unprecedented technology of millimetre waves previously used as an energy weapon in [military operations and crowd control](#), world governments are recklessly playing dice with the future of life on Earth.

To refuse to accept and apply relevant and valid scientific knowledge is ethically unacceptable. Existing research shows that 5G—and especially space-based 5G—contravenes principles enshrined in a host of international agreements.

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

**<https://www.5gspaceappeal.org/the-appeal>**

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### 02 - INTERNATIONAL AGREEMENTS ARE BEING VIOLATED

#### Children and Duty of Care

The United Nations Convention on the Rights of the Child: States shall “undertake to ensure the child such protection and care as is necessary for his or her well-being” (art. 3), “ensure... the survival and development of the child” (art. 6) and “take appropriate measures to combat disease... taking into consideration the dangers and risks of environmental pollution” (art. 24(c)).

**SOURCE:** <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

[The Nuremberg Code \(1947\)](#) applies to all experiments on humans, thus including the deployment of 5G with new, higher RF radiation exposure that has not been pre-market tested for safety. “The voluntary consent of the human subject is absolutely essential” (art. 1). Exposure to 5G will be involuntary. “No experiment should be conducted, where there is an a priori reason to believe that death or disabling injury will occur” (art. 5). The findings of over 10,000 scientific studies and the voices of [hundreds of international organizations](#) representing hundreds of thousands of members who have suffered disabling injury and been displaced from

their homes by already-existing wireless telecommunications facilities, are “a priori reasons to believe that death or disabling injury will occur”.

**SOURCE: <https://www.5gspaceappeal.org/the-appeal>**

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### **03 – 5G WHAT YOU NEED TO KNOW**

Scientists worldwide are calling for a halt to the 5G Roll-out: Over 200 scientists and doctors issued a declaration calling for a moratorium on the increase of 5G cell antennas citing human health effects and impacts to wildlife.

Read the 2017 Scientific Appeal on 5G To the European Commission

Read the 2015 EMF Scientist Appeal to the United Nations Read Letters From Dozens of Scientists on Health Risks of 5G

**SOURCE: <https://ehtrust.org/wp-content/uploads/5G-What-You-Need-to-Know.pdf>**

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### **04 – BIOLOGICAL EFFECTS FROM EXPOSURE TO ELECTROMAGNETIC RADIATION EMITTED BY CELL TOWER BASE STATIONS AND OTHER ANTENNA ARRAYS**

Numerous biological effects do occur after short-term exposures to low-intensity RFR but potential hazardous health effects from such exposures on humans are still not well established, despite increasing evidence as demonstrated throughout this paper. Unfortunately, not enough is known about biological effects from long-term exposures, especially as the effects of long-term exposure can be quite different from those of short-term exposure. It is the long-term, low-intensity exposures that are most common today and increasing significantly from myriad wireless products and services.

People are reporting symptoms near cell towers and in proximity to other RFR-generating sources including consumer products such as wireless computer routers and Wi-Fi systems that appear to be classic “microwave sickness syndrome,” also known as “radiofrequency radiation sickness.” First identified in the 1950s by Soviet medical researchers, symptoms included headache, fatigue, ocular dysfunction, dizziness, and sleep disorders. In Soviet medicine, clinical manifestations include dermatographism, tumors, blood changes, reproductive and cardiovascular abnormalities, depression, irritability, and memory impairment, among others. The Soviet researchers noted that the syndrome is reversible in early stages but is considered lethal over time ([Tolgsкая et al. 1973](#)).

Safety to populations living or working near communications infrastructure has not been given the kind of attention it deserves. Aggregate ambient outdoor and indoor exposures should be emphasized by summing up levels from different generating source points in the vicinity. Radiofrequency radiation should be treated and regulated like radon and toxic chemicals, as aggregate exposures, with appropriate recommendations made to the public including for consumer products that may produce significant RFR levels indoors. When indoor consumer products such as wireless routers, cordless/DECT phones, leaking microwave ovens, wireless speakers, and (or) security systems, etc. are factored in with nearby outdoor transmission infrastructure, indoor levels may rise to exposures that are unsafe. The contradictions in the studies should not be used to paralyze movement toward safer regulation of consumer products, new infrastructure creation, or better tower siting. Enough good science exists regarding long-term low-level exposures — the most prevalent today — to warrant caution.

The present U.S. guidelines for RFR exposure are not up to date. The most recent IEEE and NCRP guidelines used by the U.S. FCC have not taken many pertinent recent studies into consideration because, they argue, the results of many of those studies have not been replicated and thus are not valid for standards setting. That is a specious argument. It implies that someone tried to replicate certain works but failed to do so, indicating the studies in question are unreliable. However, in most cases, no one has tried to exactly replicate the works at all. It must be pointed out that the 4 W/kg SAR threshold based on the de Lorge studies have also not been replicated independently. In addition, effects of long-term exposure, modulation, and other propagation characteristics are not considered. Therefore, the current guidelines are questionable in protecting the public from possible harmful effects of RFR exposure and the U.S. FCC should take steps to update their regulations by taking all recent research into consideration without waiting for replication that may never come because of the scarcity of research funding. The ICNIRP standards are more lenient in key exposures to the population than current U.S. FCC regulations. The U.S. standards should not be “harmonized” toward more lenient allowances. The ICNIRP should become more protective instead. All standards should be biologically based, not dosimetry based as is the case today.

Exposure of the general population to RFR from wireless communication devices and transmission towers should be kept to a minimum and should follow the “As Low As Reasonably Achievable” (ALARA) principle. Some scientists, organizations, and local governments recommend very low exposure levels — so low, in fact, that many wireless industries claim they cannot function without many more antennas in a given area. However, a denser infrastructure may be impossible to attain because of citizen unwillingness to live in proximity to so many antennas. In general, the lowest regulatory standards currently in place aim to accomplish a maximum exposure of 0.02 V/m, equal to a power density of 0.0001  $\mu\text{W}/\text{cm}^2$ , which is in line with Salzburg, Austria’s indoor exposure value for GSM cell base stations. Other precautionary target levels aim for an outdoor cumulative exposure of 0.1  $\mu\text{W}/\text{cm}^2$  for pulsed RF exposures where they affect the general population and an indoor exposure as low as 0.01  $\mu\text{W}/\text{cm}^2$  (Sage and Carpenter 2009). In 2007, *The BioInitiative Report, A rationale for a biologically based public exposure standard for electromagnetic fields (ELF and RF)*, also made this recommendation, based on the precautionary principle (Bioinitiative Report 2007).

**SOURCE:** <https://www.nrcresearchpress.com/doi/10.1139/A10-018#.XoIMPG5uKUK>

## 05 - SUPPORTING LETTERS FROM SCIENTISTS AND MEDICAL EXPERTS

In the case of "protection from exposure to electromagnetic fields", it is thus of paramount importance to act from a prudence avoidance/precautionary principle point of view. Anything else would be highly hazardous! Total transparency of information is the key sentence here, I believe consumers are very tired of always having the complete truth years after a certain catastrophe already has taken place. For instance, it shall be noted, that today's recommendation values for wireless systems, the SAR-value, are just recommendations, and not safety levels. Since scientists observe biological effects at as low as 20 microWatts/kg, is it then really safe to irradiate humans with 2 W/kg (i.e., with 100,000 times stronger radiation!), which is the recommendation level for us? And, furthermore, it is very strange to see, over and over again, that highly relevant scientific information is suppressed or even left out in various official documents, as high up as at the governmental level of society. This is not something that the consumers will gain anything good from, and, still, the official declaration or explanation (from experts and politicians) very often is: "If we (=the experts) would let everything out in the open, people would be very scared and they would panic." Personally, I have never seen this happen, but instead I have frequently seen great disappointment from citizens who afterwards have realized they have been fooled by their own experts and their own politicians...

In many commentaries, debate articles and public lectures - for the last 20-30 years - I have urged that completely independent research projects must be inaugurated immediately to ensure our public health. These projects must be entirely independent of all types of commercial interests; public health cannot have a price-tag! It is also of paramount importance that scientists involved in such projects must be free of any carrier considerations and that the funding needed is covered to 100%, not 99% or less. This is the clear responsibility of the democratically elected body of every country.

Many wireless systems are close to beds, kitchens, playrooms, and similar locations, as well as are now introduced into schools and pre-schools. These wireless systems are never off, and the exposure is not voluntary. These wireless systems are being forced on citizens everywhere. Based on this, the inauguration of such wireless systems with grudging and involuntary exposure of millions to billions of human beings to pulsed microwave radiation should immediately be prohibited until 'the red flag' can be hauled down once and for all. In conclusion, wireless systems, such as Wi-Fi routers, can not be regarded as safe in schools, but must be deemed highly hazardous and unsafe for the children as well as for the staff. I encourage governments and local health and educational bodies to adopt a framework of guidelines for public and occupational EMF exposure that reflects the Precautionary Principle.

With my very best regards

Yours sincerely

Olle Johansson, assoc. professor.

**SOURCE:** Karolinska Institutet, Department of Neuroscience, Experimental Dermatology Unit

[http://www.wifi-in-schools-australia.org/p/blog-page\\_3.html](http://www.wifi-in-schools-australia.org/p/blog-page_3.html)

## 06 – WHY 5G CELL TOWERS ARE MORE DANGEROUS

### 5G Cell Towers Are More Dangerous for Two Main Reasons:

- First, 5G emits “ultra high frequencies”. The higher the frequency, the shorter the length of each wave. This means more waves hit our bodies in the same amount of time. Previous cellular generations emitted from 1 to 6 GHz frequencies. 5G cell towers may emit frequencies as high as 300 GHz.
- Second, 5G technology requires “ultra high intensity”. Since the shorter length millimeter waves (MMV) used in 5G do not travel as far (and get obstructed easier), with our current number of cell towers the cell signal will not be reliable. To compensate 5G cell towers will have to emit the lower 3G & 4G waves as well, and many more “mini cell towers” will have to be installed. It is estimated that they will need a mini cell tower every 2 to 8 houses. All of this combined will greatly increase our RF Radiation exposure.

With RF Radiation, how close the source is to our physical bodies is more important than the power level (or wattage) of the radiation. RF Radiation dissipates with distance. In other words, a low powered exposure right next to someone, is more dangerous than a more powerful exposure a long ways away. Also the longer the exposure time is, the more dangerous it is. 5G will be the worst of both worlds. We will have more sources around us, and closer to us. And they will be more powerful and continuous emissions.

SOURCE: <https://www.radiationhealthrisks.com/5g-cell-towers-dangerous/>

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## 07 – EFFECTS OF CELL PHONE USE ON SEMEN PARAMETERS: RESULTS FROM THE MARHCS COHORT STUDY IN CHONGQING, CHINA

### Abstract:

Our results showed that certain aspects of cell phone use may negatively affect sperm quality in men by decreasing the semen volume, sperm concentration, or sperm count, thus impairing male fertility.

*(NB: study completed over 3 years from 2013-2015).*

SOURCE: <https://pubmed.ncbi.nlm.nih.gov/26949865/>

**08 – ASSOCIATION BETWEEN MOBILE PHONE USE AND SEMEN QUALITY: A SYSTEMIC REVIEW AND META-ANALYSIS**

Evidence from current studies suggests potential harmful effects of mobile phone use on semen parameters. A further multi-centred and standardized study is needed to assess the risk of mobile phone use on the reproductive system.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/24700791/>

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**09 – LONG-TERM EFFECTS OF 900 MHZ RADIOFREQUENCY RADIATION EMITTED FROM MOBILE PHONE ON TESTICULAR TISSUE AND EPIDIDYMAL SEMEN QUALITY**

In conclusion, we claim that long-term exposure of 900 MHz RF radiation alter some reproductive parameters. However, more supporting evidence and research is definitely needed on this topic.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/23781998/>

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**10 – MOBILE PHONE BASE STATION TOWER SETTINGS ADJACENT TO SCHOOL BUILDINGS: IMPACT ON STUDENTS' COGNITIVE HEALTH**

High exposure to RF-EMF (10.021  $\mu\text{W}/\text{cm}^2$  with a frequency of 925 MHz) produced by MPBSTs (mobile phone base station towers) was associated with delayed fine and gross motor skills, spatial working memory, and attention in school adolescents compared to students who were exposed to low RF-EMF (2.010  $\mu\text{W}/\text{cm}^2$  with a frequency of 925 MHz).

**SOURCE:** American Journal of Men's Health  
[https://journals.sagepub.com/doi/10.1177/1557988318816914?fbclid=IwAR0E5G2ljE\\_ZLI84UIIjzDABVP59ctEU9GhiFNR8qc693n7h9FluzfNd-Co&](https://journals.sagepub.com/doi/10.1177/1557988318816914?fbclid=IwAR0E5G2ljE_ZLI84UIIjzDABVP59ctEU9GhiFNR8qc693n7h9FluzfNd-Co&)

**ADDITIONAL SOURCE:** National Library of Medicine  
<https://pubmed.ncbi.nlm.nih.gov/30526242/>

### 11 – WHEN THEORY AND OBSERVATION COLIDE: CAN NON-IONIZING RADIATION CAUSE CANCER?

There is sufficient scientific evidence of cellular damage caused by NIR well below thermal guidelines. Free radicals can and do cause cancer and non-ionizing radiation can and does increase free-radicals.

While IR directly damages DNA, NIR interferes with the oxidative repair mechanisms resulting in [oxidative stress](#), damage to cellular components including DNA, and damage to cellular processes leading to cancer.

**SOURCE:**

<https://www.sciencedirect.com/science/article/abs/pii/S0269749116309526>

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### 12 – REPORT OF FINAL RESULTS REGARDING BRAIN AND HEART TUMORS IN SPRAGUE-DAWLEY RATS EXPOSED FROM PRENATAL LIFE UNTIL NATURAL DEATH TO MOBILE PHONE RADIOFREQUENCY FIELD REPRESENTATIVE OF A 1.8 GHZ GSM BASE STATION ENVIRONMENTAL EMISSION

**Conclusions:** The RI findings on far field exposure to RFR are consistent with and reinforce the results of the NTP study on near field exposure, as both reported an increase in the incidence of tumors of the brain and heart in RFR-exposed Sprague-Dawley rats. These tumors are of the same histotype of those observed in some epidemiological studies on cell phone users. These experimental studies provide sufficient evidence to call for the re-evaluation of IARC conclusions regarding the carcinogenic potential of RFR in humans.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/29530389/>

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### 13 – MOBILE PHONE RADIATION CAUSES BRAIN TUMORS AND SHOULD BE CLASSIFIED AS A PROBABLE HUMAN CARCINOGEN (2A) (REVIEW)

We conclude that radiofrequency fields should be classified as a Group 2A probable human carcinogen under the criteria used by the International Agency for Research on Cancer (Lyon,

France). Additional data should be gathered on exposures to mobile and cordless phones, other WTDs, mobile phone base stations and Wi-Fi routers to evaluate their impact on public health.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/25738972/>

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#### **14 – RADIOFREQUENCY RADIATION FROM NEARBY BASE STATIONS GIVES HIGH LEVELS IN AN APARTMENT IN STOCKHOLM, SWEDEN: A CASE REPORT**

Due to the current high RF radiation, the apartment is not suitable for long-term living, particularly for children who may be more sensitive than adults. For a definitive conclusion regarding the effect of RF radiation from nearby base stations, one option would be to turn them off and repeat the measurements. However, the simplest and safest solution would be to turn them off and dismantle them.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/29725476/>

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#### **15 – Electrohypersensitivity As A Newly Identified And Characterized Neurologic Pathological Disorder: How To Diagnose, Treat, And Prevent It**

“Moreover, 80% of the patients with EHS present with one, two, or three detectable oxidative stress biomarkers in their peripheral blood, meaning that overall these patients present with a true objective somatic disorder.”

“In 2002, Santini et al. in France reported similar symptomatic intolerance in users of digital cellular phones and among people living near wireless communication base stations [3,4].”

Because EHS is becoming a new insidious worldwide plague involving millions of people, we ask the World Health Organization (WHO) to include EHS as a neurologic disorder in the international classification of diseases.

**SOURCE:** <https://www.mdpi.com/1422-0067/21/6/1915/htm>

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## 16 - THE MICROWAVE SYNDROME OR ELECTRO-HYPERSENSITIVITY: HISTORICAL BACKGROUND

While most individuals who report having EHS do not have a specific history of an acute exposure, excessive exposure to EMFs, even for a brief period of time, can induce the syndrome

**SOURCE:** <https://www.degruyter.com/view/journals/reveh/30/4/article-p217.xml>

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## 17 - ELECTROMAGNETIC HYPERSENSITIVITY - AN INCREASING CHALLENGE TO THE MEDICAL PROFESSION

It seems necessary to give an International Classification of Diseases to EHS to get it accepted as EMF-related health problems. The increasing exposure to RF-EMF in schools is of great concern and needs better attention. Longer-term health effects are unknown. Parents, teachers, and school boards have the responsibility to protect children from unnecessary exposure.

**SOURCE:** <https://www.degruyter.com/view/journals/reveh/30/4/article-p209.xml>

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## 18 - THE MEDICAL PERSPECTIVE ON ENVIRONMENTAL SENSITIVITIES

The Royal Society of Canada reviewed the issue of health effects of radio-frequency transmissions for Health Canada in 1999, with updates in 2001 and 2004.<sup>56</sup> The latest report summarizes and is consistent with positions taken by many other authorities in Britain, Europe and the USA (e.g. California). Regulations for telecommunications are based upon avoiding heating of tissue as a result of exposure to electromagnetic radiation. However, other biological phenomena are both plausible and observed at much lower exposure levels.<sup>7</sup> The Royal Society concluded that even if the evidence is not clear that adverse health effects from lower exposures to radiofrequencies exist, there is a need for further research.<sup>55,56</sup> There is growing evidence of cancers (particularly acoustic neuroma) associated with the use of mobile telephones.<sup>235,237,253,254</sup> Given the seriousness of the adverse effects and the availability of alternative technologies, a precautionary approach is warranted.<sup>255</sup>

**SOURCE:** The Medical Perspective on Environmental Sensitivities  
By: Margaret E. Sears (M.Eng., Ph.D.) May 2007 (Page 41 of 79)  
[https://www.chrc-ccdp.gc.ca/sites/default/files/envsensitivity\\_en.pdf](https://www.chrc-ccdp.gc.ca/sites/default/files/envsensitivity_en.pdf)

## 19 – ASPECTS OF STUDIES ON THE FUNCTIONAL IMPAIRMENT ELECTROHYPERSENSITIVITY

In summary, it is evident from our preliminary data that various alterations are present in the electrohypersensitive persons' skin that are not indicated in the skin of normal healthy volunteers.

### 5. Cellular and Neuronal Studies of Electrohypersensitivity

We have investigated the presence of intraepidermal nerve fibers in normal human skin from healthy volunteers using the new marker PGP 9.5 [6-8]. The intraepidermal nerve fibers are found as close as 20–40 µm from the surface, which makes it highly possible that weak electromagnetic fields may affect them.

**SOURCE:** Olle Johansson 2010 *IOP Conf. Ser.: Earth Environ. Sci.* **10** 012005  
<https://iopscience.iop.org/article/10.1088/1755-1315/10/1/012005/pdf>

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## 20 – WORLDWIDE STATEMENTS OF ORGANIZATIONS REGARDING EMF

Thermal effects are defined as effects that originate in elevated temperatures from the absorption of electromagnetic energy. The specific absorption rate (SAR) is defined as the rate of absorption of electromagnetic energy in a unit mass of biological tissue. It is proportional to the incremental temperature increase in that tissue. Indeed while a significant temperature increase must be avoided as it can be of immediate adverse health consequences (tissue necrosis, cardiac stress, etc.) exposures can be without (measureable) temperature increase either because of heat dissipation or because the exposure is too low to be associated with relevant heating. The latter type of exposure is termed non-thermal. Biological and health-relevant effects at non-thermal levels have been shown and discussed by many research groups all over the world (9), (10), (22), (23), (24).

The ICNIRP recommendations were adopted by the EU in its Council Recommendation of 1999, without considering long-term non-thermal effects. However, it should be stressed that at an international EMF conference in London (2008), Professor Paolo Vecchia, ICNIRP Chairman from 2004 to 2012, said about the exposure guidelines “What they are not”: “*They are not mandatory prescriptions for safety*”, “*They are not the ‘last word’ on the issue*”, and “*They are not defensive walls for industry or others*” (25).

**SOURCE:** <https://www.degruyter.com/view/journals/reveh/31/3/article-p363.xml>

## 21 – 5G AND THE IOT: SCIENTIFIC OVERVIEW OF HUMAN HEALTH RISKS

### **Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”**

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

### **Industry is Deeply Involved in the Science**

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#). This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by industry is less likely to find health risks than studies paid for by institutions or authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP’s self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE:** STOP5G Strategy Kit (page 38)

<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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## 22 – ADVERSE HEALTH EFFECTS OF 5G MOBILE NETWORKING TECHNOLOGY UNDER REAL-LIFE CONDITIONS

## Abstract

This article identifies adverse effects of non-ionizing non-visible radiation (hereafter called wireless radiation) reported in the premier biomedical literature. It emphasizes that most of the laboratory experiments conducted to date are not designed to identify the more severe adverse effects reflective of the real-life operating environment in which wireless radiation systems operate. Many experiments do not include pulsing and modulation of the carrier signal.

**SOURCE:**

<https://www.sciencedirect.com/science/article/abs/pii/S037842742030028X>

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### 23 – BUILDING SCIENCE AND RADIOFREQUENCY RADIATION: WHAT MAKES SMART AND HEALTHY BUILDINGS

Adverse biochemical and biological effects at commonly experienced RFR levels indicate that exposure guidelines for the U.S., Canada and other countries are inadequate to protect public health and the environment.

**SOURCE:**

<https://www.sciencedirect.com/science/article/pii/S0360132319305347>

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### 24 – Human Skin As Arrays Of Helical Antennas In The Millimeter And Submillimeter Wave Range

Recent studies of the minute morphology of the skin by optical coherence tomography showed that the sweat ducts in human skin are helically shaped tubes, filled with a conductive aqueous solution. A computer simulation study of these structures in millimeter and submillimeter wave bands show that the human skin functions as an array of low-Q helical antennas.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/18517913/>

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## 25 – MILLIMETER WAVES OR EXTREMELY HIGH FREQUENCY ELECTROMAGNETIC FIELDS IN THE ENVIRONMENT: WHAT ARE THEIR EFFECTS ON BACTERIA?

These effects are of significance for understanding changed metabolic pathways and distinguish role of bacteria in environment; they might be leading to antibiotic resistance in bacteria. The effects might have applications in the development of technique, therapeutic practices, and food protection technology.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/27087527/>

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## 26 – ICNIRP Guidelines For Limiting Exposure To Electromagnetic Fields (100 khz to 300 ghz)

**SUMMARY** The only substantiated adverse health effects caused by exposure to radiofrequency EMFs are nerve stimulation, changes in the permeability of cell membranes, and effects due to temperature elevation. There is no evidence of adverse health effects at exposure levels below the restriction levels in the ICNIRP (1998) guidelines and no evidence of an interaction mechanism that would predict that adverse health effects could occur due to radio frequency EMF exposure below those restriction levels.

**SOURCE:** ICNIRP Guidelines for Limiting Exposure to Electromagnetic Fields (100 kHz to 300 GHz)

Special Submission, Published in: Health Phys 118(5): 483-524; 2020

The above excerpt is from page 523 of the Submission

Published Ahead of print in March 2020: Health Phys 118(00):000-000;2020

[https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q\\_YdL2q4iF4Ztot0ine3LykRhFWN4Gue5TQp-MGZcbRnQ](https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q_YdL2q4iF4Ztot0ine3LykRhFWN4Gue5TQp-MGZcbRnQ)

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## 27 – DOCUMENTED HEALTH EFFECTS FROM PROPOSED AND ACTUAL ELECTROMAGNETIC EMISSIONS

There are a number of documented health effects from proposed and actual electromagnetic emissions which include but are not limited to: increased cancer risk, cognitive and learning issues, neurological disorders, cellular and genetic damage, organ damage, optical damage, reproductive issues, and impairment of general wellbeing

**SOURCE:** Kevin Mottus – Over 700 Studies Showing Health Effects from Cell Phone Radio Frequency Radiation - US Brain Tumor Association. August 2016.

<http://kevinmottus.com/wp-content/uploads/2016/08/Cell-Phone-Studies.pdf>

**SOURCE:** Cindy Sage, David Carpenter et al. - Reported Biological Effects from Radiofrequency Radiation at Low-Intensity Exposure (Cell Tower, Wi-Fi, Wireless Laptop and 'Smart' Meter RF Intensities) – Bioinitiative report, 2012.

<https://bioinitiative.org/report/wp-content/uploads/pdfs/BioInitiativeReport-RF-ColorCharts.pdf>

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## 28 – RF RADIATION PROVEN CARCINOGENIC TO HUMANS

The World Health Organisation's (WHO) International Agency for Research on Cancer (IARC) concluded in 2011 that RF radiation of frequencies 30 kHz - 300 GHz are possibly carcinogenic to humans (Group 2B). However, recent evidence, including the latest studies on cell phone use and brain cancer risks, indicate that RF radiation is proven carcinogenic to humans and should now be classified as a "Group 1 carcinogen" along with tobacco smoke and asbestos, and

International Agency for Research on Cancer. Non-ionizing radiation, part 2: radiofrequency electromagnetic fields. In: IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. Vol 102. Lyon, France: WHO Press; 2013.

**SOURCE:** <http://monographs.iarc.fr/ENG/Monographs/vol102/mono102.pdf>

Carlberg M, Hardell L. Evaluation of mobile phone and cordless phone use and glioma risk using the Bradford Hill viewpoints from 1965 on association and causation. Biomed Res Int. 2017;9218486.

**SOURCE:** <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5376454>

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## 29 – A SUMMARY OF RECENT LITERATURE (2007-2017) ON NEUROLOGICAL EFFECTS OF RADIOFREQUENCY RADIATION

From a Summary of Recent Literature (2007-2017) on Neurological Effects of Radiofrequency Radiation  
Henry Lai  
Department of Bioengineering, University of

Washington, on page 20, discussion point 3, "...there is ample evidence that RFR exposure affects the nervous system from both acute and long-term exposure experiments. Brain electric activities, nerve cell functions and chemistry and behavior can be affected." Also, from page 21, discussion point 4, "Another very consistent finding is that RFR affects free radical metabolism in the brain. This may explain some of the cellular and physiological effects of RFR on the nervous system. As a matter of fact, oxidative changes in cells and tissues after exposure to RFR is a very common phenomenon (cf. Yakymenko et al., 2016). This happened in many organs of the body and can provide explanation on many reported biological effects of RFR."

**SOURCE:** Lai H. 2018. A Summary of Recent Literature (2007–2017) on Neurological Effects of Radio Frequency Radiation. Chapter 8 in Mobile Communications and Public Health, Marko Markov, Ed., CRC press, pp 185-220, the summary:

<https://ecfsapi.fcc.gov/file/10916020933093/Neurological%20effects%20of%20RF%20Henry%20Lai%20chapter%20Markov%202018.pdf>

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### 30 – STUDIES – HUMAN CIRCADIAN RHYTHMS UNDER THE INFLUENCE OF WEAK ELECTRIC FIELDS

Multiple controlled 4 week studies from over 40 years ago showed an extension of human circadian rhythms in the absence of electric fields.

**SOURCE:** Wever R. Human circadian rhythms under the influence of weak electric fields and the different aspects of these studies. Int J Biometeorol. 1973;17(3):227-232

[www.vitatec.com/docs/referenz-umgebungsstrahlung/wever-1973.pdf](http://www.vitatec.com/docs/referenz-umgebungsstrahlung/wever-1973.pdf) also <https://mberstecher.de/wever-1973.pdf>

Electromagnetic fields of extremely low frequency have been shown at a high statistical level to influence human circadian rhythms. In 1974, Wever isolated human subjects in underground bunkers for 3-8 weeks and measured their temperature and activity circadian rhythms. He found that subjects living in a shielded bunker exhibit periodicities in bodytemperature significantly different from those of subjects living in a non-shielded bunker. He also reported that desynchronization between the two rhythms occurred only in the shielded bunker. Both effects ceased when an artificial electric field of 0.025 v/cm at 10 Hz was applied, indicating that the total ambient electromagnetic environment on the one hand and the artificial field on the other influence human circadian rhythms similarly in the respects investigated.

**SOURCE:** Wever R. ELF-effects on human circadian rhythms. In: ELF and VLF Electromagnetic Field Effects. (Persinger M, ed.) New York: Plenum; 1974:101-144

<https://andrewamarino.com/PDFs/F038-PhysiolChemPhys1977.pdf>

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### 31 – CELL PHONE TOWER SHUT DOWN AT ELEMENTARY SCHOOL AFTER EIGHT KIDS ARE DIAGNOSED WITH CANCER IN ‘MYSTERIOUS’ CLUSTER

Evidence of 8 children under 10 in Sacramento affected by different types of cancer: brain, kidney, liver and lymphoma. Some say there is scant evidence that cell phone towers pose a real risk to humans, yet even skeptics say the number of cases in this cluster is unusual. Sprint, which owns the tower, has shut it down despite insisting the radio frequency levels are 100 times below the federal limit, a private investigator for the patients' moms found the levels were higher than reported

**SOURCE:** Article: Cell Phone Tower Shut Down At Elementary School After Eight Kids Are Diagnosed With Cancer In ‘Mysterious’ Cluster, by Mia De Graaf, health Editor for Dailymail.com  
Published 5 April 2008

<https://www.dailymail.co.uk/health/article-6886561/Cell-phone-tower-shut-elementary-school-eight-kids-diagnosed-cancer.htm>

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### 32 – THE BENEFITS OF 60 GHZ UNLICENSED WIRELESS COMMUNICATIONS

A document produced by YDI wireless had this to say in their introduction:

#### Introduction

In 2001, the Federal Communications Commission (FCC) set aside a continuous block of 7 gigahertz (GHz) of spectrum between 57 and 64 GHz for wireless communications. A major factor in this allocation with commercial ramifications is that the spectrum is “unlicensed” –in other words, an operator does not have to buy a license from the FCC before operating equipment in that spectrum. The licensing process typically is very expensive and time-consuming.

They then followed with this:

In addition to the high-data rates that can be accomplished in this spectrum, energy propagation in the 60 GHz band has unique characteristics that make possible many other benefits such as excellent immunity to interference, high security, and frequency re-use. In this paper, we will discuss in detail the benefits of wireless communications in the 57 to 64 GHz band.

Then about Oxygen absorption

Point-to-point wireless systems operating at 60 GHz have been used for many years by the intelligence community for high security communications and by the military for satellite-to-satellite communications. Their interest in this frequency band stems from a phenomenon of nature: the oxygen molecule (O<sub>2</sub>) absorbs electromagnetic energy at 60 GHz like a piece of food in a microwave oven

And

Another consequence of O<sub>2</sub> absorption is that radiation from one particular 60 GHz radio link is quickly reduced to a level that will not interfere with other 60 GHz links operating in the same geographic vicinity. This reduction enables higher “frequency reuse” –the ability for more 60 GHz links to operate in the same geographic area than links with longer ranges.

A number of good diagrams illustrate the points. Then at the bottom of this article, is the link: <http://www.ydi.com/products/fiberleap.php> Interestingly, typing ydi.com or any other variant of this link goes to the amazon.com homepage

So by simply walking past or being in the vicinity of one of any 5g devices or infrastructure could pose harm, in other words, a potential injury in your workplace and an Occupational Health and Safety breach. There is a duty of care for public safety, whereby the people are free from anxiety and threat. Public Governance, Performance and Accountability legislation is mandated to guarantee and warranty all commonwealth planning, its performance and accountability and its use and management of public resources of “newer” commonwealth entities, See section 15 & 69, Public Governance, Performance and Accountability, source: Federal Register of Legislation, <https://www.legislation.gov.au/>

**SOURCE:** Article: The Benefits of 60 GHz Unlicensed Wireless Communications, by Chris Koh, Director of Engineering

<https://www.radiationhealthrisks.com/wp-content/uploads/2020/11/60-GHz-Frequency.pdf>

## LAW AND LEGISLATION – PHYSICAL HEALTH IMPACTS

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### OCCUPATIONAL HEALTH AND SAFETY LAWS APPLY

(effectively a civil proceeding that can commence if criminal is not started or has concluded or cannot start if the criminal matters are substantially the same, Sect 10 & 11, Sect 9)

**Duties of employers in relation to their employees etc. Sections 16 (1), (2a,b &c), Section 17 Duty of employers in relation to third parties, Section 18 (1b),(3), Duties of manufacturers in relation to plant and substances, Section 20 (1) Duties of person erecting or installing plant in a workplace,**

#### **Section 21 Duties of employees in relation to occupational health and safety**

- (1) An employee must, at all times while at work, take all reasonably practicable steps:
  - (a) to ensure that the employee does not take any action, or make any omission, that creates a risk, or increases an existing risk, to the health or safety of the employee, or of other persons (whether employees or not) at or near the place at which the employee is at work; and

#### **23 Regulations relating to occupational health and safety**

- (1) Subject to this Act, the regulations may make provisions relating to any matter affecting, or likely to affect, the occupational health and safety of:
  - (a) employees or contractors; or
  - (b) **other persons** at or near a workplace.

| <b>Item</b> | <b>Provision the person breached, or was involved in the breach of:</b>    | <b>Maximum penalty:</b> |
|-------------|--|-------------------------|
| 1           | subsection 16(1) (duties of employers in relation to their employees etc.) | 2,200 penalty units     |
| 2           | section 17 (duty of employers in relation to third parties)                | 2,200 penalty units     |

| <b>Item</b> | <b>Provision the person breached, or was involved in the breach of:</b>              | <b>Maximum penalty:</b>  |
|-------------|--|--|
| 3           | subsection 18(1) (duties of manufacturers in relation to plant and substances)       | 440 penalty units for a natural person<br>2,200 penalty units for a body corporate |
| 4           | subsection 18(2) (duties of manufacturers in relation to plant and substances)       | 440 penalty units for a natural person<br>2,200 penalty units for a body corporate |
| 5           | subsection 19(1) (duties of suppliers in relation to plant and substances)           | 440 penalty units for a natural person<br>2,200 penalty units for a body corporate |
| 6           | subsection 20(1) (duties of person erecting or installing plant in a workplace)      | 440 penalty units for a natural person<br>2,200 penalty units for a body corporate |
| 7           | subsection 21(1) (duties of employees in relation to occupational health and safety) | 90 penalty units   |

**CRIMINAL CODE ACT 1995 DIVISION CRIMINAL CODE ACT 1995 S11.2 COMPLICITY AND COMMON PURPOSE**

**(1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.**

**CRIMINAL CODE ACT 1995 DIVISION 268.23 CRIME AGAINST HUMANITY—OTHER INHUMANE ACT**

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995 DIVISION 268.26 WAR CRIME—INHUMANE TREATMENT**

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(b).
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**CRIMINAL CODE ACT 1995 DIVISION 268.28 WAR CRIME—WILFULLY CAUSING GREAT SUFFERING**

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**Charter of Human Rights and Responsibilities Act 2006**

Section 10 Protection from torture and cruel, inhuman or degrading treatment  
A person must not be— (a) subjected to torture; or (b) treated or punished in a cruel, inhuman or degrading way;

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STATE LEGISLATION

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**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 245 DEFINITION OF ASSAULT**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 245 Definition of Assault

- (1) A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person's consent, or with the other person's consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person's consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person's purpose, is said to assault that other person, and the act is called an *assault*.
- (2) In this section—  
*applies force* includes the case of applying heat, light, electrical force, gas, odour, or any other substance or thing whatever if applied in such a degree as to cause injury or personal discomfort.

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**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 246 ASSAULT UNLAWFUL**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 246 Assaults unlawful

- (2) The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 317 ACTS INTENDED TO CAUSE GRIEVOUS BODILY HARM & OTHER**  
**MALICIOUS ACTS**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 317 Acts intended to cause grievous bodily harm & other malicious acts

(1) Any person who, with intent—

- (a) to maim, disfigure or disable, any person; or
  - (b) to do some grievous bodily harm or transmit a serious disease to any person; or
  - (c) to resist or prevent the lawful arrest or detention of any person; or
  - (d) to resist or prevent a public officer from acting in accordance with lawful authority—  
either—
    - (e) in any way unlawfully wounds, does grievous bodily harm, or transmits a serious disease to, any person; or
    - (f) unlawfully strikes, or attempts in any way to strike, any person with any kind of projectile or anything else capable of achieving the intention; or
    - (g) unlawfully causes any explosive substance to explode;
- or
- (h) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or
  - (i) causes any such substance or thing to be taken or received by any person; or
  - (j) puts any corrosive fluid or any destructive or explosive substance in any place; or
  - (k) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person;

is guilty of a crime, and is liable to imprisonment for life.

- (2) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section.
- (3) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.

**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 320 GRIEVOUS BODILY HARM**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 320 Grievous Bodily Harm

- (1) Any person who unlawfully does grievous bodily harm to another is guilty of a crime, and is liable to imprisonment for 14 years.
- (3A) The *Penalties and Sentences Act 1992*, sections 108B and 161Q state a circumstance of aggravation for an offence against this section.
- (4) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.

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**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 320A TORTURE**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 320A Torture

- (1) A person who tortures another person commits a crime.  
Maximum penalty—14 years imprisonment.
- (1A) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section.
- (1B) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.
- (2) In this section—  
***pain or suffering*** includes physical, mental, psychological or emotional pain or suffering, whether temporary or permanent.  
***torture*** means the intentional infliction of severe pain or suffering on a person by an act or series of acts done on 1 or more than 1 occasion.

**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 323 WOUNDING**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 323 Wounding

- (1) A person who unlawfully wounds anyone else commits a misdemeanour.  
Maximum penalty—7 years imprisonment.
  - (2) The offender may be arrested without warrant.
  - (3) The *Penalties and Sentences Act 1992*, section 108B states a circumstance of aggravation for an offence against this section.
- 

**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 355 DEPRIVATION OF LIBERTY**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 355 Deprivation of liberty

Any person who unlawfully confines or detains another in any place against the other person's will, or otherwise unlawfully deprives another of the other person's personal liberty, is guilty of a misdemeanour, and is liable to imprisonment for 3 years.

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**CRIMINAL CODE ACT 1899 (QLD)**  
**SECTION 357 CONCEALMENT OF MATTERS AFFECTING LIBERTY**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>

Section 357 Concealment of matters affecting liberty

Any person who—

- (a) being required by law to keep any record touching any matter relating to any person in confinement, refuses or neglects to keep such record, or makes in such record an entry which, in any material particular, is to the person's knowledge false; or

- (b) being required by law to give any information to any person touching any person in confinement, or to show to any person any person in confinement, or any place in which a person is confined—
- (i) refuses or neglects to give such information, or to show such person or place, to any person to whom the person is so required to give the information or show the person or place; or
  - (ii) gives to any person to whom the person is so required to give it, information touching any such matter which, in any material particular, is to the person's knowledge false;
- is guilty of a misdemeanour, and is liable to imprisonment for 3 years.

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT (VIC) 2006**  
**SECTION 10 PROTECTION FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING**  
**TREATMENT**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

Section 10 Protection from torture and cruel, inhuman or degrading treatment

A person must not be—

- (a) subjected to torture; or
- (b) treated or punished in a cruel, inhuman or degrading way;

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**RADIATION ACT 2005 (VIC)**  
**SECTION 22 OFFENCES TO CAUSE ANOTHER PERSON TO RECEIVE A HIGHER**  
**RADIATION DOSE THAN IS PRESCRIBED**

<https://www.legislation.vic.gov.au/as-made/acts/radiation-act-2005>

Section 22 Offences to cause another person to receive a higher radiation dose than is prescribed

- (1) A person must not, when conducting a radiation practice in relation to a radiation source, knowingly, recklessly or negligently cause another person to receive a radiation dose that is greater than the dose limit that is prescribed.

Penalty: In the case of a natural person, 600 penalty units;  
In the case of a body corporate, 3000 penalty units.

- (2) A person must not, when using a radiation source, knowingly, recklessly or negligently cause another person to receive a radiation dose that is greater than the dose limit that is prescribed.  
Penalty: 240 penalty units.
- (3) An offence under sub-section (1) is an indictable offence.
- (4) Sub-section (1) or (2) does not apply if the other person receives the radiation dose during the course, or for the purposes, of any treatment for, or diagnosis of, an illness or injury.

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## CASE LAW

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### CASE: [2013] AATA 105, MCDONALD VS COMCARE

Summary: Dr McDonald (scientist) won 75% of salary when he was unable to work because his employer failed to protect him from radiation although he had been diagnosed with EHS.

Administrative Appeals Tribunal (Australia)

Division: General Administrative division

File Numbers: 2011/0031, 2011/5355 & 2012/2826

Re: Alexander McDonald (Applicant) And Comcare (Respondent)

#### Decision

Tribunal: Deputy President J W Constance

Date: 28 February 2013

Place: Melbourne

#### **Application 2011/0031**

1. The reviewable decision made by Comcare on 9 November 2010 (being reconsideration 23114453) is set aside.

2. In substitution for the decision set aside it is decided that:

(1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being an aggravation of a condition of nausea, disorientation and headaches;

(2) the injury was suffered by him between April 2006 and May 2007.

#### **Application 2011/5355**

3. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25525982) is set aside.

4. In substitution for the decision set aside it is decided that:
  - (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being a chronic adjustment disorder with depressed moods;
  - (2) the injury was suffered by him between 1 July 2010 and 31 December 2010.
5. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25673997) is set aside.
6. In substitution for the decision set aside it is decided that as at the date of this decision Dr McDonald is not entitled to compensation in accordance with sections 24 and 27 of the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of the injury being chronic adjustment disorder with depressed moods.

#### **Application 2012/2826**

7. The reviewable decision made by Comcare on 22 June 2012 (being reconsideration 27176306) is set aside.
8. The matter is remitted to Comcare for reconsideration in accordance with these reasons for decision.

#### **SOURCE:**

<http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/aat/2013/105.html>

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#### **CASE: 08373-2018 – ITALY. JUDGMENT REQUIRES STATE TO INFORM OF HEALTH RISKS DUE TO MOBILE PHONES**

Court Case No 08373-2018

Summary: (Italy) a landmark judgment requires the state to inform the population of the health risks due to mobile phones.

“The decision of the Administrative Court of Rome ... orders the Italian government to create a national information campaign on the health risks associated with the use of mobile phones.”

**SOURCE:** <https://www.phonegatealert.org/en/italy-a-landmark-judgment-condemns-the-state-to-inform-the-population-of-the-health-risks-due-to-mobile-phones>

**Court case:** <https://www.phonegatealert.org/wp-content/uploads/2019/01/sentenza-tar-apple-ministeri-2019.pdf>

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**CASE: 904/2019 OF 3.12.2019, ROMEO V. INAIL – TURIN, ITALY  
JUDGMENT SUMMARY - MOBILE PHONE CAUSED HEAD TUMOUR**

Court case: 904/2019 of 3.12.2019, Romeo v. INAIL

Summary: (Turin, Italy) The Court of Appeal of Turin confirms in a full judgment published on 13 January 2020, the decision of the Tribunal of Ivrea of 2017. Judge Fadda considers that the worker’s acoustic neuroma (benign tumour of the head) was indeed caused by the use of the mobile phone.

All the scientific elements of the case were re-examined and re-analysed by two new experts appointed by the Court of Turin (Carolina Marino, Angelo D’Errico). The Court of Appeal fully accepted their conclusions and rejected INAIL’s appeal, stating that CTU had provided: “strong evidence to assert a causal role between the complainant’s occupational exposure, his exposure to radiation from mobile phones and the disease that occurred”.

**SOURCE:** <https://www.phonegatealert.org/en/the-court-of-appeal-of-turin-confirms-the-link-between-a-head-tumour-and-mobile-phone-use>

**Judgement of the court 22 Jan 2002:** <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62000CJ0218&from=IT>

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**CASE: 18-1129; MARCH 15, 2019**

**FEDERAL COURT OVERTURNS FCC ORDER BYPASSING ENVIRONMENTAL REVIEW FOR  
4G/5G WIRELESS SMALL CELL DENSIFICATION**

Court case: 18-1129

Argued March 15, 2019; Decided August 9, 2019

United States Court of Appeals for the District of Columbia Circuit

United Keetowah Band of Cherokee Indians in Oklahoma, individually and on behalf of all other Native American Indian Tribes and Tribal organizations, et al., Petitioners

v

Federal Communications Commission and United States of America Respondents

Consolidated with 18-1135, 18-1148, 18-1159, 18-1184

On August 9, 2019 the US Court of Appeals for the District of Columbia Circuit issued a decision substantially setting back the efforts of the Federal Communications Commission to expedite the deployment of densified 4G/5G so-called “Small Cell” cell towers.

4G and 5G and small cell frequencies impact wildlife. For example, research finds the radiation alters bird navigation, [disturbs honeybee colonies](#), [damages](#) trees and impacts plants. [Research](#) on insects and 5G finds that their bodies can absorb up to three times more power from 5G

millimeter wave frequencies (around 24-28 GHz) and this could lead to major changes in how they behave and function, affecting the capacity of bees and other insects to pollinate crops. Published reviews on 5G, millimeter waves and wireless (even from decades ago) have cataloged a host of harmful impacts including increased temperature, altered gene expression, faster cell growth, inflammatory and metabolic processes, damage to the eyes and cellular stress, memory problems, sperm damage, genetic damage, behavior issues and brain damage.

**The Court found that the FCC's Order was arbitrary and capricious** and, therefore, unlawful. Consequently, the Court vacated the FCC's Order 18-30, thereby reinstating prior regulations requiring environmental and historic preservation reviews of densified 4G and 5G cell tower deployments.

Attorney Edward B. Myers stated in the 2018 press release, "The FCC has ignored the requirements of federal law by ruling without having conducted any impact analysis that so-called 'small wireless facilities', are not likely to have any significant environmental impacts and, therefore, do not require any prior review under NEPA or the NHPA. The FCC also failed to meet its responsibilities under the Communications Act, independent of NEPA and the NHPA, to ensure that its actions promote health and safety."

**SOURCE:** <https://scientists4wiredtech.com/2019/08/federal-court-overturns-fcc-order-bypassing-environmental-review-for-4g-5g-wireless-small-cell-densification/>

<https://arstechnica.com/tech-policy/2019/08/ajit-pai-loses-another-court-case-as-judges-overturn-5g-deregulation/>

**Court Ruling:** <https://ehtrust.org/wp-content/uploads/Court-Opinion.pdf>

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**CASE: TRIBUNAL DE GRANDE INSTANCE DE BORDEAUX, FRANCE  
FRENCH COURT ORDERS REMOVAL OF 13 SMART METERS**

Court Case: 19/[redacted]

A French court has ordered the removal of the controversial Linky electricity smart meters from 13 homes, for medical reasons.

**SOURCE:** <https://stopsmartmeters.com.au/2019/08/03/french-court-orders-the-removal-of-smart-meters-for-health-reasons/>

**Court document 2 January 2019:** [https://linky.mysmartcab.fr/ressources/TGI-de-Bordeaux.pdf?fbclid=IwAR3lDusugBaX9oE5s63rPaFMC2M613\\_t6VAdQJSXsJduPD\\_br\\_bohYeBX734](https://linky.mysmartcab.fr/ressources/TGI-de-Bordeaux.pdf?fbclid=IwAR3lDusugBaX9oE5s63rPaFMC2M613_t6VAdQJSXsJduPD_br_bohYeBX734)

**CASE: DOCKET NO. 98-9009**  
**CELLULAR TELEPHONE COMPANY, (AT & T WIRELESS SERVICES), V. THE TOWN OF OYSTER BAY AND THE TOWN BOARD OF THE TOWN OF OYSTER BAY**

Case: Docket no. 98-9009

United States Court of Appeals, Second Circuit

Cellular Telephone Company, doing business as AT & T Wireless Services, Plaintiff – Appellee, v. The Town of Oyster Bay and The Town Board of the Town of Oyster Bay, Defendants – Appellants

Decided: January 29, 1999

“At the bottom of this case you’ll see this statement:

“The statute uses the term “environmental effects” to describe an impermissible basis for decision. Although one court has questioned whether “environmental effects” and “health concerns” are the same, see *Iowa Wireless Servs., L.P. v. City of Moline, Illinois*, 29 F.Supp.2d 915, 924 (C.D.Ill.1998), we believe that the terms are interchangeable and will use “health concerns” to refer to the constituent testimony on the connection between rfes and cancer and other health problems.”

The court was wrong, we know it and this ruling can be rectified by another court ruling.”

**SOURCE:**

**Court case:** <https://caselaw.findlaw.com/us-2nd-circuit/1374660.html>

**Article :** Court Law versus Section 704 of the 1996 Telecommunications Act  
<https://citizensfor5gawareness.org/2020/04/15/court-law-versus-section-704-of-the-1996-telecommunications-act/>

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**CASE: 2:17-CV-03445-SJF-ARL**  
**FEDERAL JUDGE RECOMMENDS COURT DISMISS CROWN CASTLE SUITE AGAINST OYSTER BAY, “CITIZENS HAVE WON”**

Court case 2:17-CV-03445-SJF-ARL

March 2, 2020

“Federal judge ruled that building permits are needed to install cellphone equipment in the town.”

**SOURCE:**

**Article :** Federal judge rules in favor of town of Oyster Bay in cellphone equipment case

<https://www.msn.com/en-us/news/us/federal-judge-rules-in-favor-of-town-of-oyster-bay-in-cellphone-equipment-case/ar-BB10HG40>

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**CASE: 13543/14**

**CAPE TOWN RESIDENTS FORCE MTN TO REMOVE CELLPHONE TOWER**

Court case: 13543/14

Heard: 21 May 2015 Delivered: 3 June 2015

Residents of Constantia in Cape Town have won a legal battle against MTN to have a ...  
cellphone mast taken down.

**SOURCE:**

Court case: <http://www.saflii.org/za/cases/ZAWCHC/2015/79.pdf>

Article : Cape Town Residents Force MTN to Remove Cellphone Tower

[https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvIVkDg1Yly\\_tSGNb29CYqdDbKsNRTV69kyXI](https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvIVkDg1Yly_tSGNb29CYqdDbKsNRTV69kyXI)

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**INTERNATIONAL LAW AND LEGISLATION**

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**INTERNATIONAL COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS**

**PART II, ARTICLE 4**

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

PART II

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

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**INTERNATIONAL COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS**  
**PART III, ARTICLE 12**

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

PART III  
Article 12

1. “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”
  2. “The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
    - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
    - (b) The improvement of all aspects of environmental and industrial hygiene;
- 

**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 3 HUMAN DIGNITY OF HUMAN RIGHTS**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 3 – Human dignity and human rights

1. “Human dignity, human rights and fundamental freedoms are to be fully respected.”
  2. “The interests and welfare of the individual should have priority over the sole interest of science or society.”
- 

**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 4 BENEFIT AND HARM**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 12 RESPECT FOR CULTURAL DIVERSITY AND PLURALISM**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 12 – Respect for cultural diversity and pluralism

The importance of cultural diversity and pluralism should be given due regard. However, such considerations are not to be invoked to infringe upon human dignity, human rights and fundamental freedoms, nor upon the principles set out in this Declaration, nor to limit their scope.

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 14 SOCIAL RESPONSIBILITY AND HEALTH**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 14 – Social responsibility and health

1. “The promotion of health and social development for their people is a central purpose of governments that all sectors of society share.”
2. “Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, progress in science and technology should advance:
  - (a) access to quality health care and essential medicines, especially for the health of women and children, because health is essential to life itself and must be considered to be a social and human good;
  - (b) access to adequate nutrition and water;
  - (c) improvement of living conditions and the environment;...”

Nürnberg Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

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**SCRIPTURAL LAW**

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**EPHESIANS 5:29**

“for no one ever hated his own flesh, but nourishes and cherishes it”

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 13:8**

“Let no debt remain outstanding, except the continuing debt to love one another, for whoever loves others has fulfilled the law.”

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**GALATIANS 5:14**

“For the entire law is fulfilled in keeping this one command: “Love your neighbor as yourself.”

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**ROMANS 13:10**

“Love does no harm to a neighbor. Therefore love is the fulfillment of the law.”

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**EXODUS 15:26**

“If you listen carefully to the Lord your God and do what is right in his eyes, if you pay attention to his commands and keep all his decrees, I will not bring on you any of the diseases I brought on the Egyptians, for I am the Lord, who heals you.”

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**PROVERBS 19:16**

“Whoever keeps commandments keeps their life,  
but whoever shows contempt for their ways will die.”

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**DEUTERONOMY 4:40**

“Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the Lord your God gives you for all time.”

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**MAXIMS OF LAW**

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In dubio, sequendum quod tutius est - In doubt, the safer course is to be adopted

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Ubi jus, ibi remedium - Where there is a right, there is a remedy

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Error qui non resistitur, approbatur - An error not resisted is approved

## SECTION 4 – ENVIRONMENTAL DAMAGE

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### REFERENCES – ENVIRONMENTAL DAMAGE

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#### D1 – INTERNATIONAL APPEAL – STOP 5G ON EARTH AND IN SPACE

##### **Harmful Effects of Radio Frequency Radiation Are Already Proven**

Even before 5G was proposed, [dozens of petitions and appeals](#) by international scientists, including the [Freiburger Appeal](#) signed by over 3,000 physicians, called for a halt to the expansion of wireless technology and a moratorium on new base stations.

In 2015, [215 scientists from 41 countries](#) communicated their alarm to the United Nations (UN) and World Health Organization (WHO). They stated that “numerous recent scientific publications have shown that EMF [electromagnetic fields] affects living organisms at levels well below most international and national guidelines”. More than 10,000 peer-reviewed scientific studies demonstrate harm to human health from RF radiation. Effects include:

- [Alteration of heart rhythm](#)
- [Altered gene expression](#)
- [Altered metabolism](#)
- [Altered stem cell development](#)
- [Cancers](#)
- [Cardiovascular disease](#)
- [Cognitive impairment](#)
- [DNA damage](#)
- [Impacts on general well-being](#)
- [Increased free radicals](#)
- [Learning and memory deficits](#)
- [Impaired sperm function and quality](#)
- [Miscarriage](#)
- [Neurological damage](#)
- [Obesity and diabetes](#)
- [Oxidative stress](#)

Effects in children include [autism](#), [attention deficit hyperactivity disorder \(ADHD\)](#) and [asthma](#).

Damage goes well beyond the human race, as there is abundant evidence of harm to diverse plant- and [wildlife](#) and laboratory animals, including:

- [Ants](#)
- [Birds](#)
- [Forests](#)

- [Frogs](#)
- [Fruit flies](#)
- [Honey bees](#)
- [Insects](#)
- [Mammals](#)
- [Mice](#)
- [Plants](#)
- [Rats](#)
- [Trees](#)

### **World Governments Are Playing Dice with Life on Earth**

Albert Einstein famously asserted that “God does not play dice”. Yet by pursuing the broadcast on Earth and from space of 5G, an unprecedented technology of millimetre waves previously used as an energy weapon in [military operations and crowd control](#), world governments are recklessly playing dice with the future of life on Earth.

To refuse to accept and apply relevant and valid scientific knowledge is ethically unacceptable. Existing research shows that 5G—and especially space-based 5G—contravenes principles enshrined in a host of international agreements.

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

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### **02 - ENVIRONMENT**

The [Declaration of the United Nations Conference on the Human Environment](#) (1972): stated that “The discharge of toxic substances... in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems” (Principle 6).

**SOURCE:** <http://www.un-documents.net/unchedec.htm>

The [World Charter for Nature](#) (1982): states that “Activities which are likely to cause irreversible damage to nature shall be avoided... [W]here potential adverse effects are not fully understood, the activities should not proceed” (Article 11).

**SOURCE:**

<https://sedac.ciesin.columbia.edu/entri/texts/world.charter.for.nature.1982.html>

The [Rio Declaration on Environment and Development](#) (1992): “States have... the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction” (Principle 2).

**SOURCE:** Report of the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992)

[https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf)

The United Nations [World Summit on Sustainable Development](#) (2002): “There is an urgent need to... create more effective national and regional policy responses to environmental threats to human health” (para. 54(k)).

**SOURCE:** Report of the World Summit on Sustainable Development (Johannesburg, South Africa, 26 August-4 September 2002)

[www.un-documents.net/aconf199-20.pdf](http://www.un-documents.net/aconf199-20.pdf)

The [African Convention on the Conservation of Nature and Natural Resources](#) (2017): “The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (Article 13).

**SOURCE:**

[https://au.int/sites/default/files/treaties/7782-treaty-0029 -  
\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resource  
s\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources.pdf)

### 03 – 5G WHAT YOU NEED TO KNOW

Scientists worldwide are calling for a halt to the 5G Roll-out: Over 200 scientists and doctors issued a declaration calling for a moratorium on the increase of 5G cell antennas citing human health effects and impacts to wildlife.

Read the 2017 Scientific Appeal on 5G To the European Commission

Read the 2015 EMF Scientist Appeal to the United Nations Read Letters From Dozens of Scientists on Health Risks of 5G

**SOURCE:** <https://ehtrust.org/wp-content/uploads/5G-What-You-Need-to-Know.pdf>

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### 04 – SUPPORTING LETTERS FROM SCIENTISTS AND MEDICAL EXPERTS

In the case of "protection from exposure to electromagnetic fields", it is thus of paramount importance to act from a prudence avoidance/precautionary principle point of view. Anything else would be highly hazardous! Total transparency of information is the key sentence here, I believe consumers are very tired of always having the complete truth years after a certain catastrophe already has taken place. For instance, it shall be noted, that today's recommendation values for wireless systems, the SAR-value, are just recommendations, and not safety levels. Since scientists observe biological effects at as low as 20 microWatts/kg, is it then really safe to irradiate humans with 2 W/kg (i.e., with 100,000 times stronger radiation!), which is the recommendation level for us? And, furthermore, it is very strange to see, over and over again, that highly relevant scientific information is suppressed or even left out in various official documents, as high up as at the governmental level of society. This is not something that the consumers will gain anything good from, and, still, the official declaration or explanation (from experts and politicians) very often is: "If we (=the experts) would let everything out in the open, people would be very scared and they would panic." Personally, I have never seen this happen, but instead I have frequently seen great disappointment from citizens who afterwards have realized they have been fooled by their own experts and their own politicians...

In many commentaries, debate articles and public lectures - for the last 20-30 years - I have urged that completely independent research projects must be inaugurated immediately to ensure our public health. These projects must be entirely independent of all types of commercial interests; public health cannot have a price-tag! It is also of paramount importance that scientists involved in such projects must be free of any carrier considerations and that the funding needed is covered to 100%, not 99% or less. This is the clear responsibility of the democratically elected body of every country.

Many wireless systems are close to beds, kitchens, playrooms, and similar locations, as well as are now introduced into schools and pre-schools. These wireless systems are never off, and the exposure is not voluntary. These wireless systems are being forced on citizens everywhere. Based on this, the inauguration of such wireless systems with grudging and involuntary exposure of millions to billions of human beings to pulsed microwave radiation should immediately be prohibited until 'the red flag' can be hauled down once and for all.

In conclusion, wireless systems, such as Wi-Fi routers, can not be regarded as safe in schools, but must be deemed highly hazardous and unsafe for the children as well as for the staff. I encourage governments and local health and educational bodies to adopt a framework of guidelines for public and occupational EMF exposure that reflects the Precautionary Principle.

With my very best regards

Yours sincerely

Olle Johansson, assoc. professor.

**SOURCE:** Karolinska Institutet, Department of Neuroscience, Experimental Dermatology Unit

[http://www.wifi-in-schools-australia.org/p/blog-page\\_3.html](http://www.wifi-in-schools-australia.org/p/blog-page_3.html)

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### 05 – WHY 5G CELL TOWERS ARE MORE DANGEROUS

#### **5G Cell Towers Are More Dangerous for Two Main Reasons:**

- First, 5G emits “ultra high frequencies”. The higher the frequency, the shorter the length of each wave. This means more waves hit our bodies in the same amount of time. Previous cellular generations emitted from 1 to 6 GHz frequencies. 5G cell towers may emit frequencies as high as 300 GHz.
- Second, 5G technology requires “ultra high intensity”. Since the shorter length millimeter waves (MMV) used in 5G do not travel as far (and get obstructed easier), with our current number of cell towers the cell signal will not be reliable. To compensate 5G cell towers will have to emit the lower 3G & 4G waves as well, and many more “mini cell towers” will have to be installed. It is estimated that they will need a mini cell tower every 2 to 8 houses. All of this combined will greatly increase our RF Radiation exposure.

With RF Radiation, how close the source is to our physical bodies is more important than the power level (or wattage) of the radiation. RF Radiation dissipates with distance. In other words, a low powered exposure right next to someone, is more dangerous than a more powerful exposure a long ways away. Also the longer the exposure time is, the more dangerous it is. 5G will be the worst of both worlds. We will have more sources around us, and closer to us. And they will be more powerful and continuous emissions.

**SOURCE:** <https://www.radiationhealthrisks.com/5g-cell-towers-dangerous/>

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## 06 – EXPOSURE OF INSECTS TO RADIO-FREQUENCY ELECTROMAGNETIC FIELDS FROM 2 TO 120 GHz

### Conclusions

We investigated the absorbed radio-frequency electromagnetic power in four different real insects as a function of frequency from 2–120 GHz. Micro-CT imaging was used to obtain realistic models of real insects. These models were assigned dielectric parameters obtained from literature and used in finite-difference time-domain simulations. All insects show a dependence of the absorbed power on the frequency with a peak frequency that depends on their size and dielectric properties. The insects show a maximum in absorbed radio frequency power at wavelengths that are comparable to their body size. They show a general increase in absorbed radio-frequency power above 6 GHz (until the frequencies where the wavelengths are comparable to their body size), which indicates that if the used power densities do not decrease, but shift (partly) to higher frequencies, the absorption in the studied insects will increase as well. A shift of 10% of the incident power density to frequencies above 6 GHz would lead to an increase in absorbed power between 3–370%. This could lead to changes in insect behaviour, physiology, and morphology over time due to an increase in body temperatures, from dielectric heating. The studied insects that are smaller than 1 cm show a peak in absorption at frequencies (above 6 GHz), which are currently not often used for telecommunication, but are planned to be used in the next generation of wireless telecommunication systems. At frequencies above the peak frequency (smaller wavelengths) the absorbed power decreases slightly.

**SOURCE:** Article – Exposure of Insects to Radio-Frequency Electromagnetic Fields From 2 to 120 GHz (Published: 02 March 2018)

Authors: Arno Thielens, Duncan Bell, David B. Mortimore, Mark K. Greco, Luc Martens & Wout Joseph

<https://www.nature.com/articles/s41598-018-22271-3>

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## 07 – ELECTROMAGNETIC FIELDS, TREE & PLANT GROWTH

Electromagnetic (EMF) frequencies have been found to alter the growth and development of plants. Studies on wireless EMF frequencies have found [physiological and morphological changes](#), [increased micronuclei formation](#), [altered growth](#) as well as [adverse cell characteristics](#) such as thinner cell walls and smaller mitochondria. Electromagnetic exposure results in biochemical changes. Research shows that plants [perceive](#) and respond to electromagnetic fields and are a good model to study the biological effects of exposure.

Documentation of tree damage from base stations is made visible in the Report “Tree Damage Caused by Mobile phone base stations” in which he states, “RF radiation effects on plants have not been considered. In the Explosive Proliferation of the diverse wireless communication technologies across the entire environment and almost all areas of life, this represents an uncovered risk” ([Breunig, 2017](#)).

Note: EMFs also have been shown to alter the behavior of bees and [birds](#).

**SOURCE:** Article: Electromagnetic Fields, Tree & Plant Growth. (Dated Feb 17, 2018)

<https://ehtrust.org/electromagnetic-fields-impact-tree-plant-growth/>

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### 08 - MICROWAVING OUR PLANET: THE ENVIRONMENTAL IMPACT OF THE WIRELESS REVOLUTION

Rocket exhaust destroys ozone. It has been calculated that 9 Space Shuttles and 6 Titan IV launches per year would only put enough chlorine into the stratosphere to destroy 0.1% of its ozone (Prather et al. 1990). But few people seem to be considering what hundreds or thousands of launchings will do and are doing. Aleksandr Dunayev of the Russian space agency was quoted in 1989 as saying, "About 300 launches of the shuttle each year would be a catastrophe and the ozone would be completely destroyed" (Broad 1991). Rocket exhaust also produces acid rain and massive water pollution near launch sites, and contributes further to global warming by adding water vapour to the stratosphere.

**SOURCE:** Document – Microwaving Our Planet. The Environmental Impact of the Wireless Revolution, by Arthur Firstenberg, 1997

[www.avaate.org/IMG/doc/Microwaving Our Planet firstenberg.doc](http://www.avaate.org/IMG/doc/Microwaving_Our_Planet_firstenberg.doc)

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### 09 - SPACEX IS IN COMMUNICATION WITH ALL BUT THREE OF 60 STARLINK SATELLITES ONE MONTH AFTER LAUNCH

The Verge article dated 28 June 2019, confirms the first sixty satellites were launched in 2019 and three are already out of communication meaning they will fall to Earth. SpaceX will continue to launch batches of sixty satellites at a time, with the goal of getting between 1,000 to 2,000 spacecraft up each year. It should take about 24 launches to reach global Internet coverage. With each satellite only lasting 5 years they will need to constantly be launching them with the corresponding impact on the ozone layer and pollution contributing to climate change for the foreseeable future.

**SOURCE:** Article – SpaceX is in Communication with all but three of 60 Starlink Satellites one month after launch, By Loren Grush

<https://www.theverge.com/2019/6/28/19154142/spacex-starlink-60-satellites-communication-internet-constellation>

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#### 10 – RADIOFREQUENCY RADIATION FROM NEARBY BASE STATIONS GIVES HIGH LEVELS IN AN APARTMENT IN STOCKHOLM, SWEDEN: A CASE REPORT

Due to the current high RF radiation, the apartment is not suitable for long-term living, particularly for children who may be more sensitive than adults. For a definitive conclusion regarding the effect of RF radiation from nearby base stations, one option would be to turn them off and repeat the measurements. However, the simplest and safest solution would be to turn them off and dismantle them.

SOURCE: <https://pubmed.ncbi.nlm.nih.gov/29725476/>

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#### 11 – WORLDWIDE STATEMENTS OF ORGANISATIONS REGARDING EMF

Thermal effects are defined as effects that originate in elevated temperatures from the absorption of electromagnetic energy. The specific absorption rate (SAR) is defined as the rate of absorption of electromagnetic energy in a unit mass of biological tissue. It is proportional to the incremental temperature increase in that tissue. Indeed while a significant temperature increase must be avoided as it can be of immediate adverse health consequences (tissue necrosis, cardiac stress, etc.) exposures can be without (measureable) temperature increase either because of heat dissipation or because the exposure is too low to be associated with relevant heating. The latter type of exposure is termed non-thermal. Biological and health-relevant effects at non-thermal levels have been shown and discussed by many research groups all over the world (9), (10), (22), (23), (24).

The ICNIRP recommendations were adopted by the EU in its Council Recommendation of 1999, without considering long-term non-thermal effects. However, it should be stressed that at an international EMF conference in London (2008), Professor Paolo Vecchia, ICNIRP Chairman from 2004 to 2012, said about the exposure guidelines “What they are not”: “*They are not mandatory prescriptions for safety*”, “*They are not the ‘last word’ on the issue*”, and “*They are not defensive walls for industry or others*” (25).

SOURCE: <https://www.degruyter.com/view/journals/reveh/31/3/article-p363.xml>

## 12 – 5G, MILLIMETRE WAVES AI AND THE INTERNET OF THINGS (IOT)

### **Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”**

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

### **Industry is Deeply Involved in the Science**

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#). This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by industry is less likely to find health risks than studies paid for by institutions or authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP’s self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE:** STOP5G Strategy Kit (page 38)

<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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## 13 – ADVERSE HEALTH EFFECTS OF 5G MOBILE NETWORKING TECHNOLOGY UNDER REAL-LIFE CONDITIONS

### **Abstract**

This article identifies adverse effects of non-ionizing non-visible radiation (hereafter called wireless radiation) reported in the premier biomedical literature. It emphasizes that most of the laboratory experiments conducted to date are not designed to identify the more severe adverse effects reflective of the real-life operating environment in which wireless radiation systems operate. Many experiments do not include pulsing and modulation of the carrier signal.

**SOURCE:**

<https://www.sciencedirect.com/science/article/abs/pii/S037842742030028X>

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**14 - BUILDING SCIENCE AND RADIOFREQUENCY RADIATION: WHAT MAKES SMART AND HEALTHY BUILDINGS**

Adverse biochemical and biological effects at commonly experienced RFR levels indicate that exposure guidelines for the U.S., Canada and other countries are inadequate to protect public health and the environment.

**SOURCE:**

<https://www.sciencedirect.com/science/article/pii/S0360132319305347>

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**15 - MILLIMETER WAVES OR EXTREMELY HIGH FREQUENCY ELECTROMAGNETIC FIELDS IN THE ENVIRONMENT: WHAT ARE THEIR EFFECTS ON BACTERIA?**

These effects are of significance for understanding changed metabolic pathways and distinguish role of bacteria in environment; they might be leading to antibiotic resistance in bacteria. The effects might have applications in the development of technique, therapeutic practices, and food protection technology.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/27087527/>

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**16 - ICNIRP GUIDELINES FOR LIMITING EXPOSURE TO ELECTROMAGNETIC FIELDS (100 KHZ TO 300 GHZ)**

**SUMMARY** The only substantiated adverse health effects caused by exposure to radiofrequency EMFs are nerve stimulation, changes in the permeability of cell membranes, and effects due to temperature elevation. There is no evidence of adverse health effects at exposure levels below the restriction levels in the ICNIRP (1998) guidelines and no evidence of an interaction mechanism that would predict that adverse health effects could occur due to radio frequency EMF exposure below those restriction levels.

**SOURCE:** ICNIRP Guidelines for Limiting Exposure to Electromagnetic Fields (100 kHz to 300 GHz)

Special Submission, Published in: Health Phys 118(5): 483-524; 2020

The above excerpt is from page 523 of the Submission

Published Ahead of print in March 2020: Health Phys 118(00):000-000;2020

[https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q\\_YdL2q4iF4ZtotOine3LykRhFWN4Gue5TQp-MGZcbRnQ](https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q_YdL2q4iF4ZtotOine3LykRhFWN4Gue5TQp-MGZcbRnQ)

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## 17 – PRINCIPLES FOR MEDICAL RESEARCH

“Medical research should be conducted in a manner that minimises possible harm to the environment.”

**SOURCE: World Medical Association Declaration of Helsinki - Ethical Principles for Medical Research Involving Human Subjects** – Originally adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964 and subsequently complemented until the 64<sup>th</sup> WMA General Assembly, Fortaleza, Brazil, October 2013. November 27, 2013 Volume 310, Number 20 Page 2191

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjC98aMsZ\\_rAhXjjeYKHZWnDK4QFjACegQIAxAB&url=https%3A%2F%2Fwww.wma.net%2Fwp-content%2Fuploads%2F2016%2F11%2FDoH-Oct2013-IAMA.pdf&usg=AOvVaw3II5cd12oj9Tse1luMnCSu](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjC98aMsZ_rAhXjjeYKHZWnDK4QFjACegQIAxAB&url=https%3A%2F%2Fwww.wma.net%2Fwp-content%2Fuploads%2F2016%2F11%2FDoH-Oct2013-IAMA.pdf&usg=AOvVaw3II5cd12oj9Tse1luMnCSu)

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## 18 – ELECTROMAGNETIC POLLUTION FROM PHONE MASTS. EFFECTS ON WILDLIFE

“There has an adverse effect on animals, and electromagnetic radiation can exert an aversive behavioral response in rats, bats and birds such as sparrows. Therefore microwave and radiofrequency pollution constitutes a potential cause for the decline of animal populations and deterioration of health of plants living linear phone masts. Some detailed research on

reproduction, health, density, gene expression, teratological and behavioural effects in birds (e.g. white stork, house sparrows, magpies), mammals (e.g. mice, rats), and amphibians.”

**SOURCE: PubMed Scientific Study:** Electromagnetic Pollution from Phone masts. Effects on Wildlife by Alfonso Balmori (received 10 August 2008) Elsevier, Pathophysiology 16 (2009) 191-199

<https://ecfsapi.fcc.gov/file/7520940774.pdf>

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### 19 – BEES, BIRDS AND MANKIND: DESTROYING NATURE BY ‘ELECTROSMOG’

“Harm done to birds, insects and plants, and in some countries there are reports of mysteriously dying bees. It appears as if the losses are at their worst in the Northern American states and in neighbouring Canada. 25% to 50% of the American beekeepers report losses through "Colony Collapse Disorder" (New Scientist, 2007). They reported 50% to 90% of their bees to have disappeared within the previous 6 months, and the remaining bee colonies were said to be so weak they can produce hardly and honey (CNN, 2007).”

**SOURCE:** Warnke U. Bees, Birds and Mankind: Destroying Nature by ‘Electrosmog.’ Competence Initiative for the Protection of Humanity, Environment and Democracy; 2009.

[https://www.naturalscience.org/wp-content/uploads/2015/01/kompetenzinitiative-ev\\_study\\_bees-birds-and-mankind\\_04-08\\_english.pdf](https://www.naturalscience.org/wp-content/uploads/2015/01/kompetenzinitiative-ev_study_bees-birds-and-mankind_04-08_english.pdf)

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### 20 – MORE THAN 17 PERCENT DECLINE OVER 27 YEARS IN TOTAL FLYING INSECT BIOMASS IN PROTECTED AREAS

“Insects, even in protected areas, and global declines in insects have sparked wide interest among scientists, politicians, and the general public. Loss of insect diversity and abundance is expected to provoke cascading effects on food webs and to jeopardize ecosystem services. Our understanding of the extent and underlying causes of this decline is based on the abundance of single species or taxonomic groups only, rather than changes in insect biomass which is more relevant for ecological functioning. Here, we used a standardized protocol to measure total insect biomass using Malaise traps, deployed over 27 years in 63 nature protection areas in Germany (96 unique location-year combinations) to infer on the status and trend of local entomofauna. Our analysis estimates a seasonal decline of 76%, and mid-summer decline of 82% in flying insect biomass over the 27 years of study. We show that this decline is apparent

regardless of habitat type, while changes in weather, landuse, and habitat characteristics cannot explain this overall decline.”

**SOURCE: More than 17 percent decline over 27 years in total flying insect biomass in protected areas** – Research article, various authors. Published October 18, 2017

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0185809>

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## 21 - EXPOSURE TO CELL PHONE RADIATIONS PRODUCES BIOCHEMICAL CHANGES IN WORKER HONEY BEES

### Abstract

The present study was carried out to find the effect of cell phone radiations on various biomolecules in the adult workers of *Apis mellifera* L. The results of the treated adults were analyzed and compared with the control. Radiation from the cell phone influences honey bees' behavior and physiology. There was reduced motor activity of the worker bees on the comb initially, followed by en masse migration and movement toward “talk mode” cell phone. The initial quiet period was characterized by rise in concentration of biomolecules including proteins, carbohydrates and lipids, perhaps due to stimulation of body mechanism to fight the stressful condition created by the radiations. At later stages of exposure, there was a slight decline in the concentration of biomolecules probably because the body had adapted to the stimulus.

**SOURCE: Exposure to cell phone radiations produces biochemical changes in worker honey bees.** Toxicol Int. 2011;18(1):70-72. By Kumar NR, Sangwan S, Badotra P.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3052591>

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## 22 – BIRDS AND TREES OF NORTHER GREECE: CHANGES SINCE THE ADVENT OF 4G WIRELESS

“A two month exploration of areas uncovered low numbers of bird species and trees dying.”

**SOURCE: Birds and Trees of Northern Greece: Changes since the Advent of 4G Wireless.** 2017. By D. Kordas, June28, 2017

<https://einarflydal.files.wordpress.com/2017/08/kordas-birds-and-trees-of-northern-greece-2017-final.pdf>

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### 23 – HUNDREDS OF BIRDS DEAD DURING 5G EXPERIMENTS IN NETHERLANDS

“Veterinarians test large numbers of dead birds, ruled out all other causes of death along with confirmed 5g testing in the vicinity of the birds. “

**SOURCE:** Hundreds Of Birds Dead During 5G Experiments In Netherlands - Article by Captain Planet, November 26, 2018

<https://www.captain-planet.net/hundreds-of-birds-dead-during-5g-experiment-in-netherlands/>

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### 24 – EVALUATION OF THE EFFECT OF RADIOFREQUENCY RADIATION FROM WI-FI AND MOBILE PHONE ON ANTIBACTERIAL SUSCEPTIBILITY OF PATHOGENIC BACTERIA

“Microbes are affected by RFR, and the pure cultures of *Listeria monocytogenes* and *Escherichia coli* were exposed to RF-EMFs generated either by a GSM 900 MHz mobile phone simulator and a common 2.4 GHz Wi-Fi router. It is also shown that exposure to RF-EMFs within a narrow level of irradiation (an exposure window) makes microorganisms resistant to antibiotics. This adaptive phenomenon and its potential threats to human health should be further investigated in future experiments. Altogether, the findings of this study showed that exposure to Wi-Fi and RF simulator radiation can significantly alter the inhibition zone diameters and growth rate for *L. monocytogenes* and *E. coli*. These findings may have implications for the management of serious infectious diseases. “

**SOURCE:** Evaluation of the effect of radiofrequency radiation emitted from Wi-Fi router and mobile phone simulator on the antibacterial susceptibility of pathogenic bacteria. Article: Authors - Taheri M, Mortazavi SM, Moradi M, et al

<https://journals.sagepub.com/doi/pdf/10.1177/1559325816688527>

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## 25 – SIMULATION AND CONTROL OF E. COLI BY USING AN EXTREMELY LOW FREQUENCY MAGNETIC FIELD

“A study of the biological effect of magnetic fields, as a component of the non-ionizing radiations, on a unicellular system. Pathogenic microorganisms, especially Escherichia coli, are chosen for many reasons; it is widely distributed in the environment such as soil, water and air. E. coli is a member of the normal intestinal flora of humans. It causes several diseases such as urinary tract infection, wound infection, traveller's diarrhea. It reaches blood stream and causes sepsis and meningitis. E. coli are rapidly growing, gram-negative, rod-shaped cells measuring approximately  $0.5 \times 2 \mu\text{m}$  length. The experiment concluded that the electromagnetic field (20 G) affected considerably the virulence of E. coli cells. 6 h exposure time was found to cause an inhibition case whereas 16 h exposure time enhanced the virulence.”

**SOURCE:** Stimulation and Control of E. Coli By using An Extremely Low Frequency Magnetic Field. Article dated (final) September 2006, Authors: Gaafar E.A, Hanafy M.S, Tohamy E.Y, Ibrahim M.H

<https://pdfs.semanticscholar.org/2e71/e08491843444ed00e297c68ff5d2ffa5f005.pdf>

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### CRIMINAL CODE ACT 1995 DIVISION 268.23 CRIME AGAINST HUMANITY—OTHER INHUMANE ACT

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another **proscribed inhumane act** as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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#### CRIMINAL CODE ACT 1995 DIVISION 268.28 WAR CRIME—WILFULLY CAUSING GREAT SUFFERING

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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#### CRIMINAL CODE ACT 1995 DIVISION 268.26 WAR CRIME—INHUMANE TREATMENT

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(b).

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**CRIMINAL CODE ACT 1995 DIVISION 268.38 WAR CRIME— EXCESSIVE INCIDENTAL DEATH, INJURY OR DAMAGE**

- (2) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator launches an attack; and
  - (b) the perpetrator knows that the attack will cause:
    - (i) damage to civilian objects; or
    - (ii) **widespread, long-term and severe damage to the natural environment**; and
  - (c) the perpetrator knows that the damage will be of such an extent as to be excessive in relation to the concrete and direct military advantage anticipated; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty for a contravention of this subsection: Imprisonment for 20 years.

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**CRIMINAL CODE ACT 1995 DIVISION 268.49 WAR CRIME— TREACHEROUSLY KILLING OR INJURING**

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator invites the confidence or belief of one or more persons that the perpetrator is entitled to protection, or that the person or persons are obliged to accord protection to the perpetrator; and
  - (b) the perpetrator kills the person or persons; and
  - (c) the perpetrator makes use of that confidence or belief in killing the person or persons; and
  - (d) the person or persons belong to an adverse party; and

- (e) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for life.

- (2) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator invites the confidence or belief of one or more persons that the perpetrator is entitled to protection, or that the person or persons are obliged to accord protection to the perpetrator; and
  - (b) the perpetrator injures the person or persons; and
  - (c) the perpetrator makes use of that confidence or belief in injuring the person or persons; and
  - (d) the person or persons belong to an adverse party; and
  - (e) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty for a contravention of this subsection: Imprisonment for 25 years.

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## STATE LEGISLATION

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### RADIATION ACT 2005 (VIC)

#### SECTION 23 OFFENCES TO CAUSE SERIOUS HARM TO THE ENVIRONMENT

<https://www.legislation.vic.gov.au/as-made/acts/radiation-act-2005>

Section 23. Offences to cause serious harm to the environment

- (1) A person must not, when conducting a radiation practice in relation to a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: In the case of a natural person, 1800 penalty units;  
In the case of a body corporate, 9000 penalty units.
- (2) A person must not, when using a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: 1200 penalty units.
- (3) An offence under sub-section (1) or (2) is an indictable offence.

Note: The penalty of up to 1,800 penalty units is in excess of \$297,000 for an individual, or up to 9,000 penalty units which is in excess of \$1,480,000 for a company or other type of body corporate.

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### RADIATION PROTECTION AND CONTROL ACT 1982 (SOUTH AUSTRALIA) DIVISION 3, SECTION 31.1 LICENCES TO OPERATE RADIATION APPARATUS

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3 – Radiation apparatus

Section 31 – Licences to operate radiation apparatus

- (1) A natural person must not operate –
- (a) ionising radiation apparatus; or
  - (b) non-ionising radiation apparatus of a prescribed class.
- unless the person holds a licence or temporary licence under this section.  
Maximum penalty: \$10 000.

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SOUTH AUSTRALIA), DIVISION 3,  
SECTION 33 OFFENCE FOR REGISTERED OWNER TO CAUSE, SUFFER OR PERMIT  
UNLICENSED PERSON TO OPERATE RADIATION APPARATUS**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Section 33 – Offence for registered owner to cause, suffer or permit unlicensed person to operate radiation apparatus

If the registered owner of radiation apparatus causes, suffers or permits the apparatus to be operated by a person who is required to hold but does not hold a licence under section 31 to operate the apparatus, the registered owner is guilty of an offence.

Maximum penalty: \$10 000.

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SOUTH AUSTRALIA), DIVISION  
3A, SECTION 33A LICENCE TO POSSESS A RADIATION SOURCE**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3A – Licence to possess a radiation source

Section 33A – Licence to possess a radiation source

(1) A person must not be in possession of a radiation source unless authorised by a licence granted by the Minister under this section.

Maximum penalty: \$100 000.

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SOUTH AUSTRALIA), DIVISION 3A, SECTION 33C AUTHORITY CONFERRED BY ACCREDITATION**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3A – Licence to possess a radiation source

Section 33C—Authority conferred by accreditation

Accreditation authorises the person named in the accreditation—

- (a) to conduct tests on radiation sources;
  - (b) to undertake activities to assess compliance with this Act or any requirements prescribed by the regulations;
  - (c) to issue certificates of compliance or certificates of competency in relation to matters regulated under this Act, ....
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**RADIATION PROTECTION AND CONTROL ACT 1982 (SOUTH AUSTRALIA), PART 4, SECTION 44 EXEMPTIONS BY MINISTER**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Part 4—Miscellaneous

Section 44—Exemptions by Minister

- (1) Subject to the provisions of this section, the Minister may, by notice in the Gazette, exempt a person or class of persons from compliance with specified provisions of this Act.
- (2) An exemption granted under this section has effect for a period, and is subject to conditions, specified by the Minister in the notice.
- (3) The Minister must not grant an exemption from compliance with a provision of this Act unless the Minister is satisfied that, if the exemption were granted subject to appropriate conditions, the activity subject to the exemption would not endanger the health or safety of any person.

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**CASE LAW**

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**CASE: 18-1129; MARCH 15, 2019**

**FEDERAL COURT OVERTURNS FCC ORDER BYPASSING ENVIRONMENTAL REVIEW FOR  
4G/5G WIRELESS SMALL CELL DENSIFICATION**

Court case: 18-1129

Argued March 15, 2019; Decided August 9, 2019

United States Court of Appeals for the District of Columbia Circuit

United Keetowah Band of Cherokee Indians in Oklahoma, individually and on behalf of all other Native American Indian Tribes and Tribal organizations, et al., Petitioners

v

Federal Communications Commission and United States of America Respondents

Consolidated with 18-1135, 18-1148, 18-1159, 18-1184

On August 9, 2019 the US Court of Appeals for the District of Columbia Circuit issued a decision substantially setting back the efforts of the Federal Communications Commission to expedite the deployment of densified 4G/5G so-called "Small Cell" cell towers.

4G and 5G and small cell frequencies impact wildlife. For example, research finds the radiation alters bird navigation, disturbs honeybee colonies, damages trees and impacts plants. Research on insects and 5G finds that their bodies can absorb up to three times more power from 5G millimeter wave frequencies (around 24-28 GHz) and this could lead to major changes in how they behave and function, affecting the capacity of bees and other insects to pollinate crops. Published reviews on 5G, millimeter waves and wireless (even from decades ago) have cataloged a host of harmful impacts including increased temperature, altered gene expression, faster cell growth, inflammatory and metabolic processes, damage to the eyes and cellular stress, memory problems, sperm damage, genetic damage, behavior issues and brain damage.

**The Court found that the FCC's Order was arbitrary and capricious** and, therefore, unlawful. Consequently, the Court vacated the FCC's Order 18-30, thereby reinstating prior regulations requiring environmental and historic preservation reviews of densified 4G and 5G cell tower deployments.

Attorney Edward B. Myers stated in the 2018 press release, "The FCC has ignored the requirements of federal law by ruling without having conducted any impact analysis that so-called 'small wireless facilities', are not likely to have any significant environmental impacts and, therefore, do not require any prior review under NEPA or the NHPA. The FCC also failed to meet its responsibilities under the Communications Act, independent of NEPA and the NHPA, to ensure that its actions promote health and safety."

**SOURCE:** <https://scientists4wiredtech.com/2019/08/federal-court-overtURNS-fcc-order-bypassing-environmental-review-for-4g-5g-wireless-small-cell-densification/>

<https://arstechnica.com/tech-policy/2019/08/ajit-pai-loses-another-court-case-as-judges-overturn-5g-deregulation/>

**Court Ruling:** <https://ehtrust.org/wp-content/uploads/Court-Opinion.pdf>

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**CASE: DOCKET NO. 98-9009**

**CELLULAR TELEPHONE COMPANY, (AT & T WIRELESS SERVICES), V. THE TOWN OF OYSTER BAY AND THE TOWN BOARD OF THE TOWN OF OYSTER BAY**

Case: Docket no. 98-9009

United States Court of Appeals, Second Circuit

Cellular Telephone Company, doing business as AT & T Wireless Services, Plaintiff – Appellee, v. The Town of Oyster Bay and The Town Board of the Town of Oyster Bay, Defendants – Appellants

Decided: January 29, 1999

“At the bottom of this case you’ll see this statement:

“The statute uses the term “environmental effects” to describe an impermissible basis for decision. Although one court has questioned whether “environmental effects” and “health concerns” are the same, see Iowa Wireless Servs., L.P. v. City of Moline, Illinois, 29 F.Supp.2d 915, 924 (C.D.Ill.1998), we believe that the terms are interchangeable and will use “health concerns” to refer to the constituent testimony on the connection between rfes and cancer and other health problems.”

The court was wrong, we know it and this ruling can be rectified by another court ruling.”

**SOURCE:**

**Court case:** <https://caselaw.findlaw.com/us-2nd-circuit/1374660.html>

**Article :** Court Law versus Section 704 of the 1996 Telecommunications Act

<https://citizensfor5gawareness.org/2020/04/15/court-law-versus-section-704-of-the-1996-telecommunications-act/>

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**CASE: 13543/14**

**CAPE TOWN RESIDENTS FORCE MTN TO REMOVE CELLPHONE TOWER**

Court case: 13543/14

Heard: 21 May 2015 Delivered: 3 June 2015

Residents of Constantia in Cape Town have won a legal battle against MTN to have a “visually intrusive” cellphone mast taken down.

**SOURCE:**

**Court case:** <http://www.saflii.org/za/cases/ZAWCHC/2015/79.pdf>

**Article :** Cape Town Residents Force MTN to Remove Cellphone Tower

[https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvJVkDg1Yly\\_tSGNb29CYqdDbKsNRTV69kyXI](https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvJVkDg1Yly_tSGNb29CYqdDbKsNRTV69kyXI)

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## INTERNATIONAL LAW AND LEGISLATION

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### UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS

#### ARTICLE 17

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Article 17 – Protection of the environment, the biosphere and biodiversity

“.....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

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### THE WORLD CHARTER FOR NATURE (1982)

#### ARTICLE 11

<http://www.un.org/documents/ga/res/37/a37r007.htm>

“Activities which are likely to cause irreversible damage to nature shall be avoided...

[W]here potential adverse effects are not fully understood, the activities should not proceed”

(art. 11).

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### THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)

#### PRINCIPLE 1

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

PRINCIPLE 1: Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**  
**PRINCIPLE 2**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

PRINCIPLE 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, **and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**  
**PRINCIPLE 3**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

PRINCIPLE 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**  
**PRINCIPLE 4**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

PRINCIPLE 4: In order to achieve sustainable development, **environmental protection shall constitute an integral part of the development process** and cannot be considered in isolation from it.

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**THE DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN  
ENVIRONMENT (1972)  
PRINCIPLE 6**

<http://www.un-documents.net/unchedec.htm>

“The discharge of toxic substances... in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems” (principle 6).

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**REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL  
RESOURCES (2017)  
ARTICLE 13**

[https://au.int/sites/default/files/treaties/7782-treaty-0029 -  
\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resources\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

“The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (art. 13).

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**CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF  
ENVIRONMENTAL MODIFICATION TECHNIQUES  
ARTICLE I**

<https://2009-2017.state.gov/t/isn/4783.htm>

Bureau of International Security and Nonproliferation  
Signed in Geneva May 18, 1977  
Entered into force October 5, 1978

Article I sets forth the basic commitment: "Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." An understanding defines the terms "widespread, long-lasting or severe." "Widespread" is defined as "encompassing an area on the scale of several hundred square kilometers"; "long-lasting" is defined as "lasting for a period of months, or approximately a season"; and "severe" is defined as

"involving serious or significant disruption or harm to human life, natural and economic resources or other assets."

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**THE OUTER SPACE TREATY (1967)**  
**ARTICLE IX**

[http://www.unoosa.org/pdf/gares/ARES\\_21\\_2222E.pdf](http://www.unoosa.org/pdf/gares/ARES_21_2222E.pdf)

Which requires that the use of outer space be conducted “so as to avoid [its] harmful contamination and also adverse changes in the environment of the Earth” (art. IX).

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**The United Nations Guidelines for the Long-Term Sustainability of Outer Space**  
**Activities (2018)**  
**guideline A2, 2c**

[http://www.unoosa.org/res/oosadoc/data/documents/2018/aac\\_1052018crp/aac\\_1052018crp\\_20\\_0\\_html/AC105\\_2018\\_CRP20E.pdf](http://www.unoosa.org/res/oosadoc/data/documents/2018/aac_1052018crp/aac_1052018crp_20_0_html/AC105_2018_CRP20E.pdf)

Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects

(Guideline A.2, 2 c).

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**SCRIPTURAL LAW**

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**PROVERBS 19:2**

“Desire without knowledge is not good, and whoever makes haste with his feet misses his way.”

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**LEVITICUS 26:3-4**

“If you follow my decrees and are careful to obey my commands, I will send you rain in its season, and the ground will yield its crops and the trees their fruit.”

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**LEVITICUS 25:23-24**

“The land shall not be sold for ever; for the land is mine; for ye are strangers and sojourners with me.

<sup>24</sup>And in all the land of your possession ye shall grant a redemption for the land.”

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**LUKE 16:17**

“And it is easier for heaven and earth to pass, than one tittle of the law to fail.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 3:20**

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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**ROMANS 13:8**

“Let no debt remain outstanding, except the continuing debt to love one another, for whoever loves others has fulfilled the law.”

**DEUTERONOMY 4:40**

“Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the Lord your God gives you for all time.”

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**MAXIMS OF LAW**

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Ubi culpa est ibi paena subesse debet - Where there is culpability, there punishment ought to be

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Peccata contra naturam sunt gravissima - Offences against nature are the heaviest

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Omne magnum exemplum habet aliquid ex iniquio, quod publica utilitate compensatur - Every great example has some portion of evil, which is compensated by its public utility

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## SECTION 5 – WEAPONS-GRADE 5G

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### REFERENCES – WEAPONS-GRADE 5G

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#### 01 – 5G WILL USE THE SAME FREQUENCIES AS PAIN-INFLICTING MILITARY WEAPON

“The Department of Defense has developed a non-lethal crowd control device called the Active Denial System (ADS). The ADS works by firing a high-powered beam of **95 GHz waves** at a target—that is, millimeter wavelengths. Anyone caught in the beam will feel like their skin is burning. The burning sensation stops once the target leaves the beam. **This weapon operates on 95GHz waves and 5G will operate on the same frequencies.** “

**SOURCE:** 5G Will Use the Same Frequencies as Pain-Inflicting Military Weapon from Health Freedom Idaho dated December 29, 2018

<https://healthfreedomidaho.org/5g-military-weapon/>

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#### 02 – 5G IS THE ULTIMATE DIRECTED ENERGY WEAPON SYSTEM

“...everybody assumes that 5G is just a better 3 and 4G so what’s all this fuss about?”  
“...5G is a fundamentally different system.”

“I want to show what the 5G system really looks like in practice,”  
“...how the industry is actually gloating with it, they know that this is a weapon”  
Particle Physicist: Dr. Katherine Horton

**SOURCE:** 5G is the Ultimate Directed Energy Weapon System, Says Particle Physicist by Particle Physicist Dr. Katherine Horton. Collective Evolution – July 31, 2019

<https://www.collective-evolution.com/2019/07/31/5g-is-the-ultimate-directed-energy-weapon-system-says-particle-physicist/>

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### 03 – THE 5G ROLL OUT: MILITARY WEAPONS AND MASS CONTROL

“But rather than delve deep into all the scientific and military nuances, in this article we merely aim to introduce new readers to the basic concept that so many marvelous new inventions, turned into everyday consumer products, have a devilish military provenance.”

“The idea of using microwave energy to cook food was accidentally discovered by Percy LeBaron Spencer of the Raytheon Company when he found that radar waves had melted a candy bar in his pocket.”

## The New Killing Fields: Electromagnetic Weapons

Electromagnetic microwaves have been found to be so incredibly versatile, as [assassinationsscience.com](http://assassinationsscience.com) explains more of the military side to all this:

*“While the military was vigorously denying the very existence of bioeffects from electromagnetic-field exposure, such bioeffects were actually being explored as potential weapons — weapons with the enormous advantage of being totally silent and imperceptible.*

## And What of the Big Telecoms Rollout of 5G?

Paul Skeldon (August 5, 2019) in ‘[5G: Are you ready for the big boost?](#)’ writes:

*“5G is coming – and you really should believe the hype: it is going to transform telecoms as we know it. According to 5G Americas, the industry trade association and voice of 5G and LTE for the Americas, [global mobile connections](#) will total 10 billion by 2023 based on forecasts provided by Ovum. Also, by the end of 2023, global 5G connections are expected to reach 1.3 billion.”*

“But nowhere in these breathless promotions will you get a mention of the population control potential of an all-pervasive weaponry potential. Almost on every street corner expect to see transmitter towers.”

Wary souls are forewarning that ‘Big Wireless’ will be no less problematic than ‘Big Tobacco’ or ‘Big Oil’ in the wider social and health and environmental impacts.

As [shieldyourbody.com](http://shieldyourbody.com) warns:

*“Big wireless” trades on the same economy of doubt. As long as the research results on the safety of electromagnetic radiation is conflicting, the public can’t be sure of the truth.”*

5G was always intended to be a weapon.

**SOURCE:** The 5G Roll Out: Military Weapons and Mass Control  
Published on August 15, 2019. Written by John O’Sullivan

<https://principia-scientific.com/the-5g-roll-out-military-weapons-and-mass-control/>

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#### 04 – THE HIDDEN MILITARY USE OF 5G TECHNOLOGY

“The most important 5G applications will not be intended for civil use, but for the military domain.”

**SOURCE:** The Hidden Military Use of 5G Technology  
Global Research, December 16, 2019 Article by Manlio Dinucci

<https://www.globalresearch.ca/hidden-military-use-5g-technology/5697848>

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#### 05 – THE DARK SIDE OF 5G: MILITARY USE

“The “5G Strategy,” approved on May 2, 2020, stated that “the Defense Department must develop and employ new concepts of operation that use the ubiquitous connectivity that 5G capabilities offer to increase the effectiveness, resilience, speed, and lethality of our Forces.”

**SOURCE:** The Dark Side of 5G: Military Use  
Global Research, September 18, 2020 Article by Manlio Dinucci

[https://www.globalresearch.ca/dark-side-5g-military-use/5724231?utm\\_campaign=magnet&utm\\_source=article\\_page&utm\\_medium=related\\_articles](https://www.globalresearch.ca/dark-side-5g-military-use/5724231?utm_campaign=magnet&utm_source=article_page&utm_medium=related_articles)

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#### 06 – 5G, THE NEW TRACK OF THE ARMS RACE

“At the Red Flag in 2021, 5G mobile networks consisting of towers, that can be assembled and disassembled in less than an hour for rapid transfer depending on the operation in progress, will probably already be in operation for testing in a real environment.”

**SOURCE:** [https://www.globalresearch.ca/5g-new-track-arms-race/5715692?utm\\_campaign=magnet&utm\\_source=article\\_page&utm\\_medium=related\\_articles](https://www.globalresearch.ca/5g-new-track-arms-race/5715692?utm_campaign=magnet&utm_source=article_page&utm_medium=related_articles)

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**07 – 5G DANGER: 13 REASONS 5G WIRELESS TECHNOLOGY WILL BE A CATASTROPHE FOR HUMANITY**

## 1. 5G Danger: Hijacking Your Sweat Duct Antennae

“The 5G network uses and broadcasts frequencies which affect our sweat ducts, which act as antennae. In other words, our largest organ, the skin, can be influenced and manipulated by 5G. As I reported in this the article *5G and IoT: Total Technological Control Grid Being Rolled Out Fast*, scientist Dr. Ben-Ishai exposed the connection between 5G and our body’s sweat ducts.

“[The 5G frequencies] will zap [us] with wavelengths that will interact with the geometrical structure of our skin ... We found that sweat ducts work like helical antennas ... the sweat duct was an integral part of the mechanism for the absorption of energy, electromagnetic, between 75-100 GHz, and that if you changed the character of the sweat duct, i.e. made it work, you could actually change that absorption at some point, and if you could do that you could trace how a person is under stress.

[https://www.youtube.com/watch?v=VuVtGldYXK4&ab\\_channel=EnvironmentalHealthTrust](https://www.youtube.com/watch?v=VuVtGldYXK4&ab_channel=EnvironmentalHealthTrust)

At 5 minutes 30 seconds it’s stated that 5G frequencies will interact directly with the geometrical structure of our skin (sweat glands).

At 20:00 research was showed to industry in 2015 and they were very unhappy about it. Data was suppressed.

So essentially, 5G wavelengths can be used as a weapon for crowd control. The breadth of that application is limited only by the imagination.

**SOURCE:** <https://www.globalresearch.ca/5g-danger-13-reasons-5g-wireless-technology-will-be-a-catastrophe-for-humanity/5680503>

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### CRIMINAL CODE ACT 1995

#### SECTION 11.2 COMPLICITY AND COMMON PURPOSE

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code

Chapter 2 – General Principles of Criminal Responsibility

Part 2.4 – Extensions of Criminal Responsibility

Section 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

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#### CRIMINAL CODE ACT 1995

#### SECTION 72.3 OFFENCES

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code

Chapter 4 – The Integrity and Security of the International Community and Foreign Governments

Division 72 – Explosives and Lethal Devices

Subdivision A – International Terrorist Activities Using Explosive or Lethal Devices

Section 72.3 - Offences

- (1) A person commits an offence if:
  - (a) the person intentionally delivers, places, discharges or detonates a device; and
  - (b) the device is an explosive or **other lethal device** and the person is reckless as to that fact; and
  - (c) the **device** is delivered, placed, **discharged**, or detonated, to, in, **into** or against:
    - (i) **a place of public use**; or
    - (ii) a government facility; or
    - (iii) a public transportation system; or

- (iv) **an infrastructure facility**; and
- (d) the person intends to cause death or serious harm.**

Penalty: Imprisonment for life.

- (2) A person commits an offence if:
  - (a) the person intentionally delivers, places, **discharges** or detonates a **device**; and
  - (b) the device is an explosive or **other lethal device** and the person is reckless as to that fact; and
  - (c) the device is delivered, placed, **discharged**, or detonated, to, in, **into** or against:
    - (i) **a place of public use**; or
    - (ii) a government facility; or
    - (iii) a public transportation system; or
    - (iv) an infrastructure facility; and

Penalty: Imprisonment for life.

- (3) Strict liability applies to paragraphs (1)(c) and (2)(c).

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**CRIMINAL CODE ACT 1995**  
**SECTION 80.2D ADVOCATING GENOCIDE**

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code

Chapter 5 – The Security of the Commonwealth

Part 5.1 – Treason and Related Offences

Division 80 – Treason, Urging Violence and Advocating Terrorism or Genocide

Subdivision C – Urging Violence and Advocating Terrorism or Genocide

Section 80.2D Advocating Genocide

- (1) A person commits an offence if:
  - (a) the person advocates genocide; and
  - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

Criminal Code Act 1995 division 80.2D (4) A reference in this section to advocating genocide includes a reference to:

- (a) advocating genocide, even if genocide does not occur; and

- (b) advocating the commission of a specific offence that is genocide; and
- (c) advocating the commission of more than one offence, each of which is genocide.

*genocide* means the commission of an offence against Subdivision B (genocide) of Division 268,

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**CRIMINAL CODE ACT 1995**  
**SECTION 101.1 TERRORIST ACTS**

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code  
Chapter 5 – The Security of the Commonwealth  
Part 5.3 – Terrorism  
Division 101 – Terrorism  
Section 101.1 Terrorist Acts

- (1) A person commits an offence if the person engages in a terrorist act.

Penalty: Imprisonment for life.

- (2) Section 15.4 (extended geographical jurisdiction—category D) applies to an offence against subsection (1).
- 

**CRIMINAL CODE ACT 1995**  
**SECTION 103.1 FINANCING TERRORISM**

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code  
Chapter 5 – The Security of the Commonwealth  
Part 5.3 – Terrorism  
Division 103 – Financing Terrorism  
Section 103.1 Financing Terrorism

- (1) A person commits an offence if:

- (a) the person provides or collects funds; and
- (b) the person is reckless as to whether the funds will be used to facilitate or engage in a terrorist act.

Penalty: Imprisonment for life.

Note: Intention is the fault element for the conduct described in paragraph (1)(a). See subsection 5.6(1).

- (2) A person commits an offence under subsection (1) even if:
- (a) a terrorist act does not occur; or
  - (b) the funds will not be used to facilitate or engage in a specific terrorist act; or
  - (c) the funds will be used to facilitate or engage in more than one terrorist act.

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**CRIMINAL CODE ACT 1995**  
**SECTION 103.2 FINANCING A TERRORIST**

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code  
Chapter 5 – The Security of the Commonwealth  
Part 5.3 – Terrorism  
Division 103 – Financing Terrorism  
Section 103.2 Financing A Terrorist

- (1) A person commits an offence if:
- (a) the person intentionally:
    - (i) makes funds available to another person (whether directly or indirectly);  
or
    - (ii) collects funds for, or on behalf of, another person (whether directly or indirectly); and
  - (b) the first-mentioned person is reckless as to whether the other person will use the funds to facilitate or engage in a terrorist act.

Penalty: Imprisonment for life.

- (2) A person commits an offence under subsection (1) even if:
- (a) a terrorist act does not occur; or
  - (b) the funds will not be used to facilitate or engage in a specific terrorist act; or
  - (c) the funds will be used to facilitate or engage in more than one terrorist act.

**CRIMINAL CODE ACT 1995**  
**SECTION 268.2 OUTLINE OF OFFENCES**

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code

Chapter 8- Offences Against Humanity and Related Offences

Division 268 – Offences against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision A - Introductory

Section 268.2 Outline of Offences

- (1) Subdivision B creates offences each of which is called *genocide*.
  - (2) Subdivision C creates offences each of which is called a *crime against humanity*.
  - (3) Subdivisions D, E, F, G and H create offences each of which is called a *war crime*.
- 

**CRIMINAL CODE ACT 1995**  
**SECTION 268.3 GENOCIDE BY KILLING**

<https://www.legislation.gov.au/Details/C2020C00217>

Schedule – The Criminal Code

Chapter 8 – Offences Against Humanity and Related Offences

Division 268– Offences against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B - Genocide

Section 268.3 Genocide By Killing

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

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CRIMINAL CODE ACT 1995

SECTION 268.4 GENOCIDE BY CAUSING SERIOUS BODILY OR MENTAL HARM

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.4 Genocide by causing serious bodily or mental harm

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator causes serious bodily or mental harm to one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

- (2) In subsection (1):

*causes serious bodily or mental harm* includes, but is not restricted to, commits acts of torture, rape, sexual violence or inhuman or degrading treatment

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CRIMINAL CODE ACT 1995

SECTION 268.5 GENOCIDE BY DELIBERATELY INFLICTING CONDITIONS OF LIFE  
CALCULATED TO BRING ABOUT PHYSICAL DESTRUCTION

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator inflicts certain conditions of life upon one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and

- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
- (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.9 CRIME AGAINST HUMANITY - EXTERMINATION**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision C – Crimes Against Humanity

Section 268.9 Crime Against Humanity - Extermination

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator causes the death of one or more persons; and
  - (b) the perpetrator's conduct constitutes, or takes place as part of, a mass killing of members of a civilian population; and
  - (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.13 CRIME AGAINST HUMANITY - TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision C – Crimes Against Humanity

Section 268.13 Crime Against Humanity - Torture

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty:           Imprisonment for 25 years.

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**Criminal Code Act 1995**

**Section 268.23 Crime Against Humanity – Other Inhumane Act**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision C – Crimes Against Humanity

Section 268.23 Crime Against Humanity – Other Inhumane Act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty:           Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.25 WAR CRIME - TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes That Are Grave Breaches of the Geneva Conventions and of Protocol to the Geneva Conventions

Section 268.25 War Crime - Torture

Criminal Code Act 1995 division **268.25 War crime—torture**

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (d) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (e) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(c).

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**CRIMINAL CODE ACT 1995**

**SECTION 268.26 WAR CRIME – INHUMANE TREATMENT**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes That Are Grave Breaches of the Geneva Conventions and of Protocol to the Geneva Conventions

Section 268.26 War Crime – Inhumane Treatment

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and

- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(b).

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**CRIMINAL CODE ACT 1995**

**SECTION 268.27 WAR CRIME – BIOLOGICAL EXPERIMENTS**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes That Are Grave Breaches of the Geneva Conventions and of Protocol to the Geneva Conventions

Section 268.27 War Crime – Biological Experiments

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator subjects one or more persons to a particular biological experiment; and
  - (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.28 WAR CRIME – WILLFULLY CAUSING GREAT SUFFERING**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes That Are Grave Breaches of the Geneva Conventions and of Protocol to the Geneva Conventions

Section 268.28 War Crime – Wilfully causing great suffering

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.55 WAR CRIME – EMPLOYING POISONS OR POISONED WEAPONS**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision E – Other serious war crimes that are committed in the course of an international armed conflict

Section 268.55 War Crime – employing poison or poisoned weapons

- A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator employs a substance or employs a weapon that **releases a substance** as a result of its employment; and
  - (b) the substance is such that it causes death or serious damage to health in the ordinary course of events through its toxic properties; and
  - (c) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

**CRIMINAL CODE ACT 1995**

**SECTION 268.56 WAR CRIME – EMPLOYING PROHIBITED GASES, LIQUIDS, MATERIALS OR DEVICES**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision E – Other serious war crimes that are committed in the course of an international armed conflict

Section 268.56 War Crime – employing prohibited gases, liquids, materials or devices

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator employs a gas or other analogous substance or **device**; and
- (b) the gas, substance or **device** is such that it causes death or serious damage to health in the ordinary course of events through its **asphyxiating or toxic properties**; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.73 WAR CRIME – TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.73 War Crime – torture

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the perpetrator inflicts the pain or suffering for the purpose of:
  - (i) obtaining information or a confession; or
  - (ii) a punishment, intimidation or coercion; or

- (iii) a reason based on discrimination of any kind; and
- (c) the person or persons are not taking an active part in the hostilities; and
- (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and
- (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**  
**SECTION 274.2 TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 274– Torture

Section 274.2 Torture

- (2) A person (the *perpetrator*) commits an offence if the perpetrator:
  - (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
  - (b) the conduct is engaged in for any reason based on discrimination of any kind; and
  - (c) the perpetrator engages in the conduct:
    - (i) in the capacity of a public official; or
    - (ii) acting in an official capacity; or
    - (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.

Penalty: Imprisonment for 20 years.

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**CRIMES ACT 1914**  
**SECTION 24AA TREACHERY**

<https://www.legislation.gov.au/Details/C2017C00297>

Section 24AA Treachery

- (1) A person shall not:

- (b) within the Commonwealth or a Territory not forming part of the Commonwealth:
- (i) levy war, or do any act preparatory to levying war, against a proclaimed country;
- (3) A person who contravenes a provision of this section shall be guilty of an indictable offence, called treachery.
- Penalty: Imprisonment for life.
- 

**CRIMES ACT 1914**  
**SECTION 24AB SABOTAGE**

<https://www.legislation.gov.au/Details/C2017C00297>

Section 24AB Sabotage

- (1) In this section:

***act of sabotage*** means the destruction, damage or impairment, with the intention of prejudicing the safety or defence of the Commonwealth, of any **article**:

- (a) that is used, or intended to be used, by the Defence Force or a part of the Defence Force or is used, or intended to be used, in the Commonwealth or a Territory not forming part of the Commonwealth, by the armed forces of a country that is a proclaimed country for the purposes of section 24AA;
- (b) that is used, or intended to be used, in or in connexion with the **manufacture, investigation or testing of weapons or apparatus of war**;

***article*** includes any thing, substance or material.

- (2) A person who:

- (a) carries out an act of sabotage; or
- (b) has in his or her possession any article that is capable of use, and which he or she intends for use, in carrying out an act of sabotage;

shall be guilty of an indictable offence.

Penalty: Imprisonment for 15 years.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2 - INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, PART**  
**III, ARTICLE 6**

<https://www.legislation.gov.au/Details/C2017C00143>

PART III, *Article 6*

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2 - INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, PART**  
**III, ARTICLE 6**

<https://www.legislation.gov.au/Details/C2017C00143>

PART III, *Article 6*

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

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**STATE LEGISLATION**

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**CRIMES ACT 1958 (VICTORIA) SECTION 9A. TREASON**

- (1) A person who—
  - (a) kills the Sovereign, does the Sovereign any bodily harm tending to the death or destruction of the Sovereign or maims, wounds, imprisons or restrains the Sovereign;
  - (b) kills the eldest son and heir apparent, or the Consort, of the Sovereign;
  - (c) levies war, or does any act preparatory to levying war, against the Commonwealth of Australia;
  - (e) instigates a foreigner to make an armed invasion of the Commonwealth or any Territory not forming part of the Commonwealth;

shall be guilty of an indictable offence, called treason, and liable to—

- (a) level 1 imprisonment; or
  - (b) imprisonment for such other term as is fixed by the court—
- as the court determines.
- 

**CRIMES ACT 1958 (VICTORIA) SECTION 31. ASSAULTS**

- (1) A person who—
    - (a) assaults or threatens to assault another person with intent to commit an indictable offence;is guilty of an indictable offence.  
Penalty: Level 8 imprisonment.
  - (2) In sub-section (1), "**assault**" means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where the application of force is—
    - (a) without lawful excuse; and
    - (b) with intent to inflict or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty—and results in the infliction of any such consequence (whether or not the consequence inflicted is the consequence intended or foreseen).
  - (3) In sub-section (2)—  
"**application of force**" includes—
    - (a) application of heat, light, electric current or any other form of energy
- 

**CRIMES ACT 1958 (VICTORIA) SECTION 322E. TREASON AND MISPRISION OF TREASON NOT AFFECTED**

Nothing in this Part shall be taken to affect directly or indirectly any matter of law or practice applicable to treason or

misprision of treason.

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**CRIMES ACT 1958 (VICTORIA) SECTION 321M. ATTEMPT**

A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.

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**CRIMES ACT 1958 (VICTORIA) SECTION 322F. OTHER ENACTMENTS NOT AFFECTED**

This Part shall not affect the operation of any enactment restricting the institution of proceedings for an offence.

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (VICTORIA)  
SECTION 9 RIGHT TO LIFE**

<https://www.legislation.vic.gov.au/as-made/acts/charter-human-rights-and-responsibilities-act-2006>

Section 9 Right to life

Every person has the right to life and has the right not to be arbitrarily deprived of life.

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**CASE LAW**

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**CASE: [2013] AATA 105, MCDONALD VS COMCARE**

Summary: Dr McDonald (scientist) won 75% of salary when he was unable to work because his employer failed to protect him from radiation although he had been diagnosed with EHS.

Administrative Appeals Tribunal (Australia)

Division: General Administrative division

File Numbers: 2011/0031, 2011/5355 & 2012/2826

Re: Alexander McDonald (Applicant) And Comcare (Respondent)

Decision

Tribunal: Deputy President J W Constance

Date: 28 February 2013

Place: Melbourne

**Application 2011/0031**

1. The reviewable decision made by Comcare on 9 November 2010 (being reconsideration 23114453) is set aside.
2. In substitution for the decision set aside it is decided that:
  - (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being an aggravation of a condition of nausea, disorientation and headaches;
  - (2) the injury was suffered by him between April 2006 and May 2007.

**Application 2011/5355**

3. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25525982) is set aside.
4. In substitution for the decision set aside it is decided that:
  - (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being a chronic adjustment disorder with depressed moods;
  - (2) the injury was suffered by him between 1 July 2010 and 31 December 2010.
5. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25673997) is set aside.
6. In substitution for the decision set aside it is decided that as at the date of this decision Dr McDonald is not entitled to compensation in accordance with sections 24 and 27 of the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of the injury being chronic adjustment disorder with depressed moods.

**Application 2012/2826**

7. The reviewable decision made by Comcare on 22 June 2012 (being reconsideration 27176306) is set aside.
8. The matter is remitted to Comcare for reconsideration in accordance with these reasons for decision.

**SOURCE:**

<http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/aat/2013/105.html>

**CASE: 13543/14**

**CAPE TOWN RESIDENTS FORCE MTN TO REMOVE CELLPHONE TOWER**

Court case: 13543/14

Heard: 21 May 2015 Delivered: 3 June 2015

Residents of Constantia in Cape Town have won a legal battle against MTN to have a ...  
cellphone mast taken down.

**SOURCE:**

**Court case:** <http://www.saflii.org/za/cases/ZAWCHC/2015/79.pdf>

**Article :** Cape Town Residents Force MTN to Remove Cellphone Tower

[https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvJVkDg1Yly\\_tSGNb29CYqdDbKsNRTV69kyXI](https://mybroadband.co.za/news/cellular/304466-cape-town-residents-force-mtn-to-remove-cellphone-tower.html?source=newsletter&fbclid=IwAR0qith0Bhmz8evXqTZom0HvJVkDg1Yly_tSGNb29CYqdDbKsNRTV69kyXI)

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**INTERNATIONAL LAW AND LEGISLATION**

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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**PART III ARTICLE 6**

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>[1]</sup> This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**PART III ARTICLE 5**

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any

of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

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## SCRIPTURAL LAW

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### JAMES 2:10

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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### MATTHEW 26:52

“Then said Jesus unto him, Put up again thy sword into his place: for all they that take the sword shall perish with the sword.”

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### 2 TIMOTHY 1:7

For God hath not given us the spirit of fear; but of power, and of love, and of a sound mind.”

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### PSALM 119:45

“I will walk about in freedom, for I have sought out your precepts.”

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### PSALM 119:142

“Thy righteousness is an everlasting righteousness, and thy law is the truth.”

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### LUKE 16:17

“And it is easier for heaven and earth to pass, than one tittle of the law to fail.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 3:20**

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**GALATIANS 5:14**

“For the entire law is fulfilled in keeping this one command: “Love your neighbor as yourself.”

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**1 CORINTHIANS 15:56**

“The sting of death is sin, and the power of sin is the law.”

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**DEUTERONOMY 4:40**

“Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the Lord your God gives you for all time.”

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**EPHESIANS 5:29**

“for no man ever yet hated his own flesh; but nourisheth and cherisheth it,”

**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Omne magnum exemplum habet aliquid ex iniquo, quod publica utilitate compensatur - Every great example has some portion of evil, which is compensated by its public utility

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No one is above the law

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Qui non obstat quod obstare potest facere videtur - He who does not prevent what he can, seems to commit the thing

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## SECTION 6 – PRIVACY VIOLATIONS

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### REFERENCES – PRIVACY VIOLATIONS

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#### 01 – 5G RAISES SERIOUS PRIVACY CONCERNS, ACCORDING TO COMPUTER SCIENCE PROFESSOR

In an interview with [The Wall Street Journal](#), professor and former researcher at Bells Labs and AT&T Labs Research Steve Bellovin raises two concerns he doesn't think enough people are talking about. The effect of 5G technology on location data, and Huawei's capabilities in this area.

First, his concern about location data. 5G signals will have a pretty short range in the US and won't easily go through buildings, he tells the paper. Obviously, that will mean more cell towers are needed — cell towers, of course, being the main thing that helps your smartphone figure out where you physically are. You can probably see where this is going.

"Today's towers have a radius of about a mile," according to Bellovin. "If the new towers cover a much smaller area, it means that they know much more precisely where you are."

The advent of 5G, he continues, means we're also going to see a lot more towers in new places — like indoors, in everything from shopping malls to office buildings. All of which will mean "far more precise" location targeting of users, or at least the capability to do so.

**SOURCE:** Article – "5G raises serious privacy concerns, according to computer science professor" by Andy Meek. February 28<sup>th</sup>, 2019

<https://bgr.com/2019/02/28/5g-privacy-concerns-new-technology-interview/>

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#### 02 – 5G PRIVACY & SECURITY ISSUES

### The Real Reason Behind IoT

The real reason the wireless industry wants to hook all your appliances, home heating and air-conditioning system, security system, and automobile to wireless monitors and transmitters has nothing to do with your convenience. The purpose is actually to harvest information about every aspect of your life.

The industry intends to package and sell that information to anyone willing to pay for it: advertisers, law enforcement, and information brokers who will sell it to anyone. The first

category merely leads to additional unsolicited ads and offers coming your way. The last two categories could have far more serious consequences for you and your family.

The information could be used by authorities to investigate innocent activities that seem “suspicious” to them. Unscrupulous buyers of your information could use it to manipulate you with fraudulent offers. They could also target personal vulnerabilities, for instance, by knowing your likely location each day at particular times

Facial recognition systems are already being used to determine your age, gender and even your mood in order to post ads on electronic billboards and other display screens that will more closely fit your profile. Law enforcement, of course, wants to use such systems to keep track of you whenever you are out and about.

**SOURCE:** <https://safeg.net/5g-privacy-security/>

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### 03 – 5G EXPLAINED: THE GOOD, THE BAD AND THE PRIVACY ISSUES

## Location Privacy is a Big Issue

Location privacy has recently bubbled up as a valid concern due to the infrastructure needed for 5G to work properly. The cell phone towers currently in use, which enable 4G cell phones to work well, are positioned about a mile apart from each other. As such, cell phone carriers know the general area you’re in, but they can’t track your location down to a precise address.

5G cell phone towers would need to be positioned much more closely together because they have a short range and can’t easily penetrate buildings. Certain plants and weather events can also more easily interfere. While these new towers wouldn’t be an eyesore – they’d essentially be small antennas peppered throughout cities on rooftops, inside malls and more – they’d be spaced closely together, allowing for more accurate location pinpointing.

Alec Sears, a tech specialist with Frontier Business, explains that “it’s essential for 5G cell phone towers to be positioned closely together to ensure the 5G network works effectively.” This is especially important in areas with a highly dense population. To ensure there are as few coverage gaps as possible, areas that will receive constant 5G requests from users will need high numbers of 5G cell towers.

So, what does this mean for you exactly? It means that phone companies will have vast amounts of data on where you go, which can reveal a lot about you as a consumer. This makes for valuable data that a range of companies want — where you shop, where you go for lunch and more.

## What can be done with location data and why should I be worried?

According to Columbia University professor Steve Bellovin, who has also worked at Bell Labs and AT&T Labs Research, this location data could also be used for more nefarious purposes.

**SOURCE:** Article – 5G Explained: The Good, the Bad and the Privacy issues  
May 30, 2019

<https://www.insidehook.com/article/news-opinion/5g-the-good-the-bad-and-the-data-privacy-issues>

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#### 04 – 5G IS SPEEDY, BUT DOES IT ALSO RAISE THE STAKES ON PRIVACY, SECURITY, POTENTIAL ABUSE?

Ana Tavares Lattibeaudiere, head of North America for another mobile communications industry trade group, the [GSMA](#), says while the fact that everything will be connected “brings unprecedented opportunity, it also brings into focus the huge amounts of data that will be going over the networks.”

“For consumers, it may seem like a choice between sharing their data and hoping for the best, or keeping it private and secure but missing out on the connected experiences. The telecommunications industry and service providers should not only think about network and infrastructure security – which are highly important – but also how 5G can bring in an era of user choice.”

**SOURCE:** Article from USA Today, by Edward C. Baig. March 27, 2019

<https://www.usatoday.com/story/tech/2019/03/27/will-new-5-g-wireless-network-threaten-your-privacy/3032281002/>

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#### 05 – IN THE AGE OF 5G, IS PRIVACY JUST A MYTH?

### Why Data Privacy is a Concern on 5G Networks

Constantly connected IoT devices transfer large volumes of data over 5G networks. This poses many challenges to protecting [customer data privacy](#):

1. China is one of the leading nations in digital technologies like 5G, and the U.S. [Government is worried](#) that if Chinese companies like Huawei install key elements of 5G networks in the country, they may be able to spy on the traffic passing through them – posing a huge national security risk.
2. In the 5G world, as more wearable devices and smart appliances connect to a network, they will transmit personal and more sensitive information. For example, a heart rate or

insulin monitor will record and transmit sensitive, personal medical information, which would need protection from cyber-breach.

3. Location data privacy is an alarming concern with 5G internet. 5G has a smaller coverage area, and therefore many more cellular towers are placed together within a smaller radius. This can help your mobile operators track your precise location and even your movement trail. What happens if this data is sold to third parties or stolen?
4. IoT devices are now being optimized for energy efficiency and can be left running without being monitored. Such devices may turn out as a surveillance nuisance in the future.

What happens if smart home appliances are not configured properly with data sensitivity in mind? Consider a scenario, where the manufacturer can remotely program when a device can stop functioning without the owner's consent. Or what about your microwave sending out your food preferences to food delivery companies? Creepy!

## Can Marketers Balance 5G and Privacy?

*With 5G, advertisers will never again have to worry about ads loading on mobile, and the potential for more immersive ad experiences on mobile is larger than ever. However, as technology improves and becomes a more prevalent part of people's lives, so does consumers' understanding and expectation of responsible handling of their privacy and data.*

~ Matt Barash, Head of Strategy and Business Development, AdColony

Data privacy concerns are difficult to ignore when the industry is struggling with data breaches and transparency issues. Though the challenges are known, no one is talking about them.

**SOURCE:** Article by Vandita Grover. Contributor, Ziff Davis. Date: October 16, 2019

<https://www.martechadvisor.com/articles/mobile-marketing/5g-internet-and-data-privacy/>

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### 06 - NEW 5G SECURITY THREAT SPARKS SNOOPING FEARS

5G security concerns are mounting after researchers at Purdue University and the University of Iowa found 11 vulnerabilities in the next generation cellular networks. The threats found by the researchers allow real time location tracking and surveillance as well as the ability to spoof emergency alerts to trigger panic, according to [TechCrunch](#), which first published the research.

Of course, security problems in mobile networks is nothing new, but the risk of attack is increasing. Academics, ethical researchers and threat actors will continue identifying

vulnerabilities in mobile networks for the foreseeable future, says Patrick Donegan, founder and principal analyst at HardenStance. “That’s always been the case, it’s just that the level of risk has increased so we tend to care a bit more now.

It’s therefore no surprise that 5G security concerns are continuing to build as the technology starts to launch around the world. As well as issues with the network itself, experts point out that the many different industries that will take advantage of the technology—such as connected vehicles and healthcare—raise further and more specific security problems.

Oliver Pinson-Roxburgh, managing director at Bulletproof says the latest research demonstrates weaknesses that could allow attackers to detect if a person is in transit, or to target drones.

Sam Curry, chief security officer at Cybereason points out that countries such as Switzerland have slowed or stopped the 5G rollout until they better understand the security impact, “especially around critical infrastructure.”

It’s an extreme measure, but 5G is a risk that must be taken seriously by regulators, the industry and the multiple companies that want to be involved in the ecosystem.

**SOURCE:** Article by Kate O’Flaherty, Senior Contributor. November 13, 2019

<https://www.forbes.com/sites/kateoflahertyuk/2019/11/13/new-5g-security-threats-spark-snooping-fears/#4e770cb75025>

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## 07 – WELCOME TO 5G: PRIVACY AND SECURITY IN A HYPERCONNECTED WORLD (OR NOT?)

### Is there a way forward? (Spoiler: maybe)

In general, the debate around the risks of new communication protocols would be way more productive if we started by focusing more on the actual risks for users and less around geopolitical speculation around countries and companies.

In any case, there are some valid concerns about countries with a dubious human rights record taking over the deployment of new protocols. And we are not only talking about China, likely the biggest offender, but also about the [United States](#) as well as other countries and companies. In an ideal world, tech companies would be transparent about their governance and practices (ahem, [Huawei](#)), and governments should allow and encourage the use of secure communications protocols, including the use of solid encryption standards.

But the truth is that poorly designed protocols and software are as risky for users as hypothetical ‘super-secret cyber backdoors’ installed by governments or their companies. And whilst finding those backdoors is like finding a needle in a haystack, implementing measures that empower users and people, especially those at risk, can be a more sensible approach and benefit us all.

We also need to keep in mind that despite the focus of this article, many of the risks derived from 5G are not necessarily because the protocols are at fault, but because they need to coexist in a complex ecosystem with multiple fabricants, vendors, governments and users.

How to move forward, then? Here are some suggestions:

### For corporations:

- Implement a holistic approach to digital security, considering the protection of people, devices and networks.
- Improve corporate transparency and human rights due diligence in the assessment and adoption of new communication protocols.
- Conduct privacy and security assessments according to the highest possible standards, minimising the data they collect and retain, and testing their security measures before the launch of their products, monitoring them through their lifecycle.
- Give users enough information and control over how their devices work, including indicators and interface elements that allow them to know and control their connection status, without regard as to where the devices operate.

### For governments and policy making bodies:

- The focus on 5G should start from privacy and security considerations, and national security debates should be conducted from a human rights perspective and based in available evidence and risk assessments.
- Data Protection Authorities should issue guidelines and conduct investigations on the functionality of connected devices and their data processing activities.
- Cybersecurity bodies should support the adoption of strong security standards for always-connected devices, and abstain from recommending any measure that could weaken it, such as the establishment of legal requirements for government access or mandated backdoors.
- Review digital privacy legislation, including provisions that guarantee the security and confidentiality by design and by default of machine-to-machine communications.
- In case there is any, removing legal and policy barriers for security research, such as cybercrime laws that criminalise ethical hacking.
- Consumer Authorities should issue guidelines and conduct investigations on the functionality of connected devices, and its potential harms on consumers.
- Telecommunications regulators should conduct oversight over how companies are providing connectivity to IoT producers, in order to guarantee that minimum standards are in place and that end users have control over their devices.

Given its improved accuracy, the sale of location data should be banned, and its access by law enforcement bodies should be restricted solely to judicial authorisation.

**SOURCE:** Article posted 23<sup>rd</sup> July 2019

<https://www.privacyinternational.org/long-read/3100/welcome-5g-privacy-and-security-hyperconnected-world-or-not>

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## 08 – WORLD MEDICAL ASSOCIATION DECLARATION OF HELSINKI – ETHICAL PRINCIPLES FOR MEDICAL RESEARCH INVOLVING HUMAN SUBJECTS

Page 2191 :

9. “It is the duty of physicians who are involved in medical research to protect the life, health, dignity, integrity, right to self determination, privacy, and confidentiality of personal information of research subjects. The responsibility for the protection of research subjects must always rest with the physician or other health care professionals and never with the research subjects, even though they have given consent.”

**SOURCE: World Medical Association Declaration of Helsinki - Ethical Principles for Medical Research Involving Human Subjects** – Originally adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964 and subsequently complemented until the 64<sup>th</sup> WMA General Assembly, Fortaleza, Brazil, October 2013. November 27, 2013 Volume 310, Number 20

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj98aMsZ\\_rAhXjieYKHZWnDK4QFjACegQIAxAB&url=https%3A%2F%2Fwww.wma.net%2Fwp-content%2Fuploads%2F2016%2F11%2FDoH-Oct2013-IAMA.pdf&usg=AOvVaw3IJ5cd12oj9Tse1luMnCSu](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj98aMsZ_rAhXjieYKHZWnDK4QFjACegQIAxAB&url=https%3A%2F%2Fwww.wma.net%2Fwp-content%2Fuploads%2F2016%2F11%2FDoH-Oct2013-IAMA.pdf&usg=AOvVaw3IJ5cd12oj9Tse1luMnCSu)

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## 09 – 5G RAISES SERIOUS PRIVACY CONCERNS, ACCORDING TO COMPUTER SCIENCE PROFESSOR

“In an interview with The Wall Street Journal, professor and former researcher at Bells Labs and AT&T Labs Research Steve Bellovin raises two concerns he doesn’t think enough people are talking about. The effect of 5G technology on location data, and Huawei’s capabilities in this area.

First, his concern about location data. 5G signals will have a pretty short range in the US and won’t easily go through buildings, he tells the paper. Obviously, that will mean more cell towers are needed — cell towers, of course, being the main thing that helps your smartphone figure out where you physically are. You can probably see where this is going.

“Today’s towers have a radius of about a mile,” according to Bellovin. “If the new towers cover a much smaller area, it means that they know much more precisely where you are.”

The advent of 5G, he continues, means we’re also going to see a lot more towers in new places — like indoors, in everything from shopping malls to office buildings. All of which will mean “far more precise” location targeting of users, or at least the capability to do so.”

**SOURCE:** 5G raises serious privacy concerns, according to computer science professor. By Andy Meek, February 28<sup>th</sup> 2019

<https://bgr.com/2019/02/28/5g-privacy-concerns-new-technology-interview/>

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### 10 - CYBERCRIME BECOMES A MAJOR CONCERN

“The real reason the wireless industry wants to hook all your appliances, home heating and air-conditioning system, security system, and automobile to wireless monitors and transmitters has nothing to do with your convenience. The purpose is actually to harvest information about every aspect of your life.

The industry intends to package and sell that information to anyone willing to pay for it: advertisers, law enforcement, and information brokers who will sell it to anyone. The first category merely leads to additional unsolicited ads and offers coming your way. The last two categories could have far more serious consequences for you and your family.

**The information could be used by authorities to investigate innocent activities that seem “suspicious” to them. Unscrupulous buyers of your information could use it to manipulate you with fraudulent offers. They could also target personal vulnerabilities, for instance, by knowing your likely location each day at particular times.**

**Facial recognition systems are already being used to determine your age, gender and even your mood in order to post ads on electronic billboards and other display screens that will more closely fit your profile. Law enforcement, of course, wants to use such systems to keep track of you whenever you are out and about.”**

**SOURCE:** Article – Cybercrime Becomes a Major Concern

<https://safeg.net/5g-privacy-security/>

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### PRIVACY ACT 1988

#### SCHEDULE 1, PART 2, SECTION 3 AUSTRALIAN PRIVACY PRINCIPLE 3: COLLECTION OF SOLICITED PERSONAL INFORMATION

<https://www.legislation.gov.au/Series/C2004A03712>

Schedule 1 – Australian Privacy Principles

Part 2 – Collection of personal information

Section 3 Australian privacy Principle 3 – collection of solicited personal information

(page 333)

*“Sensitive information*

3.3 An APP entity must not collect sensitive information about an individual unless:

(a) the individual consents to the collection of the information ...”

(page 334)

*“Means of collection*

3.5 An APP entity must collect personal information only by lawful and fair means.”

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#### PRIVACY ACT 1988

#### SCHEDULE 1, PART 2, SECTION 5 – AUSTRALIAN PRIVACY PRINCIPLE 5: NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

<https://www.legislation.gov.au/Series/C2004A03712>

Schedule 1 – Australian Privacy Principles

Part 2 – Collection of personal information

Section 5 Australian Privacy Principle 5 – notification of the collection of personal information

(page 335)

5.1 “At or before the time or, if that is not practicable, as soon as practicable after, an APP entity collects personal information about an individual, the entity must take such steps (if any) as are reasonable in the circumstances:

(a) to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or

(b) to otherwise ensure that the individual is aware of any such matters.

5.2 The matters for the purposes of subclause 5.1 are as follows:

- (a) the identity and contact details of the APP entity;
  - (b) if:
    - (i) the APP entity collects the personal information from someone other than the individual; or
    - (ii) the individual may not be aware that the APP entity has collected the personal information;the fact that the entity so collects, or has collected, the information and the circumstances of that collection;
  - (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order—the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);”
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PRIVACY ACT 1988

SCHEDULE 1, PART 3, SECTION 6 – AUSTRALIAN PRIVACY PRINCIPLE 6: USE OR DISCLOSURE OF PERSONAL INFORMATION

<https://www.legislation.gov.au/Series/C2004A03712>

Schedule 1 – Australian Privacy Principles

Part 3 – Dealing with personal information

Section 6 Australian Privacy Principle 6 – use or disclosure of personal information

(page 358)

*“Use or disclosure*

- 6.1 If an APP entity holds personal information about an individual that was collected for a particular purpose (the *primary purpose*), the entity must not use or disclose the information for another purpose (the *secondary purpose*) unless:
- (a) the individual has consented to the use or disclosure of the information ....”
- 

CRIMINAL CODE ACT 1995

SECTION 11.2 – COMPLICITY AND COMMON PURPOSE

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.4 Extensions of criminal responsibility

Division 11

Section 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

**CRIMINAL CODE ACT 1995**

**SECTION 91.2 – DEALING WITH INFORMATION ETC. WHICH IS OR WILL BE  
COMMUNICATED OR MADE AVAILABLE TO FOREIGN PRINCIPAL**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The Security of the Commonwealth

Part 5.2 – Espionage and related offences

Division 91 – Espionage

Subdivision A - Espionage

Section 91.2 Espionage—dealing with information etc. which is or will be communicated or made available to foreign principal

*Intention as to national security*

- (1) A person commits an offence if:
- (a) the person deals with information or an article; and
  - (b) the person intends that the person’s conduct will prejudice Australia’s national security; and
  - (c) the conduct results or will result in the information or article being communicated or made available to a foreign principal or a person acting on behalf of a foreign principal.

Note: An alternative verdict may be available for an offence against this subsection (see section 93.5).

Penalty: Imprisonment for 25 years.

*Reckless as to national security*

- (2) A person commits an offence if:
- (a) the person deals with information or an article; and
  - (b) the person is reckless as to whether the person’s conduct will prejudice Australia’s national security; and
  - (c) the conduct results or will result in the information or article being communicated or made available to a foreign principal or a person acting on behalf of a foreign principal.

Penalty: Imprisonment for 20 years.

*Other matters*

- (3) For the purposes of paragraphs (1)(c) and (2)(c):
- (a) the person does not need to have in mind a particular foreign principal; and
  - (b) the person may have in mind more than one foreign principal.

**CRIMINAL CODE ACT 1995**

**SECTION 372.2 - POSSESSION OF IDENTIFICATION INFORMATION**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 9 – Dangers of the community

Part 9.5 Identity crim

Division 375 Identity fraud offences (page 264)

Section 372.2 Possession of identification information

- (1) A person (the *first person*) commits an offence if:
- (a) the first person possesses identification information; and
  - (b) the first person intends that any person (whether or not the first person) will use the identification information to engage in conduct; and
  - (c) the conduct referred to in paragraph (b) constitutes an offence against section 372.1 or subsection 372.1A(1) or (3).

Penalty: Imprisonment for 3 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 480.4 – DISHONESTLY OBTAINING OR DEALING IN PERSONAL FINANCIAL INFORMATION**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 – National Infrastructure

Part 10.8 financial information of offences

Section 480.4 dishonestly obtaining or dealing in personal financial information

(page 433)

A person commits an offence if the person:

- (a) dishonestly obtains, or deals in, personal financial information; and
- (b) obtains, or deals in, that information without the consent of the person to whom the information relates.

Penalty: Imprisonment for 5 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 480.5 – POSSESSION OR CONTROL OF THING WITH INTENT TO DISHONESTLY OBTAIN OR DEAL IN PERSONAL FINANCIAL INFORMATION**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 – National Infrastructure

Part 10.8 financial information of offences

Section 480.5 Possession or control of thing with intent to dishonestly obtain or deal in personal financial information

- (1) A person commits an offence if:
- (a) the person has possession or control of any thing; and
  - (b) the person has that possession or control with the intention that the thing be used:
    - (i) by the person; or
    - (ii) by another person;to commit an offence against section 480.4 (dishonestly obtaining or dealing in personal financial information) or to facilitate the commission of that offence.

Penalty: Imprisonment for 3 years.

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**SCHEDULE 2 – INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

Part III, Article 17, Sections 1 & 2,

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986, SCHEDULE II ARTICLE 17**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

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**STATE LEGISLATION**

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (VICTORIA)**  
**PART 2, SECTION 3**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

<https://www.legislation.vic.gov.au/as-made/acts/charter-human-rights-and-responsibilities-act-2006>

Part 2 – Human Rights  
Section 3 (Page 13)

A person has the right—

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (VICTORIA)**  
**VARIOUS ARTICLES FROM DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT)'S**  
**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

<http://www.austlii.edu.au/au/other/dfat/treaties/1980/23.html>

The deployment of 5G due to the impacts it will have on people's personal security with concerns about how 5G technology will be tracking the Australian people's personal data and security 24 hours a day, 365 days a year. This a breach of basic human rights and should not be tolerated by the Australian Government because of their duty of care to look after the privacy and welfare, dignity and freedoms of the Australian people, their families and the future of this country

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## CASE LAW

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### INTERNATIONAL LAW AND LEGISLATION

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#### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS SCHEDULE 2, PART II, ARTICLE 5

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

#### Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

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#### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS SCHEDULE 2, PART III, ARTICLE 17

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

#### Part III, Article 17, Sections 1 & 2,

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

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## SCRIPTURAL LAW

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#### MATTHEW 6:5-6

“When you pray, you are not to be like the hypocrites; for they love to stand and pray in the synagogues and on the street corners so that they may be seen by men. Truly I say to you, they have their reward in full. But you, when you pray, go into your inner room, close your door and pray to your Father who is in secret, and your Father who sees what is done in secret will reward you.”

**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**LUKE 16:17**

“And it is easier for heaven and earth to pass, than one tittle of the law to fail.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 3:20**

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**ROMANS 13:10**

“Love does no harm to a neighbor. Therefore love is the fulfillment of the law.”

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**LEVITICUS 5:17**

“If anyone sins and does what is forbidden in any of the Lord’s commands, even though they do not know it, they are guilty and will be held responsible.”

**PROVERBS 19:16**

“He that keepeth the commandment keepeth his own soul; but he that despiseth his ways shall die.”

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**MAXIMS OF LAW**

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Quod est inconveniens, aut contra rationem non permissum est in lege - What is inconvenient or contrary to reason, is not allowed in law

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Ubi cessat remedium ordinarium ibi decurritur ad extraordinarium . When a common remedy ceases to be of service, recourse must be had to an extraordinary one

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Non Licet quod dispendio licet - That which is permitted only at a loss, is not permitted to be done

## SECTION 7 – INTERNATIONAL INTERFERENCES

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### REFERENCES – INTERNATIONAL INTERFERENCES

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#### 01 – INTERNATIONAL APPEAL – STOP 5G ON EARTH AND IN SPACE

##### **Harmful Effects of Radio Frequency Radiation Are Already Proven**

Even before 5G was proposed, [dozens of petitions and appeals](#) by international scientists, including the [Freiburger Appeal](#) signed by over 3,000 physicians, called for a halt to the expansion of wireless technology and a moratorium on new base stations.

In 2015, [215 scientists from 41 countries](#) communicated their alarm to the United Nations (UN) and World Health Organization (WHO). They stated that “numerous recent scientific publications have shown that EMF [electromagnetic fields] affects living organisms at levels well below most international and national guidelines”. More than 10,000 peer-reviewed scientific studies demonstrate harm to human health from RF radiation. Effects include:

- [Alteration of heart rhythm](#)
- [Altered gene expression](#)
- [Altered metabolism](#)
- [Altered stem cell development](#)
- [Cancers](#)
- [Cardiovascular disease](#)
- [Cognitive impairment](#)
- [DNA damage](#)
- [Impacts on general well-being](#)
- [Increased free radicals](#)
- [Learning and memory deficits](#)
- [Impaired sperm function and quality](#)
- [Miscarriage](#)
- [Neurological damage](#)
- [Obesity and diabetes](#)
- [Oxidative stress](#)

Effects in children include [autism](#), [attention deficit hyperactivity disorder \(ADHD\)](#) and [asthma](#).

Damage goes well beyond the human race, as there is abundant evidence of harm to diverse plant- and [wildlife](#) and laboratory animals, including:

- [Ants](#)
- [Birds](#)
- [Forests](#)
- [Frogs](#)
- [Fruit flies](#)
- [Honey bees](#)
- [Insects](#)
- [Mammals](#)
- [Mice](#)
- [Plants](#)
- [Rats](#)
- [Trees](#)

### **World governments are failing in their duty of care to the populations they govern**

In their haste to implement 5G and to encourage the unconstrained use of outer space, the European Union, United States and national governments worldwide are taking steps to ensure a “barrier-free” regulatory environment. They are [prohibiting local authorities from enforcing environmental laws](#), and “in the interest of speedy and cost-effective deployment”, removing “unnecessary burdens... such as local planning procedures [and] the variety of specific limits on electromagnetic field (EMF) emissions and of the methods required to aggregate them”.

Governments are also [enacting laws](#) to make wireless facilities a permitted use in all public rights-of-way. To date, most wireless facilities have been located on private property at some distance from homes and businesses. In order for them to be spaced less than 100 metres apart as required by 5G, however, they will now be located on the sidewalk directly in front of homes and businesses and close above the heads of pedestrians, including mothers with babies.

Public notice requirements and public hearings are being eliminated. Even if there were a hearing and 100 scientific experts were to testify against 5G, [laws have been passed making it illegal](#) for local authorities to take their testimony into consideration. US law, for example, prohibits local governments from regulating wireless technology “on the basis of the environmental effects of radio frequency radiation”, and courts have reversed regulatory decisions about cell tower placement simply because most of the public testimony was about health. Insurers will not provide coverage against EMF risks, and there is zero clarity as to what entity will bear legal responsibility for damage to life, limb and property arising from exposure to 5G, whether ground- or space-based.

In the absence of an agreed comprehensive legal regime governing activities in outer space, legal liability for those activities is non-existent, despite the prospect of whole continents, the atmosphere and the oceans being put at risk by them

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

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#### 02 - DUTY TO INFORM AND EMFS

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** [https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

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[The Mid-term review of the European Environment and Health Action Plan 2004-2010](#) (2008): “The European Parliament... [n]otes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete, ... obviously take no account of developments in information and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.”

**SOURCE:** <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0410>

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[Resolution 1815 \(Council of Europe, 2011\)](#): “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

SOURCE: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

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### 03 – PLANETARY ELECTROMAGNETIC POLLUTION: IS IT TIME TO ASSESS ITS IMPACT?

Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour.

These findings deserve urgent attention.

At the [Oceania Radiofrequency Scientific Advisory Association](#), an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields. We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects.

This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment.

Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic

radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.

**SOURCE:** Lancet article dated December 2018

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPIZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaEJc.facebook>

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## 04 - 5G: THE BIG PICTURE

### The Un-Reassuring Assurances of Government And Industry

The Government body charged with protecting public health, Public Health England, advises us that there is no convincing evidence that Radio Frequency radiation (which radio, television, mobile phones, smartphones and 5G all use) has any adverse health effects on either adults or children.

“It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.”

This advice is based on the recommendations of a supposedly independent body called AGNIR (Advisory Group on Non-Ionising Radiation), which produced a report in 2012 on the safety of Radio Frequency radiation. The report stated that there was a lack of “convincing” and “conclusive” evidence for any adverse health effects. It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

It turns out that far from being independent, AGNIR has a high proportion of members with blatant conflicts of interests, and their report distorted or simply left out of account evidence that should have compelled them to reach the opposite conclusion to the one they arrived at. In a forensic analysis of the report, the environmental health researcher, Sarah Starkey, makes it clear that only a wilful disregard of the available scientific evidence could explain its internal contradictions and apparent incompetence.

“Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects ...”

And yet it is the basis of current UK Government policy, allowing government to roll out 5G without so much as even a nod towards the need for prior health and safety assessment. Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects, which continues to grow at the rate of roughly 350 per year, on average practically one every day.

One of the reasons for ignoring this evidence in the hell-for-leather dash to create the 5G electronic ecosystem is the conviction in government circles that, unless we introduce it immediately, we will be “left behind” and our economic growth and competitiveness will be put at risk. There is simply no time to consider the possible health consequences.

The National Infrastructure Commission, whose 2016 report, *CONNECTED FUTURE*, forms the basis of current Government policy, pushed this panicky vision of the UK falling behind other nations and urged the government to ensure that the new digital infrastructure is fully in place by 2025. The NIC report repeatedly points out that the rewards of the “connected future” are to be measured in billions of pounds worth of revenue.

“The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that DISCONNECT us more and more from the real world is entirely missed.”

The mind-boggling amounts involved are well exemplified in a recent estimate that the global media industry alone stands to gain \$1.3 trillion from 5G by 2025, not least because 5G will “unlock the potential of augmented reality (AR) and virtual reality (VR)”. The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that DISCONNECT us more and more from the real world is entirely missed.

The sums involved are sufficient to explain why the telecoms industry has for the last twenty-five years done its utmost to ensure that research into the health effects of wireless technologies produce negative or inconclusive results. Since 1993, the industry has financed a large number of studies, saving governments a great deal of expense and at the same time preserving the convenient illusion that the jury is still out on whether exposure to Radio Frequency radiation causes harm.

Earlier this year, *THE GUARDIAN* published an article citing research which showed that while 67% of independently funded studies found a biological effect of exposure to Radio Frequency radiation, only 28% of industry-funded studies did. Industry-funded studies are almost two and a half times less likely than independent studies to find health effects. The authors of the *GUARDIAN* article explain that the telecoms industry doesn't need to win the scientific argument about safety, but simply keep the argument running indefinitely by producing studies

with results that fail to verify, or even better contradict, the research that does find adverse health effects.

“One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually PROTECTS the user from brain tumours!”

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually PROTECTS the user from brain tumours! This study, which is full of contradictions and suffers from grievous design flaws, is often quoted as the most authoritative to date, while it has in fact been thoroughly discredited.

Nevertheless, the impression is maintained that there is no scientific consensus, and so there are not sufficient grounds for action to be taken. Needless to say, this suits Government just as much as it suits industry.

Beyond the health effects there is another level altogether of what the roll out of 5G actually entails.

**SOURCE:** Article “5G: The Big Picture” by Jeremy Naydler, Ph.D. Dated: April 25, 2019

<https://childrenshealthdefense.org/news/5g-the-big-picture/>

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## 05 – MICROWAVING OUR PLANET: THE ENVIRONMENTAL IMPACT OF THE WIRELESS REVOLUTION

Rocket exhaust destroys ozone. It has been calculated that 9 Space Shuttles and 6 Titan IV launches per year would only put enough chlorine into the stratosphere to destroy 0.1% of its ozone (Prather et al. 1990). But few people seem to be considering what hundreds or thousands of launchings will do and are doing. Aleksandr Dunayev of the Russian space agency was quoted in 1989 as saying, "About 300 launches of the shuttle each year would be a catastrophe and the ozone would be completely destroyed" (Broad 1991). Rocket exhaust also produces acid rain and massive water pollution near launch sites, and contributes further to global warming by adding water vapour to the stratosphere.

**SOURCE:** Article “Microwaving Our Planet: The environmental impact of the wireless revolution, by Arthur Firstenberg, 1997

[www.avaate.org/IMG/doc/Microwaving\\_Our\\_Planet\\_firstenberg.doc](http://www.avaate.org/IMG/doc/Microwaving_Our_Planet_firstenberg.doc)

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## 06 - SPACEX IS IN COMMUNICATIN WITH ALL BUT THREE OF 60 STARLINK SATELLITES ONE MONTH AFTER LAUNCH

Verge article dated 28 June 2019 confirms the first sixty satellites were launched in 2019 and three are already out of communication meaning they will fall to Earth. SpaceX will continue to launch batches of sixty satellites at a time, with the goal of getting between 1,000 to 2,000 spacecraft up each year. It should take about 24 launches to reach global Internet coverage. With each satellite only lasting 5 years they will need to constantly be launching them with the corresponding impact on the ozone layer and pollution contributing to climate change for the foreseeable future.

**SOURCE:** <https://www.theverge.com/2019/6/28/19154142/spacex-starlink-60-satellites-communication-internet-constellation>

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## 07 - Journal of Oncology

World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review)

### Abstract

In May 2011 the International Agency for Research on Cancer (IARC) evaluated cancer risks from radiofrequency (RF) radiation. Human epidemiological studies gave evidence of increased risk for glioma and acoustic neuroma. RF radiation was classified as Group 2B, a possible human carcinogen. Further epidemiological, animal and mechanistic studies have strengthened the association. In spite of this, in most countries little or nothing has been done to reduce exposure and educate people on health hazards from RF radiation. On the contrary ambient levels have increased. In 2014 the WHO launched a draft of a Monograph on RF fields and health for public comments. It turned out that five of the six members of the Core Group in charge of the draft are affiliated with International Commission on Non-Ionizing Radiation Protection (ICNIRP), an industry loyal NGO, and thus have a serious conflict of interest. Just as by ICNIRP, evaluation of non-thermal biological effects from RF radiation are dismissed as scientific evidence of adverse health effects in the Monograph. This has provoked many comments sent to the WHO. However, at a meeting on March 3, 2017 at the WHO Geneva office it was stated that the WHO has no intention to change the Core Group.

### 7. Concluding remarks

The meeting at WHO was an obvious disappointment. During the discussion the two WHO officials showed little interest to collaborate with the scientists convened at the meeting in spite of the scientific evidence on adverse health effects. Their in-house experts seem to be members of ICNIRP, although not exclusively. This may explain why only short-term thermal effects from RF radiation are accepted as proofs of harm, and why non-thermal biological effects are ignored. In the draft of the Monograph a large bulk of peer-reviewed scientific publications on non-thermal effects are dismissed, c.f. as also by ICNIRP ([19](#)). Most remarkable is that WHO has no intention to replace the Core Group of experts affiliated with ICNIRP. Thereby ICNIRP is given

full access to and exclusive possibilities to influence the Monograph. In view of the huge economic interests built into the ICNIRP guidelines, and several of its expert members' ties to industry, no doubt this is a large conflict of interest that will seriously undermine not only the credibility of the Monograph on RF radiation but also the credibility of WHO as a protector of world health. Seriously enough, the Monograph will be the hallmark for years to come on evaluation of health hazards from RF radiation and pave the way for increasing exposure to RF radiation to people and environment, e.g. the fifth generation (5G), internet of things, etc.

Children and adolescents may be more sensitive to RF radiation than adults (2). Thus as an authoritative agency, WHO has an obligation to reference all the scientific research results and call the experts from all the related fields like engineering, health and medicine to engage in the re-evaluation of all health effects including non-thermal of RF radiation. Related agencies should launch an objective and transparent project for this assessment. The EMF project was started many years ago and many new wireless digital technologies are developed and new devices are popularizing with a very fast speed.

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

To evaluate cancer risks it is necessary to include scientists with competence in medicine, especially oncology. Furthermore, what are the personal advantages, at least in the short time, for those refusing to accept peer-reviewed scientific publications on adverse effects on health and environment from RF radiation? Ironically enough, whether knowingly or not, the WHO staff seems to protect themselves from high involuntary RF radiation levels at least in the measured areas within the Geneva building.

**SOURCE:** Article "World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review) By Lennart Hardell

<https://www.spandidos-publications.com/ijo/51/2/405>

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### 08 – CANCER RISK FROM CELL PHONE RADIATION IS SMALL, STUDIES SHOW

"Two new studies exposed rats and mice to high levels of radio-frequency radiation — the type emitted by your cellphone. But researchers said there was little cancer risk for humans. Credit...Victor J. Blue for The New York Times"

“He said that nearly 20 animal studies on this subject have been done, “with the vast majority coming up negative with respect to cancer.”

“The Food and Drug Administration issued a statement saying it respected the research by the toxicology program, had reviewed many other studies on cellphone safety, and had “not found sufficient evidence that there are adverse health effects in humans caused by exposures at or under the current radio-frequency exposure limits.”

“The statement, from Dr. Jeffrey Shuren, director of the F.D.A.’s center for devices and radiological health, also said, “Even with frequent daily use by the vast majority of adults, we have not seen an increase in events like brain tumors.”

“A seemingly paradoxical finding that has also puzzled the researchers is that the rats exposed to the cellphone radiation actually lived longer than the controls. One possible explanation, Dr. Bucher said, is that the radiation may ease inflammation, and lessen the severity of a chronic kidney disorder that is common in aging rats and can kill them

**SOURCE:** Article: Cancer Risk from Cell Phone Radiation is Small, Studies Show – New York Times. By Denyse Grady, dated February 2<sup>nd</sup> 2018

<https://www.nytimes.com/2018/02/02/health/cell-phones-cancer.html>

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## 09 – 5G, MILLIMETRE WAVES AI AND THE INTERNET OF THINGS (IOT)

### **Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”**

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

### **Industry is Deeply Involved in the Science**

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#) This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by industry is less likely to find health risks than studies paid for by institutions or

authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP’s self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE:** STOP5G Strategy Kit (page 38)

<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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## 10 -INTERNATIONAL TELECOMMUNICATION UNION - ITU

ITU is the United Nations specialized agency for information and communication technologies – ICTs.

"Originally founded in 1865 to promote cooperation among international telegraphy networks of the day, ITU predates many other standardization bodies and its long and distinguished history contains a number of important 'firsts', such as the standardization of the use of the Morse code and the world's first radiocommunication and fixed telecommunication networks."

"ITU is committed to connecting all the world's people – wherever they live and whatever their means. Through our work, we protect and support everyone's right to communicate."

"Developing skills and knowledge

'Connecting the unconnected' is not just a question of putting infrastructure in place. Infrastructure has to be supported by effective regulatory strategies and policies and an understanding of future trends: technical, social and economic. ITU brings partners together to discuss these issues, share insights and best practice, and lay the groundwork for long-term industry growth. ITU publishes regular reports highlighting important developments and also has its own ITU Academy programme which trains technicians, regulators, administrators and local communities in how best to use the power of ICTs."

"Reaffirming ITU’s role as a specialized agency of the United Nations striving to meet the highest aspirations of the peoples of the world. ITU and its personnel are committed to connecting the world; ITU has a special calling to promote international cooperation in pursuit of this vision;"

From the "Code of ethics for ITU personnel" link, point 2 from the preamble,

**SOURCE:** <https://www.itu.int/en/Pages/default.aspx>

## 11 – INTERNATIONAL COOPERATION ON 5G

"A global vision for 5G has been agreed at International Telecommunication Union (ITU) level, and we are now in the phase of standardisation in international bodies like the 3GPP, the ITU and the Open Networking Foundation. The 5G Infrastructure Public Private Partnership (5G PPP) plays an essential role in federating the European input into this process."

"The 5G Infrastructure Association" is, "the private side of the 5G PPP"

SOURCE: <https://ec.europa.eu/digital-single-market/en/5G-international-cooperation>

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## 12 – WORLD HEALTH ORGANISATION

### RADIATION: 5G MOBILE NETWORKS AND HEALTH

#### What are the international exposure guidelines?

Two international bodies produce exposure guidelines on electromagnetic fields. Many countries currently adhere to the guidelines recommended by: The International Commission on Non-Ionizing Radiation Protection and, The Institute of Electrical and Electronics Engineers, through the International Committee on Electromagnetic Safety

These guidelines are not technology-specific. They cover radiofrequencies up to 300 GHz, including the frequencies under discussion for 5G.

SOURCE: <https://www.who.int/news-room/q-a-detail/5g-mobile-networks-and-health>

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### CRIMINAL CODE ACT 1995 DIVISION 11.2 COMPLICITY AND COMMON PURPOSE

**(1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.**

#### CHHRA 2006 Section 32

- (1) So far as it is possible to do so consistently with their purpose, all statutory provisions must be interpreted in a way that is compatible with human rights.
- (2) International law and the judgments of domestic, foreign and international courts and tribunals relevant to a human right may be considered in interpreting a statutory provision.

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#### CRIMINAL CODE ACT 1995 DIVISION 92.2 OFFENCE OF INTENTIONAL FOREIGN INTERFERENCE

##### *Interference generally*

- (1) A person commits an offence if:
- (a) the person engages in conduct; and
  - (b) any of the following circumstances exists:
    - (i) the person engages in the conduct on behalf of, or in collaboration with, a foreign principal or a person acting on behalf of a foreign principal;
    - (ii) the conduct is directed, funded or supervised by a foreign principal or a person acting on behalf of a foreign principal; and
  - (c) the person intends that the conduct will:
    - (i) influence a political or governmental process of the Commonwealth or a State or Territory; or
    - (ii) influence the exercise (whether or not in Australia) of an Australian democratic or political right or duty; or
    - (iii) support intelligence activities of a foreign principal; or

- (iv) prejudice Australia's national security; and
- (d) any part of the conduct:
  - (i) is covert or involves deception; or
  - (ii) involves the person making a threat to cause serious harm, whether to the person to whom the threat is made or any other person; or
  - (iii) involves the person making a demand with menaces.

Note: An alternative verdict may be available for an offence against this subsection (see section 93.5).

Penalty: Imprisonment for 20 years.

*Interference involving targeted person*

- (2) A person commits an offence if:
  - (a) the person engages in conduct; and
  - (b) any of the following circumstances exists:
    - (i) the conduct is engaged in on behalf of, or in collaboration with, a foreign principal or a person acting on behalf of a foreign principal;
    - (ii) the conduct is directed, funded or supervised by a foreign principal or a person acting on behalf of a foreign principal; and
  - (c) the person intends that the conduct will influence another person (the **target**):
    - (i) in relation to a political or governmental process of the Commonwealth or a State or Territory; or
    - (ii) in the target's exercise (whether or not in Australia) of any Australian democratic or political right or duty; and
  - (d) the person conceals from, or fails to disclose to, the target the circumstance mentioned in paragraph (b).

Note: An alternative verdict may be available for an offence against this subsection (see section 93.5).

Penalty: Imprisonment for 20 years.

*Other matters*

- (3) For the purposes of paragraphs (1)(b) and (2)(b):
  - (a) the person does not need to have in mind a particular foreign principal; and
  - (b) the person may have in mind more than one foreign principal.

**9A. Treason**

- (1) A person who—
  - (a) kills the Sovereign, does the Sovereign any bodily harm tending to the death or destruction of the Sovereign or maims, wounds, imprisons or restrains the Sovereign;
  - (b) kills the eldest son and heir apparent, or the Consort, of the Sovereign;

- (c) levies war, or does any act preparatory to levying war, against the Commonwealth of Australia;
- (e) instigates a foreigner to make an armed invasion of the Commonwealth or any Territory not forming part of the Commonwealth;

shall be guilty of an indictable offence, called treason, and liable to—

- (a) level 1 imprisonment; or
- (b) imprisonment for such other term as is fixed by the court—

as the court determines.

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## STATE LEGISLATION

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### CRIMES ACT 1958 (VICTORIA) SECTION 9A. TREASON

- (1) A person who—
  - (a) kills the Sovereign, does the Sovereign any bodily harm tending to the death or destruction of the Sovereign or maims, wounds, imprisons or restrains the Sovereign;
  - (b) kills the eldest son and heir apparent, or the Consort, of the Sovereign;
  - (c) levies war, or does any act preparatory to levying war, against the Commonwealth of Australia;
  - (e) instigates a foreigner to make an armed invasion of the Commonwealth or any Territory not forming part of the Commonwealth;

shall be guilty of an indictable offence, called treason, and liable to—

- (a) level 1 imprisonment; or
- (b) imprisonment for such other term as is fixed by the court—

as the court determines.

**CRIMES ACT 1958 (VICTORIA) SECTION 321M. ATTEMPT**

A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.

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**CRIMES ACT 1958 (VICTORIA) SECTION 322E. TREASON AND MISPRISION OF TREASON NOT AFFECTED**

Nothing in this Part shall be taken to affect directly or indirectly any matter of law or practice applicable to treason or misprision of treason.

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**CRIMES ACT 1958 (VICTORIA) SECTION 322F. OTHER ENACTMENTS NOT AFFECTED**

This Part shall not affect the operation of any enactment restricting the institution of proceedings for an offence.

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (VICTORIA). SECTION 32**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

<https://www.legislation.vic.gov.au/as-made/acts/charter-human-rights-and-responsibilities-act-2006>

- (1) So far as it is possible to do so consistently with their purpose, all statutory provisions must be interpreted in a way that is compatible with human rights.
- (2) International law and the judgments of domestic, foreign and international courts and tribunals relevant to a human right may be considered in interpreting a statutory provision.

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**CASE LAW**

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**INTERNATIONAL LAW AND LEGISLATION**

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**PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED IN THE CHARTER OF THE  
NÜRNBERG TRIBUNAL AND IN THE JUDGMENT OF THE TRIBUNAL**

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

- (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
- (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

Principle VII

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

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**SCRIPTURAL LAW**

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**REVELATION 18:17**

“For in one hour so great riches is come to nought. And every shipmaster, and all the company in ships, and sailors, and as many as trade by sea, stood afar off,”

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**LUKE 16:17**

“And it is easier for heaven and earth to pass, than one tittle of the law to fail.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**GALATIANS 5:14**

“For the entire law is fulfilled in keeping this one command: “Love your neighbor as yourself.”

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**LEVITICUS 5:17**

“If anyone sins and does what is forbidden in any of the Lord’s commands, even though they do not know it, they are guilty and will be held responsible.”

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**PROVERBS 10:29**

“The way of the Lord is a refuge for the blameless,  
but it is the ruin of those who do evil.”

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**LEVITICUS 22:31**

“Keep my commands and follow them. I am the Lord.”

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**MAXIMS OF LAW**

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Idem est scire aut scire debet aut potuisse - To be able to know is the same as to know

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Quae communi legi derogant stricte interpretantur - Laws which derogate from the common law ought to be strictly construed

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Puia salus populi suprema lex - Public safety is the supreme law

## SECTION 8 – MENTAL HEALTH IMPACTS

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1/ Personal stress, anxiety, suffering, mental harm

2/ Full disclosure of health effects

### REFERENCES – MENTAL HEALTH IMPACTS

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#### D1 – INTERNATIONAL APPEAL – STOP 5G ON EARTH AND IN SPACE

##### Harmful Effects of Radio Frequency Radiation Are Already Proven

Even before 5G was proposed, [dozens of petitions and appeals](#) by international scientists, including the [Freiburger Appeal](#) signed by over 3,000 physicians, called for a halt to the expansion of wireless technology and a moratorium on new base stations.

In 2015, [215 scientists from 41 countries](#) communicated their alarm to the United Nations (UN) and World Health Organization (WHO). They stated that “numerous recent scientific publications have shown that EMF [electromagnetic fields] affects living organisms at levels well below most international and national guidelines”. More than 10,000 peer-reviewed scientific studies demonstrate harm to human health from RF radiation. Effects include:

- [Alteration of heart rhythm](#)
- [Altered gene expression](#)
- [Altered metabolism](#)
- [Altered stem cell development](#)
- [Cancers](#)
- [Cardiovascular disease](#)
- [Cognitive impairment](#)
- [DNA damage](#)
- [Impacts on general well-being](#)
- [Increased free radicals](#)
- [Learning and memory deficits](#)
- [Impaired sperm function and quality](#)
- [Miscarriage](#)
- [Neurological damage](#)
- [Obesity and diabetes](#)
- [Oxidative stress](#)

Effects in children include [autism](#), [attention deficit hyperactivity disorder \(ADHD\)](#) and [asthma](#).

Damage goes well beyond the human race, as there is abundant evidence of harm to diverse plant- and [wildlife](#) and laboratory animals, including:

- [Ants](#)
- [Birds](#)
- [Forests](#)
- [Frogs](#)
- [Fruit flies](#)
- [Honey bees](#)
- [Insects](#)
- [Mammals](#)
- [Mice](#)
- [Plants](#)
- [Rats](#)
- [Trees](#)

### **World governments are failing in their duty of care to the populations they govern**

In their haste to implement 5G and to encourage the unconstrained use of outer space, the European Union, United States and national governments worldwide are taking steps to ensure a “barrier-free” regulatory environment. They are [prohibiting local authorities from enforcing environmental laws](#), and “in the interest of speedy and cost-effective deployment”, removing “unnecessary burdens... such as local planning procedures [and] the variety of specific limits on electromagnetic field (EMF) emissions and of the methods required to aggregate them”.

Governments are also [enacting laws](#) to make wireless facilities a permitted use in all public rights-of-way. To date, most wireless facilities have been located on private property at some distance from homes and businesses. In order for them to be spaced less than 100 metres apart as required by 5G, however, they will now be located on the sidewalk directly in front of homes and businesses and close above the heads of pedestrians, including mothers with babies.

Public notice requirements and public hearings are being eliminated. Even if there were a hearing and 100 scientific experts were to testify against 5G, [laws have been passed making it illegal](#) for local authorities to take their testimony into consideration. US law, for example, prohibits local governments from regulating wireless technology “on the basis of the environmental effects of radio frequency radiation”, and courts have reversed regulatory decisions about cell tower placement simply because most of the public testimony was about health. Insurers will not provide coverage against EMF risks, and there is zero clarity as to what entity will bear legal responsibility for damage to life, limb and property arising from exposure to 5G, whether ground- or space-based.

In the absence of an agreed comprehensive legal regime governing activities in outer space, legal liability for those activities is non-existent, despite the prospect of whole continents, the atmosphere and the oceans being put at risk by them

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

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## 02 – PLANETARY ELECTROMAGNETIC POLLUTION: IS IT TIME TO ASSESS ITS IMPACT?

Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour.

These findings deserve urgent attention.

At the [Oceania Radiofrequency Scientific Advisory Association](#), an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields. We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects.

This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment.

Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann

Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.

**SOURCE:** Lancet article dated December 2018

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPlZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaEJc.facebook>

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### 03 – COMMUNITY CONCERNS OVER 5G: NEEDLESS ANXIETY OR WISE PRECAUTION?

Concluding thoughts What is apparent in this controversy is that the public's perception of risk and that of some experts defending the technology is at wide variance. The assurances of a complete absence of risk from 5G networks coming from these experts is not reflected in what is known about the many uncertainties which exist with 5G technology and speaks more about their own ignorance than that of concerned communities. A real danger of these 'expert' assurances of a lack of risk to health from 5G discourages the necessary research needed to determine the extent of any such risk. What we are seeing here is an example of what has been defined as technological fundamentalism.

To quote from Robert Jensen: Technological fundamentalists believe that the increasing use of evermore sophisticated high-energy, advanced technology is always a good thing and that any problems caused by the unintended consequences of such technology eventually can be remedied by more technology. Those who question such declarations are often said to be "anti-technology," which is a meaningless insult. All human beings use technology of some kind, whether stone tools or computers. An anti-fundamentalist position is not that all technology is

bad, but that the introduction of new technology should be evaluated carefully on the basis of its effects—predictable and unpredictable—on human communities and the non-human world, with an understanding of the limits of our knowledge.

**SOURCE:** Community concerns over 5G: Needless anxiety or wise precaution? White Paper written by Don Maisch PhD, updated July 27, 2019

[https://www.emfacts.com/download/26April\\_5G\\_concerns\\_paper.pdf](https://www.emfacts.com/download/26April_5G_concerns_paper.pdf)

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#### **04 – BIOLOGICAL EFFECTS FROM EXPOSURE TO ELECTROMAGNETIC RADIATION EMITTED BY CELL TOWER BASE STATIONS AND OTHER ANTENNA ARRAYS**

Numerous biological effects do occur after short-term exposures to low-intensity RFR but potential hazardous health effects from such exposures on humans are still not well established, despite increasing evidence as demonstrated throughout this paper. Unfortunately, not enough is known about biological effects from long-term exposures, especially as the effects of long-term exposure can be quite different from those of short-term exposure. It is the long-term, low-intensity exposures that are most common today and increasing significantly from myriad wireless products and services.

People are reporting symptoms near cell towers and in proximity to other RFR-generating sources including consumer products such as wireless computer routers and Wi-Fi systems that appear to be classic “microwave sickness syndrome,” also known as “radiofrequency radiation sickness.” First identified in the 1950s by Soviet medical researchers, symptoms included headache, fatigue, ocular dysfunction, dizziness, and sleep disorders. In Soviet medicine, clinical manifestations include dermatographism, tumors, blood changes, reproductive and cardiovascular abnormalities, depression, irritability, and memory impairment, among others. The Soviet researchers noted that the syndrome is reversible in early stages but is considered lethal over time ([Tolgskaya et al. 1973](#)).

Safety to populations living or working near communications infrastructure has not been given the kind of attention it deserves. Aggregate ambient outdoor and indoor exposures should be emphasized by summing up levels from different generating source points in the vicinity. Radiofrequency radiation should be treated and regulated like radon and toxic chemicals, as aggregate exposures, with appropriate recommendations made to the public including for consumer products that may produce significant RFR levels indoors. When indoor consumer products such as wireless routers, cordless/DECT phones, leaking microwave ovens, wireless speakers, and (or) security systems, etc. are factored in with nearby outdoor transmission infrastructure, indoor levels may rise to exposures that are unsafe. The contradictions in the studies should not be used to paralyze movement toward safer regulation of consumer products, new infrastructure creation, or better tower siting. Enough good science exists regarding long-term low-level exposures — the most prevalent today — to warrant caution.

The present U.S. guidelines for RFR exposure are not up to date. The most recent IEEE and NCRP guidelines used by the U.S. FCC have not taken many pertinent recent studies into consideration because, they argue, the results of many of those studies have not been replicated and thus are not valid for standards setting. That is a specious argument. It implies that someone tried to replicate certain works but failed to do so, indicating the studies in question are unreliable. However, in most cases, no one has tried to exactly replicate the works at all. It must be pointed out that the 4 W/kg SAR threshold based on the de Lorge studies have also not been replicated independently. In addition, effects of long-term exposure, modulation, and other propagation characteristics are not considered. Therefore, the current guidelines are questionable in protecting the public from possible harmful effects of RFR exposure and the U.S. FCC should take steps to update their regulations by taking all recent research into consideration without waiting for replication that may never come because of the scarcity of research funding. The ICNIRP standards are more lenient in key exposures to the population than current U.S. FCC regulations. The U.S. standards should not be “harmonized” toward more lenient allowances. The ICNIRP should become more protective instead. All standards should be biologically based, not dosimetry based as is the case today.

Exposure of the general population to RFR from wireless communication devices and transmission towers should be kept to a minimum and should follow the “As Low As Reasonably Achievable” (ALARA) principle. Some scientists, organizations, and local governments recommend very low exposure levels — so low, in fact, that many wireless industries claim they cannot function without many more antennas in a given area. However, a denser infrastructure may be impossible to attain because of citizen unwillingness to live in proximity to so many antennas. In general, the lowest regulatory standards currently in place aim to accomplish a maximum exposure of 0.02 V/m, equal to a power density of 0.0001  $\mu\text{W}/\text{cm}^2$ , which is in line with Salzburg, Austria’s indoor exposure value for GSM cell base stations. Other precautionary target levels aim for an outdoor cumulative exposure of 0.1  $\mu\text{W}/\text{cm}^2$  for pulsed RF exposures where they affect the general population and an indoor exposure as low as 0.01  $\mu\text{W}/\text{cm}^2$  ([Sage and Carpenter 2009](#)). In 2007, *The BioInitiative Report, A rationale for a biologically based public exposure standard for electromagnetic fields (ELF and RF)*, also made this recommendation, based on the precautionary principle ([Bioinitiative Report 2007](#)).

**SOURCE:** <https://www.nrcresearchpress.com/doi/10.1139/A10-018#.XoIMPG5uKUK>

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## 05 – SUPPORTING LETTERS FROM SCIENTISTS AND MEDICAL EXPERTS

In the case of "protection from exposure to electromagnetic fields", it is thus of paramount importance to act from a prudence avoidance/precautionary principle point of view. Anything else would be highly hazardous! Total transparency of information is the key sentence here, I believe consumers are very tired of always having the complete truth years after a certain catastrophe already has taken place. For instance, it shall be noted, that today's recommendation values for wireless systems, the SAR-value, are just recommendations, and not safety levels. Since scientists observe biological effects at as low as 20 microWatts/kg, is it then really safe to irradiate humans with 2 W/kg (i.e., with 100,000 times stronger

radiation!), which is the recommendation level for us? And, furthermore, it is very strange to see, over and over again, that highly relevant scientific information is suppressed or even left out in various official documents, as high up as at the governmental level of society. This is not something that the consumers will gain anything good from, and, still, the official declaration or explanation (from experts and politicians) very often is: "If we (=the experts) would let everything out in the open, people would be very scared and they would panic." Personally, I have never seen this happen, but instead I have frequently seen great disappointment from citizens who afterwards have realized they have been fooled by their own experts and their own politicians...

In many commentaries, debate articles and public lectures - for the last 20-30 years - I have urged that completely independent research projects must be inaugurated immediately to ensure our public health. These projects must be entirely independent of all types of commercial interests; public health cannot have a price-tag! It is also of paramount importance that scientists involved in such projects must be free of any carrier considerations and that the funding needed is covered to 100%, not 99% or less. This is the clear responsibility of the democratically elected body of every country.

Many wireless systems are close to beds, kitchens, playrooms, and similar locations, as well as are now introduced into schools and pre-schools. These wireless systems are never off, and the exposure is not voluntary. These wireless systems are being forced on citizens everywhere. Based on this, the inauguration of such wireless systems with grudging and involuntary exposure of millions to billions of human beings to pulsed microwave radiation should immediately be prohibited until 'the red flag' can be hauled down once and for all. In conclusion, wireless systems, such as Wi-Fi routers, can not be regarded as safe in schools, but must be deemed highly hazardous and unsafe for the children as well as for the staff. I encourage governments and local health and educational bodies to adopt a framework of guidelines for public and occupational EMF exposure that reflects the Precautionary Principle.

With my very best regards

Yours sincerely

Olle Johansson, assoc. professor.

**SOURCE:** Karolinska Institutet, Department of Neuroscience, Experimental Dermatology Unit

[http://www.wifi-in-schools-australia.org/p/blog-page\\_3.html](http://www.wifi-in-schools-australia.org/p/blog-page_3.html)

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### 06 - MOBILE PHONE BASE STATION TOWER SETTINGS ADJACENT TO SCHOOL BUILDINGS: IMPACT ON STUDENTS' COGNITIVE HEALTH

High exposure to RF-EMF (10.021  $\mu\text{W}/\text{cm}^2$  with a frequency of 925 MHz) produced by MPBSTs (mobile phone base station towers) was associated with delayed fine and gross motor skills,

spatial working memory, and attention in school adolescents compared to students who were exposed to low RF-EMF (2.010  $\mu\text{W}/\text{cm}^2$  with a frequency of 925 MHz).

**SOURCE:** American Journal of Men's Health

[https://journals.sagepub.com/doi/10.1177/1557988318816914?fbclid=IwAR0E5G2ljE\\_ZLI84UIIjzDABVP59ctEU9GhiFNR8qc693n7h9FluzfNd-Co&](https://journals.sagepub.com/doi/10.1177/1557988318816914?fbclid=IwAR0E5G2ljE_ZLI84UIIjzDABVP59ctEU9GhiFNR8qc693n7h9FluzfNd-Co&)

**ADDITIONAL SOURCE:** National Library of Medicine

<https://pubmed.ncbi.nlm.nih.gov/30526242/>

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**07 – MOBILE PHONE RADIATION CAUSES BRAIN TUMORS AND SHOULD BE CLASSIFIED AS A PROBABLE HUMAN CARCINOGEN (2A) (REVIEW)**

We conclude that radiofrequency fields should be classified as a Group 2A probable human carcinogen under the criteria used by the International Agency for Research on Cancer (Lyon, France). Additional data should be gathered on exposures to mobile and cordless phones, other WTDs, mobile phone base stations and Wi-Fi routers to evaluate their impact on public health.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/25738972/>

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**08 – RADIOFREQUENCY RADIATION FROM NEARBY BASE STATIONS GIVES HIGH LEVELS IN AN APARTMENT IN STOCKHOLM, SWEDEN: A CASE REPORT**

Due to the current high RF radiation, the apartment is not suitable for long-term living, particularly for children who may be more sensitive than adults. For a definitive conclusion regarding the effect of RF radiation from nearby base stations, one option would be to turn them off and repeat the measurements. However, the simplest and safest solution would be to turn them off and dismantle them.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/29725476/>

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## 09 – ELECTROHYPERSENSITIVITY AS A NEWLY IDENTIFIED AND CHARACTERIZED NEUROLOGIC PATHOLOGICAL DISORDER: HOW TO DIAGNOSE, TREAT, AND PREVENT IT

“Moreover, 80% of the patients with EHS present with one, two, or three detectable oxidative stress biomarkers in their peripheral blood, meaning that overall these patients present with a true objective somatic disorder.”

“In 2002, Santini et al. in France reported similar symptomatic intolerance in users of digital cellular phones and among people living near wireless communication base stations [3,4].”

Because EHS is becoming a new insidious worldwide plague involving millions of people, we ask the World Health Organization (WHO) to include EHS as a neurologic disorder in the international classification of diseases.

SOURCE: <https://www.mdpi.com/1422-0067/21/6/1915/htm>

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## 10 – THE MICROWAVE SYNDROME OR ELECTRO-HYPERSENSITIVITY: HISTORICAL BACKGROUND

While most individuals who report having EHS do not have a specific history of an acute exposure, excessive exposure to EMFs, even for a brief period of time, can induce the syndrome

SOURCE: <https://www.degruyter.com/view/journals/reveh/30/4/article-p217.xml>

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## 11 – ELECTROMAGNETIC HYPERSENSITIVITY – AN INCREASING CHALLENGE TO THE MEDICAL PROFESSION

It seems necessary to give an International Classification of Diseases to EHS to get it accepted as EMF-related health problems. The increasing exposure to RF-EMF in schools is of great concern and needs better attention. Longer-term health effects are unknown. Parents, teachers, and school boards have the responsibility to protect children from unnecessary exposure.

SOURCE: <https://www.degruyter.com/view/journals/reveh/30/4/article-p209.xml>

## 12 - THE MEDICAL PERSPECTIVE ON ENVIRONMENTAL SENSITIVITIES

The Royal Society of Canada reviewed the issue of health effects of radio-frequency transmissions for Health Canada in 1999, with updates in 2001 and 2004.<sup>56</sup> The latest report summarizes and is consistent with positions taken by many other authorities in Britain, Europe and the USA (e.g. California). Regulations for telecommunications are based upon avoiding heating of tissue as a result of exposure to electromagnetic radiation. However, other biological phenomena are both plausible and observed at much lower exposure levels.<sup>7</sup> The Royal Society concluded that even if the evidence is not clear that adverse health effects from lower exposures to radiofrequencies exist, there is a need for further research.<sup>55,56</sup> There is growing evidence of cancers (particularly acoustic neuroma) associated with the use of mobile telephones.<sup>235,237,253,254</sup> Given the seriousness of the adverse effects and the availability of alternative technologies, a precautionary approach is warranted.<sup>255</sup>

**SOURCE:** The Medical Perspective on Environmental Sensitivities

By: Margaret E. Sears (M.Eng., Ph.D.) May 2007 (Page 41 of 79)

[https://www.chrc-ccdp.gc.ca/sites/default/files/envsensitivity\\_en.pdf](https://www.chrc-ccdp.gc.ca/sites/default/files/envsensitivity_en.pdf)

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## 13 - ASPECTS OF STUDIES ON THE FUNCTIONAL IMPAIRMENT ELECTROHYPERSENSITIVITY

In summary, it is evident from our preliminary data that various alterations are present in the electrohypersensitive persons' skin that are not indicated in the skin of normal healthy volunteers.

### 5. Cellular and Neuronal Studies of Electrohypersensitivity

We have investigated the presence of intraepidermal nerve fibers in normal human skin from healthy volunteers using the new marker PGP 9.5 [6-8]. The intraepidermal nerve fibers are found as close as 20–40  $\mu\text{m}$  from the surface, which makes it highly possible that weak electromagnetic fields may affect them.

**SOURCE:** Olle Johansson 2010 *IOP Conf. Ser.: Earth Environ. Sci.* **10** 012005

<https://iopscience.iop.org/article/10.1088/1755-1315/10/1/012005/pdf>

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## 14 – WORLDWIDE STATEMENTS OF ORGANIZATIONS REGARDING EMF

Thermal effects are defined as effects that originate in elevated temperatures from the absorption of electromagnetic energy. The specific absorption rate (SAR) is defined as the rate of absorption of electromagnetic energy in a unit mass of biological tissue. It is proportional to the incremental temperature increase in that tissue. Indeed while a significant temperature increase must be avoided as it can be of immediate adverse health consequences (tissue necrosis, cardiac stress, etc.) exposures can be without (measureable) temperature increase either because of heat dissipation or because the exposure is too low to be associated with relevant heating. The latter type of exposure is termed non-thermal. Biological and health-relevant effects at non-thermal levels have been shown and discussed by many research groups all over the world (9), (10), (22), (23), (24).

The ICNIRP recommendations were adopted by the EU in its Council Recommendation of 1999, without considering long-term non-thermal effects. However, it should be stressed that at an international EMF conference in London (2008), Professor Paolo Vecchia, ICNIRP Chairman from 2004 to 2012, said about the exposure guidelines “What they are not”: “*They are not mandatory prescriptions for safety*”, “*They are not the ‘last word’ on the issue*”, and “*They are not defensive walls for industry or others*” (25).

SOURCE: <https://www.degruyter.com/view/journals/reveh/31/3/article-p363.xml>

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## 15 – 5G AND THE IOT: SCIENTIFIC OVERVIEW OF HUMAN HEALTH RISKS

### **Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”**

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

### **Industry is Deeply Involved in the Science**

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#) This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by

industry is less likely to find health risks than studies paid for by institutions or authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP’s self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE:** STOP5G Strategy Kit (page 38)

<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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## 16 – ADVERSE HEALTH EFFECTS OF 5G MOBILE NETWORKING TECHNOLOGY UNDER REAL-LIFE CONDITIONS

### Abstract

This article identifies adverse effects of non-ionizing non-visible radiation (hereafter called wireless radiation) reported in the premier biomedical literature. It emphasizes that most of the laboratory experiments conducted to date are not designed to identify the more severe adverse effects reflective of the real-life operating environment in which wireless radiation systems operate. Many experiments do not include pulsing and modulation of the carrier signal.

**SOURCE:**

<https://www.sciencedirect.com/science/article/abs/pii/S037842742030028X>

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## 17 – BUILDING SCIENCE AND RADIOFREQUENCY RADIATION: WHAT MAKES SMART AND HEALTHY BUILDINGS

Adverse biochemical and biological effects at commonly experienced RFR levels indicate that exposure guidelines for the U.S., Canada and other countries are inadequate to protect public health and the environment.

**SOURCE:**

<https://www.sciencedirect.com/science/article/pii/S0360132319305347>

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**18 – HUMAN SKIN AS ARRAYS OF HELICAL ANTENNAS IN THE MILLIMETER AND SUBMILLIMETER WAVE RANGE**

Recent studies of the minute morphology of the skin by optical coherence tomography showed that the sweat ducts in human skin are helically shaped tubes, filled with a conductive aqueous solution. A computer simulation study of these structures in millimeter and submillimeter wave bands show that the human skin functions as an array of low-Q helical antennas.

**SOURCE:** <https://pubmed.ncbi.nlm.nih.gov/18517913/>

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**19 - ICNIRP GUIDELINES FOR LIMITING EXPOSURE TO ELECTROMAGNETIC FIELDS (100 KHZ TO 300 GHZ)**

**SUMMARY** The only substantiated adverse health effects caused by exposure to radiofrequency EMFs are nerve stimulation, changes in the permeability of cell membranes, and effects due to temperature elevation. There is no evidence of adverse health effects at exposure levels below the restriction levels in the ICNIRP (1998) guidelines and no evidence of an interaction mechanism that would predict that adverse health effects could occur due to radio frequency EMF exposure below those restriction levels.

**SOURCE:** ICNIRP Guidelines for Limiting Exposure to Electromagnetic Fields (100 kHz to 300 GHz)

Special Submission, Published in: Health Phys 118(5): 483-524; 2020

The above excerpt is from page 523 of the Submission

Published Ahead of print in March 2020: Health Phys 118(00):000-000;2020

[https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q\\_YdL2q4iF4Ztot0ine3LykRhFWN4Gue5TQp-MGZcbRnQ](https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf?fbclid=IwAR2fHEDYhGHYH2Q_YdL2q4iF4Ztot0ine3LykRhFWN4Gue5TQp-MGZcbRnQ)

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## 20 – CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

**SOURCE:** <http://www.un-documents.net/a39r46.htm>

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## 21 – THE NUREMBERG CODE – “TRIALS OF WAR CRIMINALS BEFORE THE NUREMBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW NO. 10”

The Nuremberg Code applies to all experiments on humans, thus including the deployment of 5G with new, higher RF radiation exposure that has not been pre-market tested for safety.

“The voluntary consent of the human subject is absolutely essential” ([art. 1](#)) – page 181.

“Count One: War crimes, involving murder, slave labor, deportation of civilian population for slave labor, cruel and inhuman treatment of foreign laborers, and the use of prisoners of war in war operations by force and compulsion.

Count Two: War crimes, involving murder, subjecting involuntary victims to low-pressure and freezing experiments resulting in torture and death.

Count Three: Crimes against humanity, involving murder and the same unlawful acts specified in counts one and two against German nationals and nationals of other countries” (page 773).

Exposure to 5G will be involuntary.

“No experiment should be conducted, where there is an a priori reason to believe that death or disabling injury will occur” ([art. 5](#)).

“After having contracted malaria the subjects were treated with various drugs to test their relative efficacy. Over 1,000 involuntary subjects were used in these experiments. Many of the victims died and others suffered severe pain and permanent disability” (page 176)

“(a) War crimes, namely violations of the laws and customs of war, as the medical experiments performed upon involuntary persons, some of them nationals of countries at war with the

German Reich, involved the commission of murders, tortures, and other inhuman acts” (page 696)

The findings of over 10,000 scientific studies and the voices of hundreds of international organizations representing hundreds of thousands of members who have suffered disabling injury and been displaced from their homes by already-existing wireless telecommunications facilities, are “a priori reasons to believe that death or disabling injury will occur”.

Also, we are light years away from “Informed consent”.

**SOURCE:** The Nuremberg Code - "Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10" - Vol. 2, pp. 181-182. Washington, D.C.: U.S. Government Printing Office, 1949

[https://www.loc.gov/rr/frd/Military\\_Law/NTs\\_war-criminals.html](https://www.loc.gov/rr/frd/Military_Law/NTs_war-criminals.html)

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## 22 – THE BELMONT REPORT – NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIOURAL RESEARCH

Page 6: “Beneficence - Persons are treated in an ethical manner not only by respecting their decisions and protecting them from harm, but also by making efforts to secure their well-being. Such treatment falls under the principle of beneficence. The term "beneficence" is ...[in this instance]..... understood in a stronger sense, as an obligation. Two general rules have been formulated as complementary expressions of beneficent actions in this sense: (1) do not harm and (2) maximize possible benefits and minimize possible harms. The Hippocratic maxim "do no harm" has long been a fundamental principle of medical ethics.

Claude Bernard extended it to the realm of research, saying that one should not injure one person regardless of the benefits that might come to others. The problem posed ..... is to decide when it is justifiable to seek certain benefits despite the risks involved, and when the benefits should be foregone because of the risks.”

Page 11: “Information – Most codes of research establish specific items for disclosure intended to assure that subjects are given sufficient information. These items generally include: the research procedure, their purposes, risks and anticipated benefits, alternative procedures (where therapy is involved), and a statement offering the subject the opportunity to ask questions and to withdraw at any time from the research. Additional items have been proposed, including how subjects are selected, the person responsible for the research, etc.”

Page 12: “Comprehension – The manner and context in which information is conveyed

is as important as the information itself. For example, presenting information in a disorganized and rapid fashion, allowing too little time for consideration or curtailing opportunities for questioning, all may adversely affect a subject's ability to make an informed choice.

Because the subject's ability to understand is a function of intelligence, rationality, maturity and language, it is necessary to adapt the presentation of the information to the subject's capacities. Investigators are responsible for ascertaining that the subject has comprehended the information.

While there is always an obligation to ascertain that the information about risk to subjects is complete and adequately comprehended, when the risks are more serious, that obligation increases.

Special provision may need to be made when comprehension is severely limited - for example, by conditions of immaturity or mental disability. Each class of subjects that one might consider as incompetent ( *e.g.* infants and young children, mentally disabled patients, the terminally ill and the comatose) should be considered on its own terms. Even for these persons, however, respect requires giving them the opportunity to choose to the extent they are able, whether or not to participate in research.”

**Page 14:** “Voluntariness – An agreement to participate in research constitutes a valid consent only if voluntarily given. This element of informed consent requires conditions free of coercion and undue influence. Coercion occurs when an overt threat of harm is intentionally presented by one person to another in order to obtain compliance. Undue influence, by contrast, occurs through an offer of an excessive, unwarranted, inappropriate or improper reward or other overture in order to obtain compliance.”

“Assessment of Risks and Benefits - The assessment of risks and benefits requires a careful arrayal of relevant data, including, in some cases, alternative ways of obtaining the benefits sought in the research. Thus, the assessment presents both an opportunity and a responsibility to gather systematic and comprehensive information about proposed research.”

**Page 15:** “The Nature and Scope of Risks and Benefits - The requirement that research

be justified on the basis of a favorable risk/benefit assessment bears a close relation to the principle of beneficence, just as the moral requirement that informed consent be obtained is derived primarily from the principle of respect for persons. The term "risk" refers to a possibility that harm may occur. However, when expressions such as "small risk" or "high risk" are used, they usually refer (often ambiguously) both to the chance (probability) of experiencing a harm and the severity (magnitude) of the envisioned harm.”

**Page 19:** “One special instance of injustice results from the involvement of vulnerable subjects. Certain groups, such as racial minorities, the economically disadvantaged, the very sick, and the institutionalized may continually be sought as research subjects, owing to their ready availability in settings where research is conducted. Given their dependent status and their frequently compromised capacity for free consent, they should be protected against the danger

of being involved in research solely for administrative convenience, or because they are easy to manipulate as a result of their illness or socioeconomic condition.”

**SOURCE: The Belmont Report** - National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research, Department of Health, Education and Welfare (DHEW) - Bethesda, Maryland, September 30th 1978

[https://videocast.nih.gov/pdf/ohrp\\_belmont\\_report.pdf](https://videocast.nih.gov/pdf/ohrp_belmont_report.pdf)

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## 23 – STANDARDS AND OPERATIONAL GUIDANCE FOR ETHICS REVIEW OF HEALTH-RELATED RESEARCH WITH HUMAN PARTICIPANTS OF THE WHO

Page 23:

Chapter V – Standards and guidance for researchers

### 3. Safety reporting

“a. All serious, unexpected adverse events related to the conduct of the study/study product or unanticipated problems involving risks of harm to the participants or others are promptly reported to the REC (research ethics committee) and/or other relevant authorities, as required by REC policies and applicable laws.

b. Any recommendations provided by the REC in response to such reporting are immediately implemented.”

### 5. Information to research participants

“Researchers have a responsibility to keep the research participants and their communities informed of the progress of research by appropriate means, at suitable time-frames in simple and non-technical language, for example, when:

a. the research study is terminated or cancelled

b. any changes occur in the context of the research study that alter the potential benefits or risks

c. the research project is completed

d. results of the research are available.”

**SOURCE: World Health Organization (2011)**

[https://apps.who.int/iris/bitstream/handle/10665/44783/9789241502948\\_eng.pdf;jsessionid=84A8770C0A05F4493339B34D2EF0BA27?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/44783/9789241502948_eng.pdf;jsessionid=84A8770C0A05F4493339B34D2EF0BA27?sequence=1)

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## 24 NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIOURAL RESEARCH, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE (DHEW) - BETHESDA, MARYLAND, SEPTEMBER 30TH 1978.

**Source: The Belmont Report** - [https://videocast.nih.gov/pdf/ohrp\\_belmont\\_report.pdf](https://videocast.nih.gov/pdf/ohrp_belmont_report.pdf)

**Page 6:** “Beneficence - Persons are treated in an ethical manner not only by respecting their decisions and protecting them from harm, but also by making efforts to secure their well-being. Such treatment falls under the principle of beneficence. The term "beneficence" is ...[in this instance]..... understood in a stronger sense, as an obligation. Two general rules have been formulated as complementary expressions of beneficent actions in this sense: (1) do not harm and (2) maximize possible benefits and minimize possible harms. The Hippocratic maxim "do no harm" has long been a fundamental principle of medical ethics.

Claude Bernard extended it to the realm of research, saying that one should not injure one person regardless of the benefits that might come to others. The problem posed ..... is to decide when it is justifiable to seek certain benefits despite the risks involved, and when the benefits should be foregone because of the risks.”

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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**CRIMINAL CODE ACT 1995**  
**SECTION 5.2 - INTENTION**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

Section 5.2 – Intention

- (1) A person has intention with respect to conduct if he or she means to engage in that conduct.
- (2) A person has intention with respect to a circumstance if he or she believes that it exists or will exist.
- (3) A person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary course of events.

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**CRIMINAL CODE ACT 1995**  
**SECTION 5.3 - KNOWLEDGE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Section 5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.

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**CRIMINAL CODE ACT 1995**  
**SECTION 5.4 - RECKLESSNESS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Section 5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
    - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
    - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
  - (2) A person is reckless with respect to a result if:
    - (a) he or she is aware of a substantial risk that the result will occur; and
    - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
  - (3) The question whether taking a risk is unjustifiable is one of fact.
  - (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.
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**CRIMINAL CODE ACT 1995**  
**SECTION 5.5 - NEGLIGENCE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Section 5.5 Negligence

A person is negligent with respect to a physical element of an offence if his or her conduct involves:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
  - (b) such a high risk that the physical element exists or will exist; that the conduct merits criminal punishment for the offence.
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**CRIMINAL CODE ACT 1995**

**SECTION 11.2 – COMPLICITY AND COMMON PURPOSE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 – General principles of criminal responsibility

Part 2.4 – Extensions of criminal responsibility

Section 11.2 – Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.
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**CRIMINAL CODE 1995**

**SECTION 80.2C – ADVOCATING TERRORISM**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision C – Urging violence and advocating terrorism or genocide

Section 80.2D Advocating terrorism

- (1) A person commits an offence if:
  - (a) the person advocates:
    - (i) the doing of a terrorist act; or
    - (ii) the commission of a terrorism offence referred to in subsection (2); and
- (2) A terrorism offence is referred to in this subsection if:
  - (a) the offence is punishable on conviction by imprisonment for 5 years or more; and
  - (b) the offence is not:
    - (i) an offence against section 11.1 (attempt), 11.4 (incitement) or 11.5 (conspiracy) to the extent that it relates to a terrorism offence; or
    - (ii) a terrorism offence that a person is taken to have committed because of section 11.2 (complicity and common purpose), 11.2A (joint commission) or 11.3 (commission by proxy).

*terrorism offence* has the same meaning as in subsection 3(1) of the *Crimes Act 1914*.

CRIMINAL CODE 1995

SECTION 80.2D – ADVOCATING GENOCIDE

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision C – Urging violence and advocating terrorism or genocide

Section 80.2D Advocating genocide

- (1) A person commits an offence if:
- (a) the person advocates genocide; and
  - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

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CRIMINAL CODE 1995

SECTION 268.3 – GENOCIDE BY KILLING

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.3 Genocide by killing

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

**CRIMINAL CODE 1995**

**SECTION 268.4 – GENOCIDE BY CAUSING SERIOUS BODILY OR MENTAL HARM**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.4 Genocide by causing serious bodily or mental harm

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator causes serious bodily or mental harm to one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

- (2) In subsection (1):

*causes serious bodily or mental harm* includes, but is not restricted to, commits acts of torture, rape, sexual violence or inhuman or degrading treatment

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**CRIMINAL CODE 1995**

**SECTION 268.5 – GENOCIDE BY DELIBERATELY INFLICTING CONDITIONS OF LIFE  
CALCULATED TO BRING ABOUT PHYSICAL DESTRUCTION**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator inflicts certain conditions of life upon one or more persons; and

- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
- (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.

Penalty: Imprisonment for life.

(2) In subsection (1):

*conditions of life* includes, but is not restricted to, intentional deprivation of resources indispensable for survival, such as deprivation of food or medical services, or systematic expulsion from homes.

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**CRIMINAL CODE 1995**

**SECTION 268.13 – CRIME AGAINST HUMANITY - TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision C – Crimes against Humanity

Subsection 268.13 Crime against humanity – torture

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**Criminal Code 1995**

**Section 268.23 – Crime against humanity - Other inhumane act**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision C – Crimes against humanity

Section 268.23 Crime against humanity – other inhumane act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.26 WAR CRIME – INHUMANE TREATMENT**

<https://www.legislation.gov.au/Details/C2020C00217>

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes That Are Grave Breaches of the Geneva Conventions and of Protocol to the Geneva Conventions

Section 268.26 War Crime – Inhumane Treatment

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

(2) Strict liability applies to paragraph (1)(b).

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**CRIMINAL CODE 1995**

**SECTION 268.27 – WAR CRIME – BIOLOGICAL EXPERIMENTS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes that are grave breaches of the Geneva Conventions and of Protocol I to the Geneva conventions

Section 268.27 War Crime – biological experiments

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator subjects one or more persons to a particular biological experiment; and
  - (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE 1995**

**SECTION 268.28 – WAR CRIME – WILFULLY CAUSING GREAT SUFFERING**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision D – War Crimes that are grave breaches of the Geneva Conventions and of Protocol I to the Geneva conventions

Section 268.28 War crime – wilfully causing great suffering

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and

- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE 1995**

**SECTION 268.70 – WAR CRIME – MURDER**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.70 War crime – murder

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator causes the death of one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

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**CRIMINAL CODE 1995**

**SECTION 268.72 – WAR CRIME – CRUEL TREATMENT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.72 War crime – cruel treatment

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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**Criminal Code 1995**

**Section 268.73 – War Crime – torture**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.73 War crime – torture

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are not taking an active part in the hostilities; and
  - (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and
  - (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE 1995**

**SECTION 268.77 – WAR CRIME – ATTACKING CIVILIANS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict.

Section 268.77 War crime – attacking civilians

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator directs an attack; and
- (b) the object of the attack is a civilian population as such or individual civilians not taking direct part in hostilities; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

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**Criminal Code 1995**

**Section 268.93 – War Crime – medical or scientific experiments**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict.

Section 268.93 War crime – medical or scientific experiments

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment causes the death of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and

- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

- (2) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
  - (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are in the power of another party to the conflict; and
  - (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty for a contravention of this subsection: Imprisonment for 25 years.

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**CRIMINAL CODE 1995**  
**SECTION 274.2 – TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 Offences against humanity and related offences

Division 274 Torture

Section 274.2 Torture

- (2) A person (the *perpetrator*) commits an offence if the perpetrator:
  - (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
  - (b) the conduct is engaged in for any reason based on discrimination of any kind; and
  - (c) the perpetrator engages in the conduct:
    - (i) in the capacity of a public official; or
    - (ii) acting in an official capacity; or
    - (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.

Penalty: Imprisonment for 20 years.

**CRIMINAL CODE 1995**

**SECTION 474.14 – USING A TELECOMMUNICATIONS NETWORK WITH INTENTION TO COMMIT A SERIOUS OFFENCE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 National infrastructure

Part 10.6 Telecommunications Services

Division 474

Subdivision C – General offences relating to use of telecommunications

Section 474.14 Using a telecommunications network with intention to commit a serious offence

- (1) A person commits an offence if:
  - (a) the person:
    - (i) connects equipment to a telecommunications network; and
    - (ii) intends by this to commit, or to facilitate the commission of, an offence (whether by that person or another person); and
  - (b) the offence is:
    - (i) a serious offence against a law of the Commonwealth, a State or a Territory;  
or
    - (ii) a serious offence against a foreign law.
- (4) Absolute liability applies to paragraphs (1)(b) and (2)(b).

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**CRIMINAL CODE 1995**

**SECTION 474.15 – USING A CARRIAGE SERVICE TO MAKE A THREAT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 National infrastructure

Part 10.6 Telecommunications Services

Division 474

Subdivision C – General offences relating to use of telecommunications

Section 474.15 Using a carriage service to make a threat

*Threat to cause serious harm*

- (2) A person (the **first person**) commits an offence if:

- (a) the first person uses a carriage service to make to another person (the *second person*) a threat to cause serious harm to the second person or a third person; and
  - (b) the first person intends the second person to fear that the threat will be carried out.
- Penalty: Imprisonment for 7 years.

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**CRIMINAL CODE 1995**  
**SECTION 474.17 – USING A CARRIAGE SERVICE TO MENACE, HARASS OR CAUSE OFFENCE**

<https://www.legislation.gov.au/Details/C2020C00217>  
[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 National infrastructure  
Part 10.6 Telecommunications Services  
Division 474  
Subdivision C – General offences relating to use of telecommunications

Section 474.17 Using a carriage service to menace, harass or cause offence

- (1) A person commits an offence if:
  - (a) the person uses a carriage service; and
  - (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 3 years.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART I, ARTICLE 1**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights  
Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence

**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART II, ARTICLE 5**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART III, ARTICLE 6**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
  3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART III, ARTICLE 7**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part III, Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART V, ARTICLE 47**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part V, Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

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**STATE LEGISLATION**

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**CRIMES ACT 1958 (VICTORIA)**  
**SECTION 9A TREASON**

<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

Section 9A. Treason

(1) A person who—

- (a) kills the Sovereign, does the Sovereign any bodily harm tending to the death or destruction of the Sovereign or maims, wounds, imprisons or restrains the Sovereign;
- (b) kills the eldest son and heir apparent, or the Consort, of the Sovereign;
- (c) levies war, or does any act preparatory to levying war, against the Commonwealth of Australia;
- (e) instigates a foreigner to make an armed invasion of the Commonwealth or any Territory not forming part of the Commonwealth;

shall be guilty of an indictable offence, called treason, and liable to—

- (a) level 1 imprisonment; or
- (b) imprisonment for such other term as is fixed by the court—

as the court determines.

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**CRIMES ACT 1958 (VICTORIA)**  
**SECTION 31 ASSAULTS**

<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

Section 31 Assaults

- (1) A person who—
  - (a) assaults or threatens to assault another person with intent to commit an indictable offence;is guilty of an indictable offence.  
Penalty: Level 8 imprisonment.
- (2) In sub-section (1), "**assault**" means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where the application of force is—
  - (a) without lawful excuse; and
  - (b) with intent to inflict or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty—and results in the infliction of any such consequence (whether or not the consequence inflicted is the consequence intended or foreseen).
- (3) In sub-section (2)—

**"application of force"** includes—

  - (a) application of heat, light, electric current or any other form of energy

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**CRIMES ACT 1958 (VICTORIA)**  
**SECTION 321M ATTEMPT**

<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

Section 321M. *Attempt*

A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.

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**CRIMES ACT 1958 (VICTORIA)**

**SECTION 322E TREASON AND MISPRISON OF TREASON NOT AFFECTED**

<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

Section 322E. *Treason and misprison of treason not affected*

Nothing in this Part shall be taken to affect directly or indirectly any matter of law or practice applicable to treason or misprison of treason

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**CRIMES ACT 1958 (VICTORIA)**

**SECTION 322F OTHER ENACTMENTS NOT AFFECTED**

<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

Section 322F. *Other enactments not affected*

This Part shall not affect the operation of any enactment restricting the institution of proceedings for an offence.

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**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT (VICTORIA) 2006**

**SECTION 9 – RIGHT TO LIFE**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

Every person has the right to life and has the right not to be arbitrarily deprived of life

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT (VICTORIA) 2006**  
**SECTION 17 – PROTECTION OF FAMILIES AND CHILDREN**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

- (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State
  - (2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 5 – PRINCIPLE OF EVIDENCE BASED ON DECISION-MAKING**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 5 Principle of evidence based decision-making

Decisions as to -

- (a) the most effective use of resources to promote and protect public health and wellbeing; and
  - (b) the most effective and efficient public health and wellbeing interventions should be based on evidence available in the circumstances that is relevant and reliable.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 7 – PRINCIPLE OF PRIMACY OF PREVENTION**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 7 Principle of primacy of prevention

- (1) The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.
- (2) For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 8- PRINCIPLE OF ACCOUNTABILITY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 8 Principle of accountability

- (1) Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.
  - (2) Members of the public should therefore be given
    - (a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and
    - (b) opportunities to participate in policy and program development.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 9- PRINCIPLE OF PROPORTIONALITY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 9 Principle of proportionality

Decisions made and actions taken in the administration of this Act

- (a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and
  - (b) should not be made or taken in an arbitrary manner.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 21 – FUNCTIONS AND POWERS OF THE CHIEF HEALTH OFFICER**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 3 Administration

Division 2 The Chief Health Officer

Section 21 Functions and powers of the Chief Health Officer

The functions and powers of the Chief Health Officer are –

- (a) to develop and implement strategies to promote and protect public health and wellbeing;
- (b) to provide advice to the Minister or the Secretary on matters relating to public health and wellbeing;
- (c) to publish on a biennial basis and make available in an accessible manner to members of the public a comprehensive report on public health and wellbeing in Victoria;

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**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**

**SECTION 24 – FUNCTION OF COUNCILS**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 3 Administration

Division 3 - Councils

Section 24 Function of Councils

The function of a Council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by

- (a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health;
- (b) initiating, supporting and managing public health planning processes at the local government level;

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**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**

**SECTION 49 – MINISTERS TO ENSURE PREPARATION OF STATE PUBLIC HEALTH AND WELLBEING PLAN**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 5 - General powers

Division 1 State Public Health and Wellbeing Plan

Section 49 Minister to ensure preparation of State Public Health and Wellbeing Plan

- (2) A State Public Health and Wellbeing Plan must
- (a) identify the public health and wellbeing needs of the people of the State;
  - (c) establish objectives and policy priorities for (i) the promotion and protection of public health and wellbeing in the State;
  - (e) specify how the State is to work with other bodies undertaking public health initiatives, projects and programs to achieve the objectives and policy priorities referred to in paragraph (c).
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 50 – PUBLIC ENQUIRY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 5 General Powers

Division 2 Public inquiries

Section 50 Public inquiry

- (1) The Secretary may conduct a public inquiry in respect of any matter which the Secretary considers is a serious public health matter.
  - (2) The Minister may direct in writing the Secretary to conduct a public inquiry in respect of any matter which the Minister considers is a serious public health matter and is specified in the direction.
  - (3) The Secretary may appoint in writing a person or panel of persons to conduct a public inquiry and report to the Secretary.
-

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 53 – HEALTH IMPACT ASSESSMENT**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 5 General Powers

Division 3 Health Impact Assessments

Section 53 Health Impact Assessment

- (1) The Minister may, by a direction in writing, require the Secretary or the Chief Health Officer to conduct a Health Impact Assessment of the public health and wellbeing impact of a matter specified in the direction.

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**CASE LAW**

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**CASE: [2013] AATA 105, MCDONALD VS COMCARE**

Summary: Dr McDonald (scientist) won 75% of salary when he was unable to work because his employer failed to protect him from radiation although he had been diagnosed with EHS.

Administrative Appeals Tribunal (Australia)

Division: General Administrative division

File Numbers: 2011/0031, 2011/5355 & 2012/2826

Re: Alexander McDonald (Applicant) And Comcare (Respondent)

Decision

Tribunal: Deputy President J W Constance

Date: 28 February 2013

Place: Melbourne

**Application 2011/0031**

1. The reviewable decision made by Comcare on 9 November 2010 (being reconsideration 23114453) is set aside.

2. In substitution for the decision set aside it is decided that:

- (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being an aggravation of a condition of nausea, disorientation and headaches;
- (2) the injury was suffered by him between April 2006 and May 2007.

**Application 2011/5355**

3. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25525982) is set aside.

4. In substitution for the decision set aside it is decided that:
  - (1) Comcare is liable to pay to Dr McDonald compensation in accordance with the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of an injury, being a chronic adjustment disorder with depressed moods;
  - (2) the injury was suffered by him between 1 July 2010 and 31 December 2010.
5. The reviewable decision made by Comcare on 22 November 2011 (being reconsideration 25673997) is set aside.
6. In substitution for the decision set aside it is decided that as at the date of this decision Dr McDonald is not entitled to compensation in accordance with sections 24 and 27 of the Safety, Rehabilitation and Compensation Act 1988 (Cth) in respect of the injury being chronic adjustment disorder with depressed moods.

#### **Application 2012/2826**

7. The reviewable decision made by Comcare on 22 June 2012 (being reconsideration 27176306) is set aside.
8. The matter is remitted to Comcare for reconsideration in accordance with these reasons for decision.

#### **SOURCE:**

<http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/aat/2013/105.html>

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## **INTERNATIONAL LAW AND LEGISLATION**

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### **UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**

#### **ARTICLE 4 BENEFIT AND HARM**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

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### **UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**

#### **ARTICLE 6 CONSENT**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

## Principles

### Article 6 – Consent

1. “Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without...”
2. “Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned.” ..... “Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 7 - PERSONS WITHOUT THE CAPACITY TO CONSENT**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

## Principles

### Article 7 – Persons without the capacity to consent

(b) “research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual’s human rights. Refusal of such persons to take part in research should be respected.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 8 – RESPECT FOR HUMAN VULNERABILITY AND PERSONAL INTEGRITY**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

## Principles

### Article 8 – Respect for human vulnerability and personal integrity

“...human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.”

**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 22 – ROLE OF STATES**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Promotion of the Declaration

Article 22 – Role of States

1. “States should take all appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles set out in this Declaration in accordance with international human rights law.”
2. “States should encourage the establishment of independent, multidisciplinary and pluralist ethics committees, ....”

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**RESOLUTION 72 – MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO ELECTROMAGNETIC FIELDS OF INTERNATIONAL TELECOMMUNICATIONS UNION**  
**(2012)**

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

It stated that “There is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited member states “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

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**RESOLUTION 1815 (COUNCIL OF EUROPE, 2011)**

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

The potential dangers of electromagnetic fields and their effect on the environment: “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

Also worth noting, Part 4: While electrical and electromagnetic fields in certain frequency bands have wholly beneficial effects which are applied in medicine, **other non-ionising frequencies, whether from extremely low frequencies, power lines or certain high frequency waves used in the fields of radar, telecommunications and mobile telephony, appear to have more or less potentially harmful, non-thermal, biological effects on plants, insects and animals as well as the human body, even when exposed to levels that are below the official threshold values.**

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**REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL  
RESOURCES (2017)  
ARTICLE 13**

[https://au.int/sites/default/files/treaties/7782-treaty-0029 -  
revised african convention on the conservation of nature and natural resources e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

“The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (art. 13).

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**The Universal Declaration of Human Rights (1948)  
article 3**

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

“Everyone has the right to life, liberty and security of person” (art. 3).

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**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)  
ARTICLE 5**

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4<sup>TH</sup>, 1950  
ARTICLE 2.1**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

Everyone's right to life shall be protected by law (art 2.1).

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4<sup>TH</sup>, 1950  
ARTICLE 3**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

No one shall be subjected to torture or to inhuman or degrading treatment or punishment (art. 3).

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**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
ARTICLE 12**

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Article 12:

1. "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

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**THE UNITED NATIONS GLOBAL STRATEGY FOR WOMEN'S, CHILDREN'S AND  
ADOLESCENTS' HEALTH (2016-2030)**

<https://www.who.int/life-course/partners/global-strategy/globalstrategyreport2016-2030-lowres.pdf>

[...] has as objectives and targets to "transform", by expanding enabling environments; to "survive", by reducing maternal and newborn mortality; and to "thrive" by ensuring health and well-being and reducing pollution-related deaths and illnesses.

**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)**  
**ARTICLE 3**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Shall “undertake to ensure the child such protection and care as is necessary for his or her well-being” (art. 3),

“Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.”

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**THE UNITED NATIONS WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (2002)**

<https://sustainabledevelopment.un.org/milestones/wssd>

“There is an urgent need to... create more effective national and regional policy responses to environmental threats to human health” (para. 54(k)).

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**THE UNITED NATIONS GUIDELINES FOR THE LONG-TERM SUSTAINABILITY OF OUTER  
SPACE ACTIVITIES (2018)**

[http://www.unoosa.org/res/oosadoc/data/documents/2018/aac\\_1052018crp/aac\\_1052018crp\\_20\\_0\\_html/AC105\\_2018\\_CRP20E.pdf](http://www.unoosa.org/res/oosadoc/data/documents/2018/aac_1052018crp/aac_1052018crp_20_0_html/AC105_2018_CRP20E.pdf)

Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects

(Guideline A.2, 2 c).

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**STANDARDS AND OPERATIONAL GUIDANCE FOR ETHICS REVIEW OF HEALTH-  
RELATED RESEARCH WITH HUMAN PARTICIPANTS OF THE WHO (2011).**

**Source:**

[https://apps.who.int/iris/bitstream/handle/10665/44783/9789241502948\\_eng.pdf;jsessionid=84A8770CoA05F4493339B34D2EFoBA27?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/44783/9789241502948_eng.pdf;jsessionid=84A8770CoA05F4493339B34D2EFoBA27?sequence=1)

Page 23:

Chapter V – Standards and guidance for researchers

3. Safety reporting

“a. All serious, unexpected adverse events related to the conduct of the study/study product or unanticipated problems involving risks of harm to the participants or others are promptly reported to the REC (research ethics committee) and/or other relevant authorities, as required by REC policies and applicable laws.

b. Any recommendations provided by the REC in response to such reporting are immediately implemented.”

5. Information to research participants

“Researchers have a responsibility to keep the research participants and their communities informed of the progress of research by appropriate means, at suitable time-frames in simple and non-technical language, for example, when:

a. the research study is terminated or cancelled

b. any changes occur in the context of the research study that alter the potential benefits or risks

c. the research project is completed

d. results of the research are available.”

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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. ADOPTED BY THE  
GENERAL ASSEMBLY OF THE UNITED NATIONS ON 19 DECEMBER 1966.**

**Source:** <http://www.un-documents.net/iccpr.htm>

**“Article 7**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

**“Article 47**

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.”

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**CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT (39/46).**

**Source:** <http://www.un-documents.net/a39r46.htm>

**“Article 16**

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.”

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**SCRIPTURAL LAW**

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**ROMANS 12:1-2**

“Therefore I urge you, brethren, by the mercies of God, to present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship. And do not be conformed to this world, but be transformed by the renewing of your mind, so that you may prove what the will of God is, that which is good and acceptable and perfect.”

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 3:20**

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**GALATIANS 5:14**

“For the entire law is fulfilled in keeping this one command: “Love your neighbor as yourself.”

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**ROMANS 13:10**

“Love does no harm to a neighbor. Therefore love is the fulfillment of the law.”

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**EXODUS 15:26**

“If you listen carefully to the Lord your God and do what is right in his eyes, if you pay attention to his commands and keep all his decrees, I will not bring on you any of the diseases I brought on the Egyptians, for I am the Lord, who heals you.”

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**DEUTERONOMY 4:40**

“Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the Lord your God gives you for all time.”

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**PROVERBS 19:16**

“He that keepeth the commandment keepeth his own soul; but he that despiseth his ways shall die.”

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**EPHESIANS 5:29**

“for no man ever yet hated his own flesh; but nourisheth and cherisheth it,”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Saepe viatorim nova non vetus orbita fallit - Often it is the new road, not the old one, which deceives the traveller

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Rerum progressus ostendunt multa, quae in initio praecaveri seu praevideri non possunt - The progress of time shows many things, which at the beginning could not be guarded against, or foreseen

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In dubio, sequendum quod tutius est - In doubt, the safer course is to be adopted



## SECTION 9 – CONFLICT OF INTEREST

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### REFERENCES – CONFLICTS OF INTEREST

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#### 01 – RADIOFREQUENCY RADIATION AND HEALTH – A HARD NUT TO CRACK (REVIEW)

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

**SOURCE:** World Health Organization, radiofrequency radiation and health – a hard nut to crack (Review) – International Journal of Oncology, By Dr. Lennart Hardell. June 21st 2017. doi: 10.3892/ijo.2017.4046

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5504984/>

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#### 02 – CONFLICT OF INTEREST AT THE WHO

Leading expert Anders Ahlbom linked to the Telecom Industry. CONFLICT OF INTEREST AT THE WHO Professor Ahlbom, who is appointed to chair the expert group on epidemiology at the upcoming IARC evaluation of the carcinogenicity of mobile phone radiation, is the cofounder of “Gunnar Ahlbom AB” a Brussels-based lobby firm aiming to assist the telecom industry on EU regulations, public affairs and corporate communications

**SOURCE:** Leading expert Anders Ahlbom linked to the Telecom Industry. Conflict of interest at the World Health Organization (WHO) - Mona Nilsson, investigative journalist, Sweden, May 23rd 2011.

<http://www.monanilsson.se/document/AhlbomConflictsIARCMay23.pdf>

### 03 – A REPORT ON NON-IONIZING RADIATION. REPACHOLI'S RF REVIEW

Last year, sensing that the upcoming [IARC](#) assessment might undercut his legacy at both the [WHO](#) and [ICNIRP](#), [Mike Repacholi](#) assembled a team to prepare its own assessment of the possible tumor risks from RF radiation: That [review](#) has just been released by the journal BIOELECTROMAGNETICS.

No surprise: In contrast to the IARC decision to classify RF radiation as a possible human cancer agent, Repacholi and his 14 coauthors could not identify any hazard beyond overheating. What IS surprising is that no one from the WHO EMF project and only one member of ICNIRP, [Paolo Vecchia](#), joined his study team. On the other hand, two who served on the IARC panel did sign up: [David McCormick](#) of the U.S. [Martin Rösli](#) of Switzerland. Repacholi's second author is [Alex Lerchl](#), who has long sought to discredit studies showing that RF can lead to DNA breaks. Here again no surprise: the paper finds that "studies do not support the conclusion that RF exposure causes genotoxic effects."

**SOURCE:** Article; A Report on non-Ionizing Radiation. Repacholi's RF Review – Microwave News, October 25<sup>th</sup> 2011

<https://microwavenews.com/short-takes-archive/repacholis-rf-review>

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### 04 – IARC WELCOMES INDUSTRY TO RF – CANCER REVIEW

[*International Agency for Research on Cancer*] IARC Monographs are widely considered the gold standard for determining which chemical and physical agents can or may lead to cancer. The IARC decision on RF/MW radiation will likely govern official perceptions of the cancer risk from mobile phones for the foreseeable future.

"[IARC rules] do nothing to stop interactions between industry observers and members of the IARC panel at other times --for instance, at coffee breaks, over drinks, during meals," we said. By being in the room, observers will know what is on the panel's agenda and will have access to the panel members many times over the weeklong session. Where does a friendly chat turn into lobbying? [We] don't know, but would say the line between the two is, at best, fuzzy."

**SOURCE:** Article; IARC Welcomes industry to RF – Cancer Review. Microwave News, march 23<sup>rd</sup> 2011

<https://microwavenews.com/news-center/iarc-welcomes-industry-rf%E2%80%93cancer-review>

## 05 – LOST RESEARCH OPPORTUNITIES, INDUSTRY TREADS WATER, CONFLICTS ABOUND

“Five years ago we reported on what we thought was an important clue in the search for understanding the well-documented association between childhood leukemia and EMF exposure. We called the finding a “major breakthrough” and predicted, “It simply cannot be ignored.”

“Stagnation helps empower critics to maintain that without a mechanism the EMF–childhood leukemia link is bogus. That Shanghai scientists offered a possible explanation in a peer-reviewed journal made no difference.”

Once again, we ask why the conventional rules of research ethics don’t apply to those working on EMFs and RF radiation? Business as usual in these backwoods would not pass the smell test in most other disciplines.

It’s time for Kheifets and EPRI to come clean and disclose their financial relationship. And it’s time for ICNIRP to give her the boot, together with any other industry consultants it has tapped as “scientific experts.” She and Mike Repacholi, her mentor, have made a mockery of ICNIRP’s pledge to be free of industry influence.

And finally it’s time for ICNIRP —the inner circle of the EMF establishment— to disclose the sources of its operating budget. Some disinfecting daylight is long overdue.

**SOURCE:** Article; Lost Research Opportunities - Industry Treads Water; Conflicts Abound – Microwave News, February 25th 2014.

<https://microwavenews.com/news-center/lost-opportunities>

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## 06 - CANCER RISK FROM CELL PHONE RADIATION IS SMALL, STUDIES SHOW – NEW YORK

“Two new studies exposed rats and mice to high levels of radio-frequency radiation — the type emitted by your cellphone. But researchers said there was little cancer risk for humans. Credit...Victor J. Blue for The New York Times”

“He said that nearly 20 animal studies on this subject have been done, “with the vast majority coming up negative with respect to cancer.”

“The Food and Drug Administration issued a statement saying it respected the research by the toxicology program, had reviewed many other studies on cellphone safety, and had “not found sufficient evidence that there are adverse health effects in humans caused by exposures at or under the current radio-frequency exposure limits.”

“The statement, from Dr. Jeffrey Shuren, director of the F.D.A.’s center for devices and radiological health, also said, “Even with frequent daily use by the vast majority of adults, we have not seen an increase in events like brain tumors.”

“A seemingly paradoxical finding that has also puzzled the researchers is that the rats exposed to the cellphone radiation actually lived longer than the controls. One possible explanation, Dr. Bucher said, is that the radiation may ease inflammation, and lessen the severity of a chronic kidney disorder that is common in aging rats and can kill them

**SOURCE:** Denyse Grady - Cancer Risk From Cell phone Radiation Is Small, Studies Show – New York Times, February 2nd 2018.

<https://www.nytimes.com/2018/02/02/health/cell-phones-cancer.html>

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#### 07 – THE NATION INDULGES IN FEAR MONGRING ABOUT CELL PHONES AND CANCER

“An article published last week in the *Nation* likens wireless telephone companies to tobacco and fossil fuel episodes in their tactics of spreading fear, misinformation, and doubt regarding the science of cell phone radiation and health. To produce this narrative, the investigation’s authors rely on unreliable sources and cherry pick scientific studies, ignoring the scientific consensus that cell phone radiation almost certainly doesn’t cause cancer, all the while disingenuously claiming that they aren’t taking a position on the health effects of radio waves.” David Gorski on April 2, 2018

“..... we here at Science-Based Medicine (SBM) find ourselves writing about various health fear mongering about cell phones and wifi. The idea that the radiofrequency electromagnetic radiation used by cell phones and wireless networks is somehow causing horrendous health effects in humans, be it cancer ..... a claim not supported by evidence that just will not go away. Indeed, some take it a step further, inventing a syndrome called “electromagnetic hypersensitivity,” in which certain people are especially sensitive to the claimed adverse health effects due to radio waves. It doesn’t help, either, that organizations like the World Health Organization’s International Agency for Research on Cancer (IARC) erroneously categorized cell phone radiation as a “possible carcinogen” or that the U.S. National Toxicology Program (NTP) wasted \$25 million on a study of cell phone radiation in rats that ..... produced singularly unconvincing results for a link between cell phones and cancer, but it produced sensationalistic headlines claiming a link.”

“The latest magazine to publish a sensationalistic story about cell phones is *The Nation*. ..... this story is an example of much of what is wrong with reporting on the issue of cell phones and health effects due to cell phone radiation. Written by Mark Hertsgaard and Mark Dowie and entitled “[How Big Wireless Made Us Think That Cell Phones Are Safe: A Special Investigation.](#)” Its tagline? THE DISINFORMATION CAMPAIGN—AND MASSIVE RADIATION INCREASE—BEHIND THE 5G ROLLOUT. The basic thesis of the article is that “big wireless” is a lot like “big tobacco” in hiding the science or preventing definitive science from being done because, presumably, it has something to hide.”

“cell phone radiation not only does not cause the health effects attributed to it but almost certainly cannot cause those health effects because the energy carried by radio waves is too low to do what is claimed. .... a link between cell phone radiation and cancer ..... is incredibly implausible.....”

“...the scientific consensus is currently strongly in favor of the conclusion that there is no detectable increased risk of brain cancer or other adverse health outcomes associated with cell phone radiation...”

“The implication behind the entire argument and claim made [in an article published in the *Nation*] is that the scientific community agrees that cell phone radiation causes adverse health effects and that only industry-sponsored studies find otherwise. This is a gross misrepresentation of the state of the science, when in reality the scientific consensus is on the side of the lack of a correlation between radio wave exposure due to cell phone use and cancer, making the scientists who believe that cell phone radiation is dangerous the ones who are in a clear minority.”

- David Gorski on April 2, 2018

Ken Foster pointed out, “Their conclusion is easy to misinterpret...Saying that something is a ‘possible carcinogen’ is a bit like saying that someone is a ‘possible shoplifter’ because he was in the store when the watch was stolen. The real question is what is the evidence that cell phones actually cause cancer, and the answer is — none that would persuade a health agency.”

**SOURCE:** Article; The Nation indulges in fear mongering about cell phones and cancer. Science-Based Medicine, posted by David Gorski

<https://sciencebasedmedicine.org/the-nation-indulges-in-some-particularly-egregious-fear-mongering-about-cell-phones-and-cancer/>

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## 08 – MOBILE PHONES AND CANCER – THE FULL PICTURE

“As other authors have pointed out, the US’s National Toxicology program results raise several questions about methodology and interpretation but certainly do not show RF leads to cancer. .... A multitude of studies have been performed to this end, and as the World Health Organisation states, there has been no evidence of detrimental health effects: “A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.”

“The 13-country Interphone study examined phone usage in more than 5,000 patients with brain tumours, concluding there was no causal relationship between phone use and brain tumours. And while one would expect cancer rates to increase with usage were this a cause, the dose-response curve betrayed no signs of correlation. In some instances, it registered a

decrease in risk with increasing usage. .... Interphone’s actual conclusion: “Overall, no increase in risk of glioma or meningioma was observed with the use of mobile phones.”

“Other studies have been similarly robust; a Danish cohort study followed 358,403 people for 27 years, again finding no link between phone usage and tumour rates. The scientific consensus to date is that there is no evidence linking cancer to mobile phones.”

“Since the early 1990s, mobile phone usage worldwide has grown at an exponential rate. If phones are linked to cancer, we’d expect to see a marked uptick in cancer with uptake. Yet we do not. American mobile phone penetration increased from almost nothing in 1992 to practically 100% by 2008 and there is zero indication glioma rates have increased, a finding replicated by numerous other studies.”

“RF [is] notoriously low energy and non-ionising, lacking the ability to wreak havoc on DNA. For cancers to form, a carcinogen needs to damage DNA – unless some extremely novel mechanism were to be discovered, it is extraordinarily unlikely that RF could cause cancer.”

“While constant monitoring of an emergent technology is laudable, current evidence contradicts the hypothesis that mobile phones increase the risk of cancer.”

**SOURCE:** Article; Mobile phones and cancer – the full picture, By David Robert Grimes.  
Sun 22 Jul 2018

<https://www.theguardian.com/technology/2018/jul/21/mobile-phones-are-not-a-health-hazard>

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## 09 – 5G, MILLIMETRE WAVES AI AND THE INTERNET OF THINGS (IOT)

### **Insurance White Papers classify the rollout of 5G and Smartcities as “High Risk.”**

As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency. [Read Insurance White Papers here.](#)

Published peer reviewed science already indicates that the current wireless technologies of 2G, 3G and 4G – in use today with our cell phones, computers and wearable tech – creates radiofrequency exposures which poses a serious health risk to humans, animals and the environment. Scientists are cautioning that before rolling out 5G, research on human health effects urgently needs to be done first to ensure the public and environment are protected.

### **Industry is Deeply Involved in the Science**

Investigate Europe Reports: [5G The Mass Experiment \(Part 1\)](#) and [How Much is Safe? Finances Effect Research \(Part 2\)](#). This two part investigative report in 2019 covers the 5G rollout and the history of industry influenced research on EMFS.

“At least three studies over the years have documented that there is often a link between conclusions of studies and the source of the money that paid for the research. Science funded by industry is less likely to find health risks than studies paid for by institutions or authorities....Studies which are solely financed by industry are likely to be biased” – [Investigate Europe, 2019](#)

Investigative Europe identified a group of fourteen scientists who either helped create, or defend, the EMF exposure guidelines disseminated by ICNIRP, a non- governmental organization (NGO) based in Germany. ICNIRP’s self-selected members argue that the thousands of peer-reviewed studies that have found harmful biologic or health effects from chronic exposure to non-thermal levels of EMF are insufficient to warrant stronger safety guidelines.

**SOURCE:** STOP5G Strategy Kit (page 38)

<https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/>

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#### 10 – APPEALS THAT MATTER OR NOT ON A MORATORIUM ON THE DEPLOYMENT OF THE FIFTH GENERATION, 5G, FOR MICROWAVE RADIATION

EU officials rely on the opinions of individuals within the ICNIRP and the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), most of whom have ties to the industry.

**SOURCE:** Article; *Appeals that matter or not on a moratorium on the deployment of the fifth generation, 5G, for microwave radiation.* By Lennart Hardell, Rainer Nyberg. Pub Med, National Library of Medicine

<https://pubmed.ncbi.nlm.nih.gov/32064102/>

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#### 11 – ELECTROMAGNETIC FIELDS AND PUBLIC HEALTH: MOBILE PHONES

“The electromagnetic fields produced by mobile phones are classified by the International Agency for Research on Cancer as possibly carcinogenic to humans.”

##### **Are there any health effects?**

A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been

established as being caused by mobile phone use.”

***A large number of studies have suggested quite the opposite is true.***

**SOURCE:** Article; *Electromagnetic fields and public health: mobile phones* – World Health Organization (WHO), March 8th 2014.

<https://www.who.int/en/news-room/fact-sheets/detail/electromagnetic-fields-and-public-health-mobile-phones>

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## 12 – TIME TO TURN THE TIDE: WHO'S ENGAGEMENT WITH NON-STATE ACTORS AND THE POLITICS OF STAKEHOLDER GOVERNANCE AND CONFLICTS OF INTEREST

“I am deeply concerned that WHO's so called reform will sideline those who work in the spirit of “health for all” and expand the influence of business corporations and venture philanthropies over global public health matters”

**SOURCE:** Article; *Time to turn the tide: WHO's engagement with non-state actors and the politics of stakeholder governance and conflicts of interest*, By Judith Richter. BMJ 2014;348:g3351. May 19th 2014.

<https://doi.org/10.1136/bmj.g3351>

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## 13 – THE RUSSIAN NATIONAL COMMITTEE ON NON-IONIZING RADIATION PROTECTION WARNS THE WHO FOR ITS UNBALANCED EMR WORKING GROUP, CONSISTING MAINLY OF PRESENT AND PAST ICNIRP MEMBERS WHO DO NOT RECOGNIZE THE BIOLOGICAL EFFECTS OF EMR

“It has just come to our attention that the WHO RF Working group consists mainly from present and past ICNIRP members. In general, the WG is not balanced and does not represent the point of view of majority scientific community studying effects of RF.”

**SOURCE:** *The ‘Russian National Committee on Non-Ionizing Radiation Protection (RNCNIRP)’ warns the WHO for its unbalanced EMR working group, consisting mainly of present and past ICNIRP members who do not recognize the biological effects of EMR.* March 2017.

[https://www.mast-victims.org/resources/docs/RNCNIRP-letter-WHO-2017\\_03\\_01.pdf](https://www.mast-victims.org/resources/docs/RNCNIRP-letter-WHO-2017_03_01.pdf)

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#### 14 - LEADING EXPERT ANDERS AHLBOM LINKED TO THE TELECOM INDUSTRY. CONFLICT OF INTEREST AT THE WORLD HEALTH ORGANIZATION

##### **Conflict of interest at the WHO**

“Anders Ahlbom’s link to the Telecom Industry through his brother and their common company is a straight-forward explanation of his systematic denial of health risks”, says Mona Nilsson, Swedish author and investigation journalist.”

**SOURCE:** *Leading expert Anders Ahlbom linked to the Telecom Industry. Conflict of interest at the World Health Organization (WHO)* - Mona Nilsson, investigative journalist, Sweden, May 23rd 2011.

<http://www.monanilsson.se/document/AhlbomConflictsIARCMay23.pdf>

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#### 15 - THE ANATOMY OF RUMOR

“A few days ago, I received an urgent warning from a longtime contact in Sweden. An industry associate had told him that the U.S. National Toxicology Program’s [study on cell phone cancer risks](#) was screwed up and essentially “useless.””

“the original source was said to be [Maria Feychting](#), a professor at the Karolinska Institute and the vice chair of the International Commission on Non-Ionizing Radiation Protection ([ICNIRP](#)).”  
“The crux of Feychting’s argument, I was told, is that the pathology analyses were not properly blinded. That is, the pathologists were aware which samples had come from the exposed animals and which were from the controls. The diagnoses were therefore subject to bias and could not be trusted.”

“The rumor also reached [Joel Moskowitz](#) at the University of California School of Public Health in Berkeley. “It is disconcerting that a few scientists are trying to dismiss this study which is considered the strongest toxicology study ever conducted on cell phone radiation and cancer,” he told me.”

**SOURCE:** *The Anatomy of a Rumor*. Microvawe News, December 1st 2017.

<https://microwavenews.com/news-center/anatomy-rumor>



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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART I, ARTICLE 1**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART II, ARTICLE 5**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART III, ARTICLE 6**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

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**Australian Human Rights Commission Act 1986**  
**Schedule 2, Part III, Article 7**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part III, Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

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**AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986**  
**SCHEDULE 2, PART V, ARTICLE 47**

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

Schedule 2 – International Covenant on Civil and Political Rights

Part V, Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

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**Criminal code Act 1995**  
**Section 5.3 Knowledge**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

Section 5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.

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**CRIMINAL CODE ACT 1995**  
**SECTION 5.4 RECKLESNESS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

Section 5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
    - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
    - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
  - (2) A person is reckless with respect to a result if:
    - (a) he or she is aware of a substantial risk that the result will occur; and
    - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
  - (3) The question whether taking a risk is unjustifiable is one of fact.
  - (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.
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**CRIMINAL CODE ACT 1995**  
**SECTION 5.5 NEGLIGENCE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

Section 5.5 Negligence

A person is negligent with respect to a physical element of an offence if his or her conduct involves:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
- (b) such a high risk that the physical element exists or will exist; that the conduct merits criminal punishment for the offence.

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**CRIMINAL CODE ACT 1995**

**SECTION 11.2 COMPLICITY AND COMMON PURPOSE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.4 Extensions of criminal responsibility

Division 11

Section 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

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**CRIMINAL CODE ACT 1995**

**SECTION 11.3 COMMISSION BY PROXY**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.4 Extensions of criminal responsibility

Division 11

Section 11.3 Commission by proxy

A person who:

- (a) has, in relation to each physical element of an offence, a fault element applicable to that physical element; and
- (b) procures conduct of another person that (whether or not together with conduct of the procurer) would have constituted an offence on the part of the procurer if the procurer had engaged in it;

is taken to have committed that offence and is punishable accordingly.

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**CRIMINAL CODE ACT 1995**  
**SECTION 12.1 GENERAL PRINCIPLES**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.5 – Corporate criminal responsibility

Division 12

“Section 12.1 General principles

- (1) This Code applies to bodies corporate in the same way as it applies to individuals. It so applies with such modifications as are set out in this Part, and with such other modifications as are made necessary by the fact that criminal liability is being imposed on bodies corporate rather than individuals.
- (2) A body corporate may be found guilty of any offence, including one punishable by imprisonment.”

“Note: Section 4B of the *Crimes Act 1914* enables a fine to be imposed for offences that only specify imprisonment as a penalty.”

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**CRIMINAL CODE ACT 1995**  
**SECTION 12.2 PHYSICAL ELEMENTS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.5 – Corporate criminal responsibility

Division 12

Section 12.2 Physical elements

If a physical element of an offence is committed by an employee, agent or officer of a body corporate acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the physical element must also be attributed to the body corporate.

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**CRIMINAL CODE ACT 1995**

**SECTION 12.3 FAULT ELEMENTS OTHER THAN NEGLIGENCE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.5 – Corporate criminal responsibility

Division 12

Section 12.3 Fault elements other than negligence

- (1) If intention, knowledge or recklessness is a fault element in relation to a physical element of an offence, that fault element must be attributed to a body corporate that expressly, tacitly or impliedly authorised or permitted the commission of the offence.
- (2) The means by which such an authorisation or permission may be established include:
  - (a) proving that the body corporate's board of directors intentionally, knowingly or recklessly carried out the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (b) proving that a high managerial agent of the body corporate intentionally, knowingly or recklessly engaged in the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (c) proving that a corporate culture existed within the body corporate that directed, encouraged, tolerated or led to non-compliance with the relevant provision; or
  - (d) proving that the body corporate failed to create and maintain a corporate culture that required compliance with the relevant provision.

**CRIMINAL CODE ACT 1995**  
**SECTION 80.1 TREASON**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision B – Treason

Section 80.1 Treason

(2) A person commits an offence if the person:

- (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection) with the intention of allowing him or her to escape punishment or apprehension; or
- (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence.

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**

**SECTION 80.1AA TREASON – ASSISTING ENEMY TO ENGAGE IN ARMED CONFLICT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision B – Treason

Section 80.1AA Treason – assisting enemy to engage in armed conflict

(1) A person commits an offence if:

- (a) a party (the *enemy*) is engaged in armed conflict involving the Commonwealth  
.....

- (d) the person intends that the conduct will materially assist the enemy to engage in armed conflict involving the Commonwealth .....

- (e) the conduct materially assists the enemy to engage in armed conflict involving the Commonwealth .....

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**  
**SECTION 80.2C ADVOCATING TERRORISM**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision C – Urging violence and advocating terrorism or genocide

Section 80.2C Advocating terrorism

(1) A person commits an offence if:

(a) the person advocates:

(i) the doing of a terrorist act; or

(ii) the commission of a terrorism offence referred to in subsection (2); and

.....

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**CRIMINAL CODE ACT 1995**  
**SECTION 80.2D ADVOCATING GENOCIDE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision B – Treason

Section 80.2D Advocating genocide

(1) A person commits an offence if:

(a) the person advocates genocide; and

(b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

- (4) A reference in this section to advocating genocide includes a reference to:
- (a) advocating genocide, even if genocide does not occur; and
  - (b) advocating the commission of a specific offence that is genocide; and
  - (c) advocating the commission of more than one offence, each of which is genocide.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.5 GENOCIDE BY DELIBERATELY INFLICTING CONDITIONS OF LIFE  
CALCULATED TO BRING ABOUT PHYSICAL DESTRUCTION**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts certain conditions of life upon one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
  - (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.13 CRIME AGAINST HUMANITY - TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.13 Crime against humanity – torture

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.23 CRIME AGAINST HUMANITY – OTHER INHUMANE ACT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.23 Crime against humanity – other inhumane act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.27 WAR CRIME – BIOLOGICAL EXPERIMENTS**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.27 War crime – biological experiments

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator subjects one or more persons to a particular biological experiment; and
  - (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 268.28 WAR CRIME – WILFULLY CAUSING GREAT SUFFERING**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B – Genocide

Section 268.28 War crime – wilfully causing great suffering

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and

- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**  
**SECTION 268.70 WAR CRIME - MURDER**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.70 War crime – murder

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator causes the death of one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

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**CRIMINAL CODE ACT 1995**  
**SECTION 268.72 WAR CRIME – CRUEL TREATMENT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.72 War crime – cruel treatment

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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**Criminal Code Act 1995**  
**Section 268.73 war Crime - Torture**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict

Section 268.73 War crime – torture

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are not taking an active part in the hostilities; and

- (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and
- (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

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#### CRIMINAL CODE ACT 1995

#### SECTION 268.77 WAR CRIME – ATTACKING CIVILIANS

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 Offences against humanity and related offences

Division 268 Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court.

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict.

Section 268.77 War crime – attacking civilians

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator directs an attack; and
- (b) the object of the attack is a civilian population as such or individual civilians not taking direct part in hostilities; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

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#### CRIMINAL CODE ACT 1995

#### SECTION 268.93 WAR CRIME – MEDICAL OR SCIENTIFIC EXPERIMENT

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 – Offences against humanity and related offences

Division 268 – Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict.

Section 268.93 War crime – medical or scientific experiments

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
  - (b) the experiment causes the death of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are in the power of another party to the conflict; and
  - (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for life.

- (2) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
  - (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
  - (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
  - (d) the person or persons are in the power of another party to the conflict; and
  - (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty for a contravention of this subsection: Imprisonment for 25 years.

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**CRIMINAL CODE ACT 1995**  
**SECTION 274.2 TORTURE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 8 Offences against humanity and related offences

Division 274 Torture

Section 274.2 Torture

- (2) A person (the *perpetrator*) commits an offence if the perpetrator:
- (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
  - (b) the conduct is engaged in for any reason based on discrimination of any kind; and
  - (c) the perpetrator engages in the conduct:
    - (i) in the capacity of a public official; or

- (ii) acting in an official capacity; or
- (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.

Penalty: Imprisonment for 20 years.

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**CRIMINAL CODE ACT 1995**

**SECTION 474.14 USING A TELECOMMUNICATIONS NETWORK WITH INTENTION TO COMMIT A SERIOUS OFFENCE**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 National infrastructure

Part 10.6 Telecommunications Services

Division 474

Subdivision C – General offences relating to use of telecommunications

Section 474.14 Using a telecommunications network with intention to commit a serious offence

- (1) A person commits an offence if:
    - (a) the person:
      - (i) connects equipment to a telecommunications network; and
      - (ii) intends by this to commit, or to facilitate the commission of, an offence (whether by that person or another person); and
    - (b) the offence is:
      - (i) a serious offence against a law of the Commonwealth, a State or a Territory; or
      - (ii) a serious offence against a foreign law.
  
  - (4) Absolute liability applies to paragraphs (1)(b) and (2)(b).
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**CRIMINAL CODE ACT 1995**

**SECTION 474.15 USING A CARRIAGE SERVICE TO MAKE A THREAT**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 National infrastructure

Part 10.6 Telecommunications Services

Division 474

Subdivision C – General offences relating to use of telecommunications

Section 474.15 Using a carriage service to make a threat

*Threat to cause serious harm*

(2) A person (the **first person**) commits an offence if:

- (a) the first person uses a carriage service to make to another person (the **second person**) a threat to cause serious harm to the second person or a third person; and
- (b) the first person intends the second person to fear that the threat will be carried out.”

“Penalty: Imprisonment for 7 years.

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#### CRIMINAL CODE ACT 1995

#### SECTION 474.17 USING A CARRIAGE SERVICE TO MENACE, HARASS OR CAUSE OFFENCE

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 10 National infrastructure

Part 10.6 Telecommunications Services

Division 474

Subdivision C – General offences relating to use of telecommunications

Section 474.17 Using a carriage service to menace, harass or cause offence

(1) A person commits an offence if:

- (a) the person uses a carriage service; and
- (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.”

Penalty: Imprisonment for 3 years.

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#### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS - SCHEDULE 2

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch2.html)

“Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence”

“Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.”

“Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

“Part III, Article 6

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.”

“Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

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## STATE LEGISLATION

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### CIVIL PROCEDURE ACT 2010

<https://www.legislation.vic.gov.au/in-force/acts/civil-procedure-act-2010/020>

“Section 6 Charter and privilege not overridden

Nothing in this Act is intended to override—

(a) the Charter of Human Rights and Responsibilities Act 2006”

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT (VICTORIA) 2006**

**SECTION 9 – RIGHT TO LIFE**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

Every person has the right to life and has the right not to be arbitrarily deprived of life

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**Charter of Human Rights and Responsibilities Act (Victoria) 2006**

**Section 17 – Protection of families and children**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

- (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State
  - (2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child
- 

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT (VICTORIA) 2006**

**SECTION 38 – CONDUCT OF PUBLIC AUTHORITIES**

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

- (1) Subject to this section, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.”
- 

**CIVIL PROCEDURE ACT (VICTORIA) 2010**

**SECTION 6 – CHARTER AND PRIVILEGE NOT OVERRIDDEN**

<https://www.legislation.vic.gov.au/in-force/acts/civil-procedure-act-2010/020>

Section 6 Charter and privilege not overridden Nothing in this Act is intended to override— (a) the Charter of Human Rights and Responsibilities Act 2006

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 5 – PRINCIPLE OF EVIDENCE BASED ON DECISION-MAKING**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 5 Principle of evidence based decision-making

Decisions as to -

- (a) the most effective use of resources to promote and protect public health and wellbeing; and
  - (b) the most effective and efficient public health and wellbeing interventions should be based on evidence available in the circumstances that is relevant and reliable.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 7– PRINCIPLE OF PRIMACY OF PREVENTION**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 7 Principle of primacy of prevention

- (1) The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.
  - (2) For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 8– PRINCIPLE OF ACCOUNTABILITY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 8 Principle of accountability

- (1) Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.
  - (2) Members of the public should therefore be given
    - (a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and
    - (b) opportunities to participate in policy and program development.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 9- PRINCIPLE OF PROPORTIONALITY**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 2 Objective, principles and application

Section 9 Principle of proportionality

Decisions made and actions taken in the administration of this Act

- (a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and
  - (b) should not be made or taken in an arbitrary manner.
- 

**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 24 - FUNCTION OF COUNCILS**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 3 Administration

Division 3 - Councils

Section 24 Function of Councils

The function of a Council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by

- (a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health;

- (b) initiating, supporting and managing public health planning processes at the local government level;

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**PUBLIC HEALTH AND WELLBEING ACT (VICTORIA) 2008**  
**SECTION 49 – MINISTERS TO ENSURE PREPARATION OF STATE PUBLIC HEALTH AND WELLBEING PLAN**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

Part 5 - General powers

Division 1 State Public Health and Wellbeing Plan

Section 49 Minister to ensure preparation of State Public Health and Wellbeing Plan

- (2) A State Public Health and Wellbeing Plan must
  - (a) identify the public health and wellbeing needs of the people of the State;
  - (c) establish objectives and policy priorities for (i) the promotion and protection of public health and wellbeing in the State;
  - (e) specify how the State is to work with other bodies undertaking public health initiatives, projects and programs to achieve the objectives and policy priorities referred to in paragraph (c).

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**RADIATION ACT 2005 (VICTORIA)**  
**SECTION 23 OFFENCES TO CAUSE SERIOUS HARM TO THE ENVIRONMENT**

<https://www.legislation.vic.gov.au/as-made/acts/radiation-act-2005>

Section 23 Offences to cause serious harm to the environment

- (1) A person must not, when conducting a radiation practice in relation to a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: In the case of a natural person, 1800 penalty units;  
In the case of a body corporate, 9000 penalty units.

- (2) A person must not, when using a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.

Penalty: 1200 penalty units.

- (3) An offence under sub-section (1) or (2) is an indictable offence.

Note: The penalty of up to 1,800 penalty units is in excess of \$297,000 for an individual, or up to 9,000 penalty units which is in excess of \$1,480,000 for a company or other type of body corporate

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SA)**  
**SECTION 31 LICENCES TO OPERATE RADIATION APPARATUS**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3 – Radiation apparatus

Section 31 – Licences to operate radiation apparatus

- (1) A natural person must not operate –
- (a) ionising radiation apparatus; or
  - (b) non-ionising radiation apparatus of a prescribed class.
- unless the person holds a licence or temporary licence under this section.

Maximum penalty: \$10 000.

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SA)**  
**SECTION 33 OFFENCE FOR REGISTERED OWNER TO CAUSE, SUFFER OR PERMIT UNLICENSED PERSON TO OPERATE RADIATION APPARATUS**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3 – Radiation apparatus

Section 33 – Offence for registered owner to cause, suffer or permit unlicensed person to operate radiation apparatus

If the registered owner of radiation apparatus causes, suffers or permits the apparatus to be operated by a person who is required to hold but does not hold a licence under section 31 to operate the apparatus, the registered owner is guilty of an offence.

Maximum penalty: \$10 000.

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SA)**  
**SECTION 33A LICENCE TO POSSESS A RADIATION SOURCE**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTR OL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3A – Licence to possess a radiation source

Section 33A – Licence to possess a radiation source

(1) A person must not be in possession of a radiation source unless authorised by a licence granted by the Minister under this section.

Maximum penalty: \$100 000.

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**RADIATION PROTECTION AND CONTROL ACT 1982 (SA)**  
**SECTION 33C AUTHORITY CONFERRED BY ACCREDITATION**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTR OL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

Division 3A – Licence to possess a radiation source

Section 33C—Authority conferred by accreditation

Accreditation authorises the person named in the accreditation—

- (a) to conduct tests on radiation sources;
  - (b) to undertake activities to assess compliance with this Act or any requirements prescribed by the regulations;
  - (c) to issue certificates of compliance or certificates of competency in relation to matters regulated under this Act, ....
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**CASE LAW**

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**INTERNATIONAL LAW AND LEGISLATION**

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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**PART I ARTICLE 1**

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence

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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**PART II ARTICLE 5**

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**PART III ARTICLE 6**

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**  
**ARTICLE 7**

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Part III, Article 6

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

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**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**  
**PREAMBLE**

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Preamble:

“The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights, .....

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**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**  
**PART I, ARTICLE 1**

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Part I, Article 1:

1. “All peoples have the right of self-determination.”
2. “All peoples may, for their own ends, freely dispose of their natural wealth and resources....”
3. “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, .....

**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**  
**ARTICLE 11**

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Article 11:

1. “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family,.....”

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**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**  
**ARTICLE 12**

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Article 12:

1. “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 3 HUMAN DIGNITY AND HUMAN RIGHTS**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 3 – Human dignity and human rights

1. “Human dignity, human rights and fundamental freedoms are to be fully respected.”
  2. “The interests and welfare of the individual should have priority over the sole interest of science or society.”
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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 4 BENEFIT AND HARM**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 6 CONSENT**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 6 – Consent

2. “Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned.” ..... “Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 7 - PERSONS WITHOUT THE CAPACITY TO CONSENT**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 7 – Persons without the capacity to consent

(b) “research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual’s human rights. Refusal of such persons to take part in research should be respected.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**

**ARTICLE 8 – RESPECT FOR HUMAN VULNERABILITY AND PERSONAL INTEGRITY**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 8 – Respect for human vulnerability and personal integrity

“...human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**

**ARTICLE 14 – SOCIAL RESPONSIBILITY AND HEALTH**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Principles

Article 14 – Social responsibility and health

1. “The promotion of health and social development for their people is a central purpose of governments that all sectors of society share.”
2. “Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, progress in science and technology should advance:  
[...]  
(c) improvement of living conditions and the environment;  
(d) elimination of the marginalization and the exclusion of persons on the basis of any grounds;

**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 16 – PROTECTING FUTURE GENERATIONS**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Article 16 – Protecting future generations

“The impact of life sciences on future generations, including on their genetic constitution, should be given due regard.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 17 – PROTECTION OF THE ENVIRONMENT, THE BIOSPHERE AND BIODIVERSITY**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Article 17 – Protection of the environment, the biosphere and biodiversity

“.....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 22 – ROLE OF STATES**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Promotion of the Declaration

Article 22 – Role of States

1. “States should take all appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles set out in this Declaration in accordance with international human rights law.”
2. “States should encourage the establishment of independent, multidisciplinary and pluralist ethics committees, ....”

**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)**  
**ARTICLE 3**

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

“Everyone has the right to life, liberty and security of person” (art. 3).

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**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)**  
**ARTICLE 5**

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4<sup>TH</sup>, 1950**  
**ARTICLE 2.1**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

Everyone's right to life shall be protected by law (art 2.1).

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4<sup>TH</sup>, 1950**  
**ARTICLE 3**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

No one shall be subjected to torture or to inhuman or degrading treatment or punishment (art. 3).

**EUROPEAN SOCIAL CHARTER OF OCTOBER 18<sup>TH</sup>, 1961**

**PART I**

[https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable_en.pdf)

Part I

The Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:

3. All workers have the right to safe and healthy working conditions.

7. Children and young persons have the right to a special protection against the physical and moral hazards.

11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18<sup>TH</sup>, 1961**

**ARTICLE 7**

[https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable_en.pdf)

Article 7 – The right of children and young persons to protection.

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18<sup>TH</sup>, 1961**

**ARTICLE 11**

[https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable_en.pdf)

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the

Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases.

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**THE UNITED NATIONS GLOBAL STRATEGY FOR WOMEN'S, CHILDREN'S AND ADOLESCENTS' HEALTH (2016-2030)**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

[...] “has as objectives and targets to “transform”, by expanding enabling environments; to “survive”, by reducing maternal and newborn mortality; and to “thrive” by ensuring health and well-being and reducing pollution-related deaths and illnesses.”

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**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)  
ARTICLE 3**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Shall “undertake to ensure the child such protection and care as is necessary for his or her well-being” (art. 3),

“Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.”

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**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)  
ARTICLE 24**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services (art. 24.1).

States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures (art. 24.2):

(c) To combat disease and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;”

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**CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD, 2006)**

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

“Preamble:

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment **without discrimination**,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others, etc.”

**THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS  
WITH DISABILITIES (1993)  
SECTION 17**

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

“Fundamental concepts in disability policy

17. The term "disability" summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses maybe permanent or transitory in nature.”

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**THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS  
WITH DISABILITIES (1993)  
SECTION 18**

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

18. “The term "handicap" means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasize them focus on the short comings in the environment and in many organized activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.”

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**THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS  
WITH DISABILITIES (1993)  
SECTION 19**

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

19. “The use of the two terms "disability" and "handicap", as defined in paragraphs 17 and 18 above, should be seen in the light of modern disability history. During the 1970s there was a strong reaction among representatives of organizations of persons with disabilities and professionals in the field of disability against the terminology of the time. The terms "disability" and "handicap" were often used in an unclear and confusing way, which gave poor guidance for policy-making and for political

action. The terminology reflected a medical and diagnostic approach, which ignored the imperfections and deficiencies of the surrounding society.”

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**THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS  
WITH DISABILITIES (1993)  
SECTION 22**

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

22.” The term "prevention" means action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action, such as primary health care, prenatal and postnatal care, education in nutrition, immunization campaigns against communicable diseases, measures to control endemic diseases, safety regulations, programs for the prevention of accidents in different environments, including adaptation of workplaces to prevent occupational disabilities and diseases, and prevention of disability resulting from pollution of the environment or armed conflict.

... And just about every rule stated thereafter are violated.”

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**RESOLUTION 72 – MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO  
ELECTROMAGNETIC FIELDS OF THE INTERNATIONAL TELECOMMUNICATIONS UNION  
(2012)**

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

It stated that “There is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited member states “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

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**RESOLUTION 1815 (COUNCIL OF EUROPE, 2011)**

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

The potential dangers of electromagnetic fields and their effect on the environment: “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.

Also worth noting, Part 4: While electrical and electromagnetic fields in certain frequency bands have wholly beneficial effects which are applied in medicine, **other non-ionising frequencies, whether from extremely low frequencies, power lines or certain high frequency waves used in the fields of radar, telecommunications and mobile telephony, appear to have more or less potentially harmful, non-thermal, biological effects on plants, insects and animals as well as the human body, even when exposed to levels that are below the official threshold values.**

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**INTERNATIONAL CRIMINAL CODE STATUTE  
ARTICLES 5, 6, 7 AND 8**

<https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>

5G deployment is a violation of this code, which prohibits genocide and crimes against humanity

See: ICC Statute - Rome Statute

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**ICC STATUTE – ROME STATUTE**

<https://internationalcriminalcourtnashie.weebly.com/signatories-of-the-rome-statute.html>

Violations of this statute can be prosecuted in the national courts of any one of the 118 nations that have signed and ratified the ICC ROME STATUTE and adopted the Universal War Crimes Jurisdiction authority for its courts.

118 Nations ratifying ICC STATUTE

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**THE MID-TERM REVIEW OF THE EUROPEAN ENVIRONMENT AND HEALTH ACTION  
PLAN 2004-2010 (2008)**

<https://publications.europa.eu/en/publication-detail/-/publication/2d11e9cb-4797-44bea423-a2d9ad94b09a/language-en>

The European Parliament notes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete... obviously take no account of developments in information

and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.

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**UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS**  
**ARTICLE 17 PROTECTION OF THE ENVIRONMENT, THE BIOSPHERE AND**  
**BIODIVERSITY**

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

Article 17 – Protection of the environment, the biosphere and biodiversity

“.....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

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**THE DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN**  
**ENVIRONMENT (1972)**  
**PRINCIPLE 6**

<http://www.un-documents.net/unchedec.htm>

“The discharge of toxic substances... in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems” (principle 6).

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**THE WORLD CHARTER FOR NATURE (1982)**  
**ARTICLE 11**

<http://www.un.org/documents/ga/res/37/a37r007.htm>

“Activities which are likely to cause irreversible damage to nature shall be avoided...”

[W]here potential adverse effects are not fully understood, the activities should not proceed” (art. 11).

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**

**PRINCIPLE 1**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 1: Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**

**PRINCIPLE 2**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, **and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**”

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**

**PRINCIPLE 3**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992)**

**PRINCIPLE 4**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 4: In order to achieve sustainable development, **environmental protection shall constitute an integral part of the development process** and cannot be considered in isolation from it.”

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**THE UNITED NATIONS WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (2002)**

<https://sustainabledevelopment.un.org/milestones/wssd>

“There is an urgent need to... create more effective national and regional policy responses to environmental threats to human health” (para. 54(k)).

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**REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES (2017)**

**ARTICLE 13**

[https://au.int/sites/default/files/treaties/7782-treaty-0029 -  
\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resources\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

“The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (art. 13).

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**CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES**

**ARTICLE 1**

<https://2009-2017.state.gov/t/isn/4783.htm>

## **Bureau of International Security and Nonproliferation**

Signed in Geneva May 18, 1977

Entered into force October 5, 1978

Article I sets forth the basic commitment: "Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." An understanding defines the terms "widespread, long-lasting or severe." "Widespread" is defined as "encompassing an area on the scale of several hundred square kilometers"; "long-lasting" is defined as "lasting for a period of months, or approximately a season"; and "severe" is defined as "involving serious or significant disruption or harm to human life, natural and economic resources or other assets."

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### **THE OUTER SPACE TREATY (1967)** **ARTICLE IX**

[http://www.unoosa.org/pdf/gares/ARES\\_21\\_2222E.pdf](http://www.unoosa.org/pdf/gares/ARES_21_2222E.pdf)

“Which requires that the use of outer space be conducted “so as to avoid [its] harmful contamination and also adverse changes in the environment of the Earth” (art. IX).”

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### **THE UNITED NATIONS GUIDELINES FOR THE LONG-TERM SUSTAINABILITY OF OUTER SPACE ACTIVITIES (2018)** **GUIDELINE A.2, 2C**

[http://www.unoosa.org/res/oosadoc/data/documents/2018/aac\\_1052018crp/aac\\_1052018crp\\_20\\_0\\_html/AC105\\_2018\\_CRP20E.pdf](http://www.unoosa.org/res/oosadoc/data/documents/2018/aac_1052018crp/aac_1052018crp_20_0_html/AC105_2018_CRP20E.pdf)

“Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects

(Guideline A.2, 2 c).”

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### THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

“Everyone has the right to life, liberty and security of person” (art. 3).

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

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### THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OR PHYSICAL AND MENTAL HEALTH

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

“As set out in article 12 of the International Covenant on Economic, Social and Cultural Rights.

Article 12 provides as follows:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;
  - (b) The improvement of all aspects of environmental and industrial hygiene;
  - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
  - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

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**SCRIPTURAL LAW**

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**PHILIPPIANS 2:4**

“not looking to your own interests but each of you to the interests of others.”

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 13:10**

“Love does no harm to a neighbor. Therefore love is the fulfillment of the law.”

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**PROVERBS 19:16**

“Whoever keeps commandments keeps their life,  
but whoever shows contempt for their ways will die.”

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**ECCLESIASTES 12:13**

“Now all has been heard;  
here is the conclusion of the matter:  
Fear God and keep his commandments,

for this is the duty of all mankind.”

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**LEVITICUS 5:17**

“If anyone sins and does what is forbidden in any of the Lord’s commands, even though they do not know it, they are guilty and will be held responsible.”

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**PROVERBS 10:29**

“The way of the Lord is a refuge for the blameless,  
but it is the ruin of those who do evil.”

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**DEUTERONOMY 6:17**

“Be sure to keep the commands of the Lord your God and the stipulations and decrees he has given you.”

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**PSALM 112:1**

“Blessed is the man that feareth the Lord, that delighteth greatly in his commandments.”

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**EXODUS 23:1**

“Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness.”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Praestat cautela quam medela - Prevention is better than cure

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De morte hominis nulla est cunctatio longa - When the death of a human being may be the consequence, no delay is long. When the question is on the life or death of a man, no delay is too long to admit of inquiring into facts

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Qui non libere veritatem pronunciat, proditor est veritatis - He who does not willingly speak the truth, is a betrayer of the truth

## SECTION 10 – INTERNATIONAL PRECEDENTS

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### REFERENCES – PROFESSIONAL OPINION

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#### 01 – WORLD GOVERNMENTS ARE FAILING IN THEIR DUTY OF CARE TO THE POPULATIONS THEY GOVERN

In their haste to implement 5G and to encourage the unconstrained use of outer space, the European Union, United States and national governments worldwide are taking steps to ensure a “barrier-free” regulatory environment. They are prohibiting local authorities from enforcing environmental laws, and “in the interest of speedy and cost-effective deployment”, removing “unnecessary burdens... such as local planning procedures [and] the variety of specific limits on electromagnetic field (EMF) emissions and of the methods required to aggregate them”.

Governments are also enacting laws to make wireless facilities a permitted use in all public rights-of-way. To date, most wireless facilities have been located on private property at some distance from homes and businesses. In order for them to be spaced less than 100 metres apart as required by 5G, however, they will now be located on the sidewalk directly in front of homes and businesses and close above the heads of pedestrians, including mothers with babies.

Public notice requirements and public hearings are being eliminated. Even if there were a hearing and 100 scientific experts were to testify against 5G, laws have been passed making it illegal for local authorities to take their testimony into consideration. US law, for example, prohibits local governments from regulating wireless technology “on the basis of the environmental effects of radio frequency radiation”, and courts have reversed regulatory decisions about cell tower placement simply because most of the public testimony was about health. Insurers will not provide coverage against EMF risks, and there is zero clarity as to what entity will bear legal responsibility for damage to life, limb and property arising from exposure to 5G, whether ground- or space-based.

In the absence of an agreed comprehensive legal regime governing activities in outer space, legal liability for those activities is non-existent, despite the prospect of whole continents, the atmosphere and the oceans being put at risk by them

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

## 02 - DUTY TO INFORM AND EMFS

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** [https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

[The Mid-term review of the European Environment and Health Action Plan 2004-2010](#) (2008): “The European Parliament... [n]otes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete, ... obviously take no account of developments in information and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.”

**SOURCE:** <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0410>

[Resolution 1815 \(Council of Europe, 2011\)](#): “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

**SOURCE:** <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

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### 03 – PLANETARY ELECTROMAGNETIC POLLUTION: IS IT TIME TO ASSESS ITS IMPACT?

Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour.

These findings deserve urgent attention.

At the [Oceania Radiofrequency Scientific Advisory Association](#), an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields. We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects.

This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment.

Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally. Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called

electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.

**SOURCE:** Lancet article dated December 2018

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPIZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaEjc.facebook>

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#### 04 – WHAT YOU NEED TO KNOW ABOUT 5G WIRELESS AND “SMALL” CELLS

Scientists worldwide are calling for a halt to the 5G Roll-out: Over 200 scientists and doctors issued a declaration calling for a moratorium on the increase of 5G cell antennas citing human health effects and impacts to wildlife.

Read the 2017 Scientific Appeal on 5G To the European Commission

Read the 2015 EMF Scientist Appeal to the United Nations Read Letters From Dozens of Scientists on Health Risks of 5G

**SOURCE:** Environmental Health Trust article

[https://ehtrust.org/wp-content/uploads/5G\\_What-You-Need-to-Know.pdf](https://ehtrust.org/wp-content/uploads/5G_What-You-Need-to-Know.pdf)

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#### 05 – BIOLOGICAL EFFECTS FROM EXPOSURE TO ELECTROMAGNETIC RADIATION EMITTED BY CELL TOWER BASE STATIONS AND OTHER ANTENNA ARRAYS

### 13. Discussion

Numerous biological effects do occur after short-term exposures to low-intensity RFR but potential hazardous health effects from such exposures on humans are still not well established,

despite increasing evidence as demonstrated throughout this paper. Unfortunately, not enough is known about biological effects from long-term exposures, especially as the effects of long-term exposure can be quite different from those of short-term exposure. It is the long-term, low-intensity exposures that are most common today and increasing significantly from myriad wireless products and services.

People are reporting symptoms near cell towers and in proximity to other RFR-generating sources including consumer products such as wireless computer routers and Wi-Fi systems that appear to be classic “microwave sickness syndrome,” also known as “radiofrequency radiation sickness.” First identified in the 1950s by Soviet medical researchers, symptoms included headache, fatigue, ocular dysfunction, dizziness, and sleep disorders. In Soviet medicine, clinical manifestations include dermatographism, tumors, blood changes, reproductive and cardiovascular abnormalities, depression, irritability, and memory impairment, among others. The Soviet researchers noted that the syndrome is reversible in early stages but is considered lethal over time ([Tolgskaya et al. 1973](#)).

Safety to populations living or working near communications infrastructure has not been given the kind of attention it deserves. Aggregate ambient outdoor and indoor exposures should be emphasized by summing up levels from different generating source points in the vicinity. Radiofrequency radiation should be treated and regulated like radon and toxic chemicals, as aggregate exposures, with appropriate recommendations made to the public including for consumer products that may produce significant RFR levels indoors. When indoor consumer products such as wireless routers, cordless/DECT phones, leaking microwave ovens, wireless speakers, and (or) security systems, etc. are factored in with nearby outdoor transmission infrastructure, indoor levels may rise to exposures that are unsafe. The contradictions in the studies should not be used to paralyze movement toward safer regulation of consumer products, new infrastructure creation, or better tower siting. Enough good science exists regarding long-term low-level exposures — the most prevalent today — to warrant caution.

The present U.S. guidelines for RFR exposure are not up to date. The most recent IEEE and NCRP guidelines used by the U.S. FCC have not taken many pertinent recent studies into consideration because, they argue, the results of many of those studies have not been replicated and thus are not valid for standards setting. That is a specious argument. It implies that someone tried to replicate certain works but failed to do so, indicating the studies in question are unreliable. However, in most cases, no one has tried to exactly replicate the works at all. It must be pointed out that the 4 W/kg SAR threshold based on the de Lorge studies have also not been replicated independently. In addition, effects of long-term exposure, modulation, and other propagation characteristics are not considered. Therefore, the current guidelines are questionable in protecting the public from possible harmful effects of RFR exposure and the U.S. FCC should take steps to update their regulations by taking all recent research into consideration without waiting for replication that may never come because of the scarcity of research funding. The ICNIRP standards are more lenient in key exposures to the population than current U.S. FCC regulations. The U.S. standards should not be “harmonized” toward more lenient allowances. The ICNIRP should become more protective instead. All standards should be biologically based, not dosimetry based as is the case today.

Exposure of the general population to RFR from wireless communication devices and transmission towers should be kept to a minimum and should follow the “As Low As Reasonably Achievable” (ALARA) principle. Some scientists, organizations, and local governments recommend very low exposure levels — so low, in fact, that many wireless industries claim they cannot function without many more antennas in a given area. However, a denser infrastructure may be impossible to attain because of citizen unwillingness to live in proximity to so many

antennas. In general, the lowest regulatory standards currently in place aim to accomplish a maximum exposure of 0.02 V/m, equal to a power density of 0.0001  $\mu\text{W}/\text{cm}^2$ , which is in line with Salzburg, Austria's indoor exposure value for GSM cell base stations. Other precautionary target levels aim for an outdoor cumulative exposure of 0.1  $\mu\text{W}/\text{cm}^2$  for pulsed RF exposures where they affect the general population and an indoor exposure as low as 0.01  $\mu\text{W}/\text{cm}^2$  (Sage and Carpenter 2009). In 2007, *The BioInitiative Report, A rationale for a biologically based public exposure standard for electromagnetic fields (ELF and RF)*, also made this recommendation, based on the precautionary principle (Bioinitiative Report 2007).

**SOURCE:** Article: Biological effects from exposure to electromagnetic radiation emitted by cell tower base stations and other antenna arrays  
Publication: Environmental Reviews, 5 November 2010  
Authors: B. Blake Levitt and Henry Lai

<https://www.nrcresearchpress.com/doi/10.1139/A10-018#.XoIMPG5uKUK>

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## 06 ~ SUPPORTING LETTERS FROM SCIENTISTS AND MEDICAL EXPERTS

Karolinska Institutet  
Department of Neuroscience  
Experimental Dermatology Unit

In the case of "protection from exposure to electromagnetic fields", it is thus of paramount importance to act from a prudence avoidance/precautionary principle point of view. Anything else would be highly hazardous! Total transparency of information is the key sentence here, I believe consumers are very tired of always having the complete truth years after a certain catastrophe already has taken place. For instance, it shall be noted, that today's recommendation values for wireless systems, the SAR-value, are just recommendations, and not safety levels. Since scientists observe biological effects at as low as 20 microWatts/kg, is it then really safe to irradiate humans with 2 W/kg (i.e., with 100,000 times stronger radiation!), which is the recommendation level for us? And, furthermore, it is very strange to see, over and over again, that highly relevant scientific information is suppressed or even left out in various official documents, as high up as at the governmental level of society. This is not something that the consumers will gain anything good from, and, still, the official declaration or explanation (from experts and politicians) very often is: "If we (=the experts) would let everything out in the open, people would be very scared and they would panic." Personally, I have never seen this happen, but instead I have frequently seen great disappointment from citizens who afterwards have realized they have been fooled by their own experts and their own politicians...

In many commentaries, debate articles and public lectures - for the last 20-30 years - I have urged that completely independent research projects must be inaugurated immediately to ensure our public health. These projects must be entirely independent of all types of commercial interests; public health cannot have a price-tag! It is also of paramount importance that scientists involved in such projects must be free of any carrier considerations and that the funding needed is covered to 100%, not 99% or less. This is the clear responsibility of the democratically elected body of every country.

Many wireless systems are close to beds, kitchens, playrooms, and similar locations, as well as are now introduced into schools and pre-schools. These wireless systems are never off, and the exposure is not voluntary. These wireless systems are being forced on citizens everywhere. Based on this, the inauguration of such wireless systems with grudging and involuntary exposure of millions to billions of human beings to pulsed microwave radiation should immediately be prohibited until 'the red flag' can be hauled down once and for all. In conclusion, wireless systems, such as Wi-Fi routers, can not be regarded as safe in schools, but must be deemed highly hazardous and unsafe for the children as well as for the staff. I encourage governments and local health and educational bodies to adopt a framework of guidelines for public and occupational EMF exposure that reflects the Precautionary Principle.

With my very best regards

Yours sincerely

Olle Johansson, assoc. professor.

**SOURCE:** Supporting letters from scientists and medical experts

[http://www.wifi-in-schools-australia.org/p/blog-page\\_3.html](http://www.wifi-in-schools-australia.org/p/blog-page_3.html)

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## 07 – 5G: THE BIG PICTURE

### The Un-reassuring Assurances of Government and Industry

The Government body charged with protecting public health, Public Health England, advises us that there is no convincing evidence that Radio Frequency radiation (which radio, television, mobile phones, smartphones and 5G all use) has any adverse health effects on either adults or children.

It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

This advice is based on the recommendations of a supposedly independent body called AGNIR (Advisory Group on Non-Ionising Radiation), which produced a report in 2012 on the safety of Radio Frequency radiation. The report stated that there was a lack of “convincing” and “conclusive” evidence for any adverse health effects.<sup>9</sup> It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

It turns out that far from being independent, AGNIR has a high proportion of members with blatant conflicts of interests, and their report distorted or simply left out of account evidence that should have compelled them to reach the opposite conclusion to the one they arrived at. In a forensic analysis of the report, the environmental health researcher, Sarah Starkey, makes it

clear that only a wilful disregard of the available scientific evidence could explain its internal contradictions and apparent incompetence.<sup>10</sup>

Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects ...

And yet it is the basis of current UK Government policy, allowing government to roll out 5G without so much as even a nod towards the need for prior health and safety assessment.<sup>11</sup> Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects, which continues to grow at the rate of roughly 350 per year, on average practically one every day.<sup>12</sup>

One of the reasons for ignoring this evidence in the hell-for-leather dash to create the 5G electronic ecosystem is the conviction in government circles that, unless we introduce it immediately, we will be “left behind” and our economic growth and competitiveness will be put at risk. There is simply no time to consider the possible health consequences.

The National Infrastructure Commission, whose 2016 report, *CONNECTED FUTURE*, forms the basis of current Government policy, pushed this panicky vision of the UK falling behind other nations and urged the government to ensure that the new digital infrastructure is fully in place by 2025.<sup>13</sup> The NIC report repeatedly points out that the rewards of the “connected future” are to be measured in billions of pounds worth of revenue.

The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that *DISCONNECT* us more and more from the real world is entirely missed.

The mind-boggling amounts involved are well exemplified in a recent estimate that the global media industry alone stands to gain \$1.3 trillion from 5G by 2025, not least because 5G will “unlock the potential of augmented reality (AR) and virtual reality (VR)”.<sup>14</sup> The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that *DISCONNECT* us more and more from the real world is entirely missed.

The sums involved are sufficient to explain why the telecoms industry has for the last twenty-five years done its utmost to ensure that research into the health effects of wireless technologies produce negative or inconclusive results. Since 1993, the industry has financed a large number of studies, saving governments a great deal of expense and at the same time preserving the convenient illusion that the jury is still out on whether exposure to Radio Frequency radiation causes harm.

Earlier this year, *THE GUARDIAN* published an article citing research which showed that while 67% of independently funded studies found a biological effect of exposure to Radio Frequency radiation, only 28% of industry-funded studies did. Industry-funded studies are almost two and a half times less likely than independent studies to find health effects.<sup>15</sup> The authors of the *GUARDIAN* article explain that the telecoms industry doesn’t need to win the scientific argument about safety, but simply keep the argument running indefinitely by producing studies with results that fail to verify, or even better contradict, the research that does find adverse health effects.

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually *PROTECTS* the user from brain tumours!

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually *PROTECTS* the user from

brain tumours! This study, which is full of contradictions and suffers from grievous design flaws, is often quoted as the most authoritative to date, while it has in fact been thoroughly discredited.<sup>16</sup>

Nevertheless, the impression is maintained that there is no scientific consensus, and so there are not sufficient grounds for action to be taken. Needless to say, this suits Government just as much as it suits industry.

Beyond the health effects there is another level altogether of what the roll out of 5G actually entails.

**SOURCE:** Children's Health Defense, Article: 5G: The Big Picture  
By Jeremy Naydler, Ph.D., April 25, 2019

<https://childrenshealthdefense.org/news/5g-the-big-picture/>

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## 08 – EXPOSURE OF INSECTS TO RADIO-FREQUENCY ELECTROMAGNETIC FIELDS FROM 2 TO 120 GHZ

### Conclusions

We investigated the absorbed radio-frequency electromagnetic power in four different real insects as a function of frequency from 2–120 GHz. Micro-CT imaging was used to obtain realistic models of real insects. These models were assigned dielectric parameters obtained from literature and used in finite-difference time-domain simulations. All insects show a dependence of the absorbed power on the frequency with a peak frequency that depends on their size and dielectric properties. The insects show a maximum in absorbed radio frequency power at wavelengths that are comparable to their body size. They show a general increase in absorbed radio-frequency power above 6 GHz (until the frequencies where the wavelengths are comparable to their body size), which indicates that if the used power densities do not decrease, but shift (partly) to higher frequencies, the absorption in the studied insects will increase as well. A shift of 10% of the incident power density to frequencies above 6 GHz would lead to an increase in absorbed power between 3–370%. This could lead to changes in insect behaviour, physiology, and morphology over time due to an increase in body temperatures, from dielectric heating. The studied insects that are smaller than 1 cm show a peak in absorption at frequencies (above 6 GHz), which are currently not often used for telecommunication, but are planned to be used in the next generation of wireless telecommunication systems. At frequencies above the peak frequency (smaller wavelengths) the absorbed power decreases slightly

**SOURCE:** Article: exposure of insects to radio-frequency electromagnetic fields from 2 to 120 GHz By Arno Thielens, Duncan Bell, David B. Mortimore, mark K. Greco, Luc Martens & Wout Joseph  
Article number: 3924 (2018), Published: 02 march 2018

<https://www.nature.com/articles/s41598-018-22271-3>

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### 09 – ELECTROMAGNETIC FIELDS, TREE & PLANT GROWTH

Electromagnetic (EMF) frequencies have been found to alter the growth and development of plants. Studies on wireless EMF frequencies have found physiological and morphological changes, increased micronuclei formation, altered growth as well as adverse cell characteristics such as thinner cell walls and smaller mitochondria. Electromagnetic exposure results in biochemical changes. Research shows that plants perceive and respond to electromagnetic fields and are a good model to study the biological effects of exposure.

Documentation of tree damage from base stations is made visible in the Report “Tree Damage Caused by Mobile phone base stations” in which he states, “RF radiation effects on plants have not been considered. In the Explosive Proliferation of the diverse wireless communication technologies across the entire environment and almost all areas of life, this represents an uncovered risk” (Breunig, 2017).

Note: EMFs also have been shown to alter the behavior of bees and birds.

**SOURCE:** Environmental Health Trust, Article: electromagnetic Fields Impact Tree and Plant Growth, Feb 17, 2018

<https://ehtrust.org/electromagnetic-fields-impact-tree-plant-growth/>

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### 10 – MICROWAVING OUR PLANET: THE ENVIRONMENTAL IMPACT OF THE WIRELESS REVOLUTION

Rocket exhaust destroys ozone. It has been calculated that 9 Space Shuttles and 6 Titan IV launches per year would only put enough chlorine into the stratosphere to destroy 0.1% of its ozone (Prather et al. 1990). But few people seem to be considering what hundreds or thousands of launchings will do and are doing. Aleksandr Dunayev of the Russian space agency was quoted in 1989 as saying, "About 300 launches of the shuttle each year would be a catastrophe and the ozone would be completely destroyed" (Broad 1991). Rocket exhaust also produces acid rain and massive water pollution near launch sites, and contributes further to global warming by adding water vapour to the stratosphere.

**SOURCE:** Document: Microwaving our planet: The environmental impact of the wireless revolution, By Arthur Firstenberg

[www.avaate.org/IMG/doc/Microwaving Our Planet firstenberg.doc](http://www.avaate.org/IMG/doc/Microwaving_Our_Planet_firstenberg.doc)

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### 11 – SPACEX IS IN COMMUNICATION WITH ALL BUT THREE OF 60 STARLINK SATELLITES ONE MONTH AFTER LAUNCH

Verge article dated 28 June 2019 confirms the first sixty satellites were launched in 2019 and three are already out of communication meaning they will fall to Earth. SpaceX will continue to launch batches of sixty satellites at a time, with the goal of getting between 1,000 to 2,000 spacecraft up each year. It should take about 24 launches to reach global Internet coverage. With each satellite only lasting 5 years they will need to constantly be launching them with the corresponding impact on the ozone layer and pollution contributing to climate change for the foreseeable future.

**SOURCE:** Article: SpaceX is in communication with all but three of 60 Starlink satellites one month after launch, By Loren Grush, Dated June 28, 2019

<https://www.theverge.com/2019/6/28/19154142/spacex-starlink-60-satellites-communication-internet-constellation>

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### 12 – JOURNAL OF ONCOLOGY

World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review)

#### Abstract

In May 2011 the International Agency for Research on Cancer (IARC) evaluated cancer risks from radiofrequency (RF) radiation. Human epidemiological studies gave evidence of increased risk for glioma and acoustic neuroma. RF radiation was classified as Group 2B, a possible human carcinogen. Further epidemiological, animal and mechanistic studies have strengthened the association. In spite of this, in most countries little or nothing has been done to reduce exposure and educate people on health hazards from RF radiation. On the contrary ambient levels have increased. In 2014 the WHO launched a draft of a Monograph on RF fields and health for public comments. It turned out that five of the six members of the Core Group in charge of the draft are affiliated with International Commission on Non-Ionizing Radiation Protection (ICNIRP), an industry loyal NGO, and thus have a serious conflict of interest. Just as by ICNIRP, evaluation of non-thermal biological effects from RF radiation are dismissed as scientific evidence of adverse health effects in the Monograph. This has provoked many comments sent to the WHO. However, at a meeting on March 3, 2017 at the WHO Geneva office it was stated that the WHO has no intention to change the Core Group.

#### 7. Concluding remarks

The meeting at WHO was an obvious disappointment. During the discussion the two WHO officials showed little interest to collaborate with the scientists convened at the meeting in spite of the scientific evidence on adverse health effects. Their in-house experts seem to be members of ICNIRP, although not exclusively. This may explain why only short-term thermal effects from RF radiation are accepted as proofs of harm, and why non-thermal biological effects are ignored. In the draft of the Monograph a large bulk of peer-reviewed scientific publications on non-thermal effects are dismissed, c.f. as also by ICNIRP (19). Most remarkable is that WHO has no intention to replace the Core Group of experts affiliated with ICNIRP. Thereby ICNIRP is given full access to and exclusive possibilities to influence the Monograph. In view of the huge economic interests built into the ICNIRP guidelines, and several of its expert members' ties to industry, no doubt this is a large conflict of interest that will seriously undermine not only the credibility of the Monograph on RF radiation but also the credibility of WHO as a protector of world health. Seriously enough, the Monograph will be the hallmark for years to come on evaluation of health hazards from RF radiation and pave the way for increasing exposure to RF radiation to people and environment, e.g. the fifth generation (5G), internet of things, etc.

Children and adolescents may be more sensitive to RF radiation than adults (2). Thus as an authoritative agency, WHO has an obligation to reference all the scientific research results and call the experts from all the related fields like engineering, health and medicine to engage in the re-evaluation of all health effects including non-thermal of RF radiation. Related agencies should launch an objective and transparent project for this assessment. The EMF project was started many years ago and many new wireless digital technologies are developed and new devices are popularizing with a very fast speed.

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

To evaluate cancer risks it is necessary to include scientists with competence in medicine, especially oncology. Furthermore, what are the personal advantages, at least in the short time, for those refusing to accept peer-reviewed scientific publications on adverse effects on health and environment from RF radiation? Ironically enough, whether knowingly or not, the WHO staff seems to protect themselves from high involuntary RF radiation levels at least in the measured areas within the Geneva building.

**SOURCE:** Article "World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review) By Lennart Hardell

<https://www.spandidos-publications.com/ijo/51/2/405>

### 13 – LOST RESEARCH OPPORTUNITIES – INDUSTRY TREADS WATER; CONFLICTS ABOUND

Once again, we ask why the conventional rules of research ethics don't apply to those working on EMFs and RF radiation? Business as usual in these backwoods would not pass the smell test in most other disciplines.

It's time for Kheifets and EPRI to come clean and disclose their financial relationship. And it's time for ICNIRP to give her the boot, together with any other industry consultants it has tapped as "scientific experts." She and Mike Repacholi, her mentor, have made a mockery of ICNIRP's pledge to be free of industry influence.

And finally it's time for ICNIRP —the inner circle of the EMF establishment— to disclose the sources of its operating budget. Some disinfecting daylight is long overdue.

**SOURCE:** microwavenews.org Article Lost Research Opportunities - Industry Treads Water; Conflicts ABOUND , Dated February 25th 2014

<https://microwavenews.com/news-center/lost-opportunities>

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### 14 – THE NATION INDULGES IN FEAR MONGERING ABOUT CELL PHONES AND CANCER

"An article published last week in the *Nation* likens wireless telephone companies to tobacco and fossil fuel episodes in their tactics of spreading fear, misinformation, and doubt regarding the science of cell phone radiation and health. To produce this narrative, the investigation's authors rely on unreliable sources and cherry pick scientific studies, ignoring the scientific consensus that cell phone radiation almost certainly doesn't cause cancer, all the while disingenuously claiming that they aren't taking a position on the health effects of radio waves." David Gorski on April 2, 2018

"..... we here at Science-Based Medicine (SBM) find ourselves writing about various health fear mongering about cell phones and wifi. The idea that the radiofrequency electromagnetic radiation used by cell phones and wireless networks is somehow causing horrendous health effects in humans, be it cancer ..... a claim not supported by evidence that just will not go away. Indeed, some take it a step further, inventing a syndrome called "electromagnetic hypersensitivity," in which certain people are especially sensitive to the claimed adverse health effects due to radio waves. It doesn't help, either, that organizations like the World Health Organization's International Agency for Research on Cancer (IARC) erroneously categorized cell phone radiation as a "possible carcinogen" or that the U.S. National Toxicology Program (NTP) wasted \$25 million on a study of cell phone radiation in rats that ..... produced singularly unconvincing results for a link between cell phones and cancer, but it produced sensationalistic headlines claiming a link."

“The latest magazine to publish a sensationalistic story about cell phones is *The Nation*. ..... this story is an example of much of what is wrong with reporting on the issue of cell phones and health effects due to cell phone radiation. Written by Mark Hertsgaard and Mark Dowie and entitled “[How Big Wireless Made Us Think That Cell Phones Are Safe: A Special Investigation](#).” Its tagline? THE DISINFORMATION CAMPAIGN—AND MASSIVE RADIATION INCREASE—BEHIND THE 5G ROLLOUT. The basic thesis of the article is that “big wireless” is a lot like “big tobacco” in hiding the science or preventing definitive science from being done because, presumably, it has something to hide.”

“cell phone radiation not only does not cause the health effects attributed to it but almost certainly cannot cause those health effects because the energy carried by radio waves is too low to do what is claimed. .... a link between cell phone radiation and cancer ..... is incredibly implausible.....”

“...the scientific consensus is currently strongly in favor of the conclusion that there is no detectable increased risk of brain cancer or other adverse health outcomes associated with cell phone radiation...”

“The implication behind the entire argument and claim made [in an article published in the *Nation*] is that the scientific community agrees that cell phone radiation causes adverse health effects and that only industry-sponsored studies find otherwise. This is a gross misrepresentation of the state of the science, when in reality the scientific consensus is on the side of the lack of a correlation between radio wave exposure due to cell phone use and cancer, making the scientists who believe that cell phone radiation is dangerous the ones who are in a clear minority.”

- David Gorski on April 2, 2018

Ken Foster pointed out, “Their conclusion is easy to misinterpret...Saying that something is a ‘possible carcinogen’ is a bit like saying that someone is a ‘possible shoplifter’ because he was in the store when the watch was stolen. The real question is what is the evidence that cell phones actually cause cancer, and the answer is — none that would persuade a health agency.”

**SOURCE:** Science-Based Medicine, Article: The Nation indulges in fear mongering about cell phones and cancer, by David Gorski Dated April 2, 2018

<https://sciencebasedmedicine.org/the-nation-indulges-in-some-particularly-egregious-fear-mongering-about-cell-phones-and-cancer/>

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## 15 ~ MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO ELECTROMAGNETIC FIELDS

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** World Telecommunication Standardization Assembly  
Dubai, 20-29 November 2012  
Resolution 72 – Measurement concerns related to human exposure to electromagnetic fields

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

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## 16 - THE POTENTIAL DANGERS OF MAGNETIC FIELDS AND THEIR EFFECT ON THE ENVIRONMENT

Resolution 1815 (Council of Europe, 2011): “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

**SOURCE:** The potential dangers of magnetic fields and their effect on the environment  
Council of Europe – Parliamentary Assembly, 27 May 2011  
Resolution 1815 (2011) Final version

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

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## 17 – PLANETARY ELECTROMAGNETIC POLLUTION: IS IT TIME TO ASSESS ITS IMPACT?

“Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour. These findings deserve urgent attention.

At the Oceania Radiofrequency Scientific Advisory Association, an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields.

We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects.

This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment.

Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally. Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.”

**SOURCE:** Planetary electromagnetic pollution: is it time to assess its impact?  
The Lancet, article dated December 2018

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPlZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaE|c.facebook>

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### CIVIL PROCEDURE ACT 2010

<https://www.legislation.vic.gov.au/in-force/acts/civil-procedure-act-2010/020>

“Section 6 Charter and privilege not overridden

Nothing in this Act is intended to override—

- (a) the Charter of Human Rights and Responsibilities Act 2006”

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#### AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/)

#### **International Covenant on Civil and Political Rights - Schedule 2**

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/sch2.html)

“Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence”

“Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.”

“Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

“Part III, Article 6

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.”

“Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

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### PUBLIC HEALTH AND WELLBEING ACT 2008

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

Part 2 Objective, principles and application

Section 5 Principle of evidence based decision-making

“Decisions as to -

(a) the most effective use of resources to promote and protect public health and wellbeing; and

(b) the most effective and efficient public health and wellbeing interventions

should be based on evidence available in the circumstances that is relevant and reliable.”

Section 7 Principle of primacy of prevention

(1) “The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.

(2) For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.”

Section 8 Principle of accountability

(1) “Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.

(2) Members of the public should therefore be given

(a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and

(b) opportunities to participate in policy and program development.”

#### Section 9 Principle of proportionality

“Decisions made and actions taken in the administration of this Act

(a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and

(b) should not be made or taken in an arbitrary manner.”

#### Division 3 - Councils

“Section 24 Function of Councils

The function of a Council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by

(a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health;

(b) initiating, supporting and managing public health planning processes at the local government level;”

#### Part 5 - General powers

“Division 1 State Public Health and Wellbeing Plan

Section 49 Minister to ensure preparation of State Public Health and Wellbeing Plan

(2) A State Public Health and Wellbeing Plan must

(a) identify the public health and wellbeing needs of the people of the State;

(c) establish objectives and policy priorities for (i) the promotion and protection of public health and wellbeing in the State;

(e) specify how the State is to work with other bodies undertaking public health initiatives, projects and programs to achieve the objectives and policy priorities referred to in paragraph (c).”

**CRIMINAL CODE 1995**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

“Section 5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.”

“Section 5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
  - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
  - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (2) A person is reckless with respect to a result if:
  - (a) he or she is aware of a substantial risk that the result will occur; and
  - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (3) The question whether taking a risk is unjustifiable is one of fact.
- (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.”

“Section 5.5 Negligence

A person is negligent with respect to a physical element of an offence if his or her conduct involves:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
- (b) such a high risk that the physical element exists or will exist; that the conduct merits criminal punishment for the offence.”

Chapter 2 General principles of Criminal responsibility

Part 2.4 Extensions of criminal responsibility

Division 11

“Section 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.”

“Section 11.3 Commission by proxy

A person who:

- (a) has, in relation to each physical element of an offence, a fault element applicable to that physical element; and
- (b) procures conduct of another person that (whether or not together with conduct of the procurer) would have constituted an offence on the part of the procurer if the procurer had engaged in it;

is taken to have committed that offence and is punishable accordingly.”

“Division 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.”

Chapter 2 General principles of Criminal responsibility

Part 2.5 – Corporate criminal responsibility

Division 12

“Section 12.1 General principles

- (1) This Code applies to bodies corporate in the same way as it applies to individuals. It so applies with such modifications as are set out in this Part, and with such other modifications as are made necessary by the fact that criminal liability is being imposed on bodies corporate rather than individuals.
- (2) A body corporate may be found guilty of any offence, including one punishable by imprisonment.”

“Note: Section 4B of the *Crimes Act 1914* enables a fine to be imposed for offences that only specify imprisonment as a penalty.”

“Section 12.2 Physical elements

If a physical element of an offence is committed by an employee, agent or officer of a body corporate acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the physical element must also be attributed to the body corporate.”

“Section 12.3 Fault elements other than negligence

- (1) If intention, knowledge or recklessness is a fault element in relation to a physical element of an offence, that fault element must be attributed to a body corporate that

expressly, tacitly or impliedly authorised or permitted the commission of the offence.

- (2) The means by which such an authorisation or permission may be established include:
- (a) proving that the body corporate's board of directors intentionally, knowingly or recklessly carried out the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (b) proving that a high managerial agent of the body corporate intentionally, knowingly or recklessly engaged in the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (c) proving that a corporate culture existed within the body corporate that directed, encouraged, tolerated or led to non-compliance with the relevant provision; or
  - (d) proving that the body corporate failed to create and maintain a corporate culture that required compliance with the relevant provision."

## Chapter 5 – The security of the Commonwealth

### Part 5.1 – Treason and related offences

#### Division 80 – Treason, urging violence and advocating terrorism or genocide

##### Subdivision B – Treason

###### "Section 80.1 Treason

- (2) A person commits an offence if the person:
- (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection) with the intention of allowing him or her to escape punishment or apprehension; or
  - (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence."

"Penalty: Imprisonment for life."

###### "Section 80.1AA Treason – assisting enemy to engage in armed conflict

- (1) A person commits an offence if:
- (a) a party (the *enemy*) is engaged in armed conflict involving the Commonwealth .....
  - (d) the person intends that the conduct will materially assist the enemy to engage in armed conflict involving the Commonwealth .....,; and
  - (e) the conduct materially assists the enemy to engage in armed conflict involving the Commonwealth ....."

"Penalty: Imprisonment for life."

“Section 80.2C Advocating terrorism

- (1) A person commits an offence if:
- (a) the person advocates:
    - (i) the doing of a terrorist act; or
    - (ii) the commission of a terrorism offence referred to in subsection (2); and .....

“Section 80.2D Advocating genocide

- (1) A person commits an offence if:
- (a) the person advocates genocide; and
  - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

- (4) A reference in this section to advocating genocide includes a reference to:
- (a) advocating genocide, even if genocide does not occur; and
  - (b) advocating the commission of a specific offence that is genocide; and
  - (c) advocating the commission of more than one offence, each of which is genocide.”

“Subsection 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts certain conditions of life upon one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
  - (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.”

“Penalty: Imprisonment for life.”

“Subsection 268.13 Crime against humanity – torture

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and

- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population."

"Penalty: Imprisonment for 25 years."

"Subsection 268.23 Crime against humanity – other inhumane act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population."

"Penalty: Imprisonment for 25 years."

"Subsection 268.27 War crime – biological experiments

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a particular biological experiment; and
- (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subsection 268.28 War crime – willfully causing great suffering

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict."

"Penalty: Imprisonment for 25 years."

“Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict”

“Subsection 268.70 War crime – murder (page 45)

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator causes the death of one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator’s conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.”

“Penalty: Imprisonment for life.”

‘Subsection 268.72 War crime – cruel treatment

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
  - (d) the perpetrator’s conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.”

“Penalty: Imprisonment for 25 years.”

“Subsection 268.73 War crime – torture

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are not taking an active part in the hostilities; and
  - (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and

- (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for 25 years."

## Chapter 8 Offences against humanity and related offences

"Division 268 Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court.

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict."

### "Subsection 268.77 War crime – attacking civilians

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator directs an attack; and
- (b) the object of the attack is a civilian population as such or individual civilians not taking direct part in hostilities; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for life."

### "Subsection 268.93 War crime – medical or scientific experiments

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment causes the death of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and
- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for life."

(2) "A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and

- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.”

“Penalty for a contravention of this subsection: Imprisonment for 25 years.”

## Chapter 8 Offences against humanity and related offences

### Division 274 Torture

#### “Section 274.2 Torture

- (2) A person (the *perpetrator*) commits an offence if the perpetrator:
  - (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
  - (b) the conduct is engaged in for any reason based on discrimination of any kind; and
  - (c) the perpetrator engages in the conduct:
    - (i) in the capacity of a public official; or
    - (ii) acting in an official capacity; or
    - (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.”

“Penalty: Imprisonment for 20 years.”

## Chapter 10 National infrastructure

### Part 10.6 Telecommunications Services

#### Division 474

##### Subdivision C – General offences relating to use of telecommunications

“Section 474.14 Using a telecommunications network with intention to commit a serious offence (page 369)

- (1) A person commits an offence if:
  - (a) the person:
    - (i) connects equipment to a telecommunications network; and
    - (ii) intends by this to commit, or to facilitate the commission of, an offence (whether by that person or another person); and
  - (b) the offence is:
    - (i) a serious offence against a law of the Commonwealth, a State or a Territory; or
    - (ii) a serious offence against a foreign law.

- (4) Absolute liability applies to paragraphs (1)(b) and (2)(b).”

“Section 474.15 Using a carriage service to make a threat (page 370)

*Threat to cause serious harm*

(2) A person (the **first person**) commits an offence if:

- (a) the first person uses a carriage service to make to another person (the **second person**) a threat to cause serious harm to the second person or a third person; and
- (b) the first person intends the second person to fear that the threat will be carried out.”

“Penalty: Imprisonment for 7 years.”

“Section 474.17 Using a carriage service to menace, harass or cause offence (page 371)

(1) A person commits an offence if:

- (a) the person uses a carriage service; and
- (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.”

“Penalty: Imprisonment for 3 years.”

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## STATE LEGISLATION

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### CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT VICTORIA 2006

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

“Section 9 – Right to life

Every person has the right to life and has the right not to be arbitrarily deprived of life.”

“Section 17 – Protection of families and children

(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State

(2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.”

“Section 38 Conduct of public authorities

(1) Subject to this section, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.”

### **RADIATION ACT 2005 (VIC)**

<https://www.legislation.vic.gov.au/as-made/acts/radiation-act-2005>

“Section 23. Offences to cause serious harm to the environment

- (1) A person must not, when conducting a radiation practice in relation to a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: In the case of a natural person, 1800 penalty units;  
In the case of a body corporate, 9000 penalty units.
- (2) A person must not, when using a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: 1200 penalty units.
- (3) An offence under sub-section (1) or (2) is an indictable offence.”

Note: The penalty of up to 1,800 penalty units is in excess of \$297,000 for an individual, or up to 9,000 penalty units which is in excess of \$1,480,000 for a company or other type of body corporate.

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### **RADIATION PROTECTION AND CONTROL ACT 1982 (SA)**

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

“Division 3 – Radiation apparatus

Section 31 – Licences to operate radiation apparatus

- (1) A natural person must not operate –
  - (a) ionising radiation apparatus; or
  - (b) non-ionising radiation apparatus of a prescribed class.

unless the person holds a licence or temporary licence under this section.

Maximum penalty: \$10 000.”

Division 3A – Licence to possess a radiation source

Section 33A – Licence to possess a radiation source

- (1) “A person must not be in possession of a radiation source unless authorised by a licence granted by the Minister under this section.

Maximum penalty: \$100 000.”

Section 33C—Authority conferred by accreditation

“Accreditation authorises the person named in the accreditation—

- (a) to conduct tests on radiation sources;
- (b) to undertake activities to assess compliance with this Act or any requirements prescribed by the regulations;
- (c) to issue certificates of compliance or certificates of competency in relation to matters regulated under this Act, ....”

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## CASE LAW

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### CASE: 904/2019 OF 3.12.2019, ROMEO V. INAIL – TURIN, ITALY JUDGMENT SUMMARY - MOBILE PHONE CAUSED HEAD TUMOUR

Court case: 904/2019 of 3.12.2019, Romeo v. INAIL

Summary: (Turin, Italy) The Court of Appeal of Turin confirms in a full judgment published on 13 January 2020, the decision of the Tribunal of Ivrea of 2017. Judge Fadda considers that the worker’s acoustic neuroma (benign tumour of the head) was indeed caused by the use of the mobile phone.

All the scientific elements of the case were re-examined and re-analysed by two new experts appointed by the Court of Turin (Carolina Marino, Angelo D’Errico). The Court of Appeal fully accepted their conclusions and rejected INAIL’s appeal, stating that CTU had provided: “strong evidence to assert a causal role between the complainant’s occupational exposure, his exposure to radiation from mobile phones and the disease that occurred”.

**SOURCE:** <https://www.phonegatealert.org/en/the-court-of-appeal-of-turin-confirms-the-link-between-a-head-tumour-and-mobile-phone-use>

**Judgement of the court 22 jan 2002:** <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62000CJ0218&from=IT>

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## INTERNATIONAL LAW AND LEGISLATION

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### INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

## Preamble

“The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights, .....

## PART I

### *Article 1*

1. “All peoples have the right of self-determination.”
2. “All peoples may, for their own ends, freely dispose of their natural wealth and resources....”
3. “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, .....

### Article 11

1. “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family,.....”

### Article 12

1. “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

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## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

“Everyone has the right to life, liberty and security of person” (art. 3).

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4TH 1950.**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

“Everyone's right to life shall be protected by law (art 2.1).

No one shall be subjected to torture or to inhuman or degrading treatment or punishment”

(art. 3).

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18TH 1961.**

<https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/>

[publishable\\_en.pdf](#)

‘Part I The Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:

3. All workers have the right to safe and healthy working conditions.

7. Children and young persons have the right to a special protection against the physical and moral hazards.

11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.”

“Article 7 – The right of children and young persons to protection.

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.”

“Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the

Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases.”

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## UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

### Principles

#### Article 3 – Human dignity and human rights

1. “Human dignity, human rights and fundamental freedoms are to be fully respected.”
2. “The interests and welfare of the individual should have priority over the sole interest of science or society.”

#### Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

#### Article 6 – Consent

2. “Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned.” ..... “Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law.”

#### Article 7 – Persons without the capacity to consent

(b) “research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual’s human rights. Refusal of such persons to take part in research should be respected.”

Article 8 – Respect for human vulnerability and personal integrity

“...human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.”

Article 14 – Social responsibility and health

1. “The promotion of health and social development for their people is a central purpose of governments that all sectors of society share.”
2. “Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, progress in science and technology should advance:  
[...]  
(c) improvement of living conditions and the environment;  
(d) elimination of the marginalization and the exclusion of persons on the basis of any grounds;

Article 16 – Protecting future generations

“The impact of life sciences on future generations, including on their genetic constitution, should be given due regard.”

Article 17 – Protection of the environment, the biosphere and biodiversity

“.....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

Promotion of the Declaration

Article 22 – Role of States

1. “States should take all appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles set out in this Declaration in accordance with international human rights law.”
2. “States should encourage the establishment of independent, multidisciplinary and pluralist ethics committees, ....”

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**THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH**

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

“As set out in article 12 of the International Covenant on Economic, Social and Cultural

Rights.

Article 12 provides as follows:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
  2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
    - (a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;
    - (b) The improvement of all aspects of environmental and industrial hygiene;
    - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
    - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”
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**THE UNITED NATIONS GLOBAL STRATEGY FOR WOMEN'S, CHILDREN'S AND ADOLESCENTS' HEALTH (2016-2030)**

<https://www.who.int/life-course/partners/global-strategy/globalstrategyreport2016-2030-lowres.pdf>

[...] “has as objectives and targets to “transform”, by expanding enabling environments; to “survive”, by reducing maternal and newborn mortality; and to “thrive” by ensuring health and well-being and reducing pollution-related deaths and illnesses.”

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**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

“States shall “undertake to ensure the child such protection and care as is necessary for his or her well-being” (art. 3),

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services (art. 24.1).

States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures (art. 24.2):

(c) To combat disease and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;”

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**CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD, 2006).**

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

“Preamble:

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment **without discrimination**,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others, etc.”

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**THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES (1993).**

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

“Fundamental concepts in disability policy

17. The term "disability" summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses maybe permanent or transitory in nature.”

18. “The term "handicap" means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasize them focus on the short comings in the environment and in many organized activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.”

19. “The use of the two terms "disability" and "handicap", as defined in paragraphs 17 and 18 above, should be seen in the light of modern disability history. During the 1970s there was a strong reaction among representatives of organizations of persons with disabilities and professionals in the field of disability against the terminology of the time. The terms "disability" and "handicap" were often used in an unclear and confusing way, which gave poor guidance for policy-making and for political action. The terminology reflected a medical and diagnostic approach, which ignored the imperfections and deficiencies of the surrounding society.”

22.” The term "prevention" means action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action, such as primary health care, prenatal and postnatal care, education in nutrition, immunization campaigns against communicable diseases, measures to control endemic diseases, safety regulations, programs for the prevention of accidents in different environments, including adaptation of workplaces to prevent occupational disabilities and diseases, and prevention of disability resulting from pollution of the environment or armed conflict.

... And just about every rule stated thereafter are violated.”

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**RESOLUTION 72 - MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO ELECTROMAGNETIC FIELDS OF THE INTERNATIONAL TELECOMMUNICATIONS UNION [2012].**

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

It stated that “There is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited member states “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

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**RESOLUTION 1815 (COUNCIL OF EUROPE, 2011):**

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

“The potential dangers of electromagnetic fields and their effect on the environment: “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

Also worth noting, Part 4: While electrical and electromagnetic fields in certain frequency bands have wholly beneficial effects which are applied in medicine, **other non-ionising frequencies, whether from extremely low frequencies, power lines or certain high frequency waves used in the fields of radar, telecommunications and mobile telephony, appear to have more or less potentially harmful, non-thermal, biological effects on plants, insects and animals as well as the human body, even when exposed to levels that are below the official threshold values.”**

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**THE DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (1972):**

<http://www.un-documents.net/unchedec.htm>

“The discharge of toxic substances... in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems” (principle 6).

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**THE WORLD CHARTER FOR NATURE (1982):**

<http://www.un.org/documents/ga/res/37/a37r007.htm>

“Activities which are likely to cause irreversible damage to nature shall be avoided...”

[W]here potential adverse effects are not fully understood, the activities should not proceed”

(art. 11).

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### THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992):

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 1: Human beings are at the centre of concerns for sustainable development.

They are entitled to a healthy and productive life in harmony with nature.

“PRINCIPLE 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, **and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**”

“PRINCIPLE 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”

“PRINCIPLE 4: In order to achieve sustainable development, **environmental protection shall constitute an integral part of the development process** and cannot be considered in isolation from it.”

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### 16. REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES (2017):

[https://au.int/sites/default/files/treaties/7782-treaty-0029\\_-\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resources\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

“The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (art. 13).

**THE OUTER SPACE TREATY (1967)**

[http://www.unoosa.org/pdf/gares/ARES\\_21\\_2222E.pdf](http://www.unoosa.org/pdf/gares/ARES_21_2222E.pdf)

“Which requires that the use of outer space be conducted “so as to avoid [its] harmful contamination and also adverse changes in the environment of the Earth” (art. IX).”

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**THE UNITED NATIONS GUIDELINES FOR THE LONG-TERM SUSTAINABILITY OF OUTER SPACE ACTIVITIES (2018):**

[http://www.unoosa.org/res/oosadoc/data/documents/2018/aac\\_1052018crp/aac\\_1052018crp\\_20\\_0\\_html/AC105\\_2018\\_CRP20E.pdf](http://www.unoosa.org/res/oosadoc/data/documents/2018/aac_1052018crp/aac_1052018crp_20_0_html/AC105_2018_CRP20E.pdf)

“Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects

(Guideline A.2, 2 c).”

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**PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED IN THE CHARTER OF THE NÜRNBERG TRIBUNAL AND IN THE JUDGMENT OF THE TRIBUNAL**

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

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**SCRIPTURAL LAW**

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**MATTHEW 5:18**

For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until all is accomplished.

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**PROVERBS 19:16**

“Whoever keeps commandments keeps their life,  
but whoever shows contempt for their ways will die.”

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**MATTHEW 5:19**

“Therefore anyone who sets aside one of the least of these commands and teaches others accordingly will be called least in the kingdom of heaven, but whoever practices and teaches these commands will be called great in the kingdom of heaven.”

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**EXODUS 23:1**

“Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness.”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Gross negligence is held equivalent to intentional wrong

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Non solum quid licet, sed quid est conveniens considerandum, quia nihil quod inconueniens est licitum- Not only what is permitted, but what is proper, is to be considered, because what is improper is illegal

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Misconduct binds its own authors

## SECTION 11 – PROFESSIONAL OPINION

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### REFERENCES – PROFESSIONAL OPINION

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#### 01 – World Governments are Failing in Their Duty of Care to the Populations They Govern

In their haste to implement 5G and to encourage the unconstrained use of outer space, the European Union, United States and national governments worldwide are taking steps to ensure a “barrier-free” regulatory environment. They are prohibiting local authorities from enforcing environmental laws, and “in the interest of speedy and cost-effective deployment”, removing “unnecessary burdens... such as local planning procedures [and] the variety of specific limits on electromagnetic field (EMF) emissions and of the methods required to aggregate them”.

Governments are also enacting laws to make wireless facilities a permitted use in all public rights-of-way. To date, most wireless facilities have been located on private property at some distance from homes and businesses. In order for them to be spaced less than 100 metres apart as required by 5G, however, they will now be located on the sidewalk directly in front of homes and businesses and close above the heads of pedestrians, including mothers with babies.

Public notice requirements and public hearings are being eliminated. Even if there were a hearing and 100 scientific experts were to testify against 5G, laws have been passed making it illegal for local authorities to take their testimony into consideration. US law, for example, prohibits local governments from regulating wireless technology “on the basis of the environmental effects of radio frequency radiation”, and courts have reversed regulatory decisions about cell tower placement simply because most of the public testimony was about health. Insurers will not provide coverage against EMF risks, and there is zero clarity as to what entity will bear legal responsibility for damage to life, limb and property arising from exposure to 5G, whether ground- or space-based.

In the absence of an agreed comprehensive legal regime governing activities in outer space, legal liability for those activities is non-existent, despite the prospect of whole continents, the atmosphere and the oceans being put at risk by them

**SOURCE:** International Appeal to Stop 5G on Earth and in Space

A petition signed by over 200 international scientists setting out information on what 5G is, discusses the satellites to be launched and links to many peer reviewed articles on the negative impacts of EMFs.

<https://www.5gspaceappeal.org/the-appeal>

## 02 - DUTY TO INFORM AND EMFS

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** [https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

[The Mid-term review of the European Environment and Health Action Plan 2004-2010](#) (2008): “The European Parliament... [n]otes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete, ... obviously take no account of developments in information and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.”

**SOURCE:** <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0410>

[Resolution 1815 \(Council of Europe, 2011\)](#): “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

**SOURCE:** <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

### 03 – PLANETARY ELECTROMAGNETIC POLLUTION: IS IT TIME TO ASSESS ITS IMPACT?

Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour.

These findings deserve urgent attention.

At the [Oceania Radiofrequency Scientific Advisory Association](#), an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields. We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects.

This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment.

Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally. Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called

electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.

**SOURCE:** Lancet article dated December 2018

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPIZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaEjc.facebook>

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#### 04 – WHAT YOU NEED TO KNOW ABOUT 5G WIRELESS AND “SMALL” CELLS

Scientists worldwide are calling for a halt to the 5G Roll-out: Over 200 scientists and doctors issued a declaration calling for a moratorium on the increase of 5G cell antennas citing human health effects and impacts to wildlife.

Read the 2017 Scientific Appeal on 5G To the European Commission

Read the 2015 EMF Scientist Appeal to the United Nations Read Letters From Dozens of Scientists on Health Risks of 5G

**SOURCE:** Environmental Health Trust article

[https://ehtrust.org/wp-content/uploads/5G\\_What-You-Need-to-Know.pdf](https://ehtrust.org/wp-content/uploads/5G_What-You-Need-to-Know.pdf)

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#### 05 – BIOLOGICAL EFFECTS FROM EXPOSURE TO ELECTROMAGNETIC RADIATION EMITTED BY CELL TOWER BASE STATIONS AND OTHER ANTENNA ARRAYS

### 13. Discussion

Numerous biological effects do occur after short-term exposures to low-intensity RFR but potential hazardous health effects from such exposures on humans are still not well established,

despite increasing evidence as demonstrated throughout this paper. Unfortunately, not enough is known about biological effects from long-term exposures, especially as the effects of long-term exposure can be quite different from those of short-term exposure. It is the long-term, low-intensity exposures that are most common today and increasing significantly from myriad wireless products and services.

People are reporting symptoms near cell towers and in proximity to other RFR-generating sources including consumer products such as wireless computer routers and Wi-Fi systems that appear to be classic “microwave sickness syndrome,” also known as “radiofrequency radiation sickness.” First identified in the 1950s by Soviet medical researchers, symptoms included headache, fatigue, ocular dysfunction, dizziness, and sleep disorders. In Soviet medicine, clinical manifestations include dermatographism, tumors, blood changes, reproductive and cardiovascular abnormalities, depression, irritability, and memory impairment, among others. The Soviet researchers noted that the syndrome is reversible in early stages but is considered lethal over time ([Tolgskaya et al. 1973](#)).

Safety to populations living or working near communications infrastructure has not been given the kind of attention it deserves. Aggregate ambient outdoor and indoor exposures should be emphasized by summing up levels from different generating source points in the vicinity. Radiofrequency radiation should be treated and regulated like radon and toxic chemicals, as aggregate exposures, with appropriate recommendations made to the public including for consumer products that may produce significant RFR levels indoors. When indoor consumer products such as wireless routers, cordless/DECT phones, leaking microwave ovens, wireless speakers, and (or) security systems, etc. are factored in with nearby outdoor transmission infrastructure, indoor levels may rise to exposures that are unsafe. The contradictions in the studies should not be used to paralyze movement toward safer regulation of consumer products, new infrastructure creation, or better tower siting. Enough good science exists regarding long-term low-level exposures — the most prevalent today — to warrant caution.

The present U.S. guidelines for RFR exposure are not up to date. The most recent IEEE and NCRP guidelines used by the U.S. FCC have not taken many pertinent recent studies into consideration because, they argue, the results of many of those studies have not been replicated and thus are not valid for standards setting. That is a specious argument. It implies that someone tried to replicate certain works but failed to do so, indicating the studies in question are unreliable. However, in most cases, no one has tried to exactly replicate the works at all. It must be pointed out that the 4 W/kg SAR threshold based on the de Lorge studies have also not been replicated independently. In addition, effects of long-term exposure, modulation, and other propagation characteristics are not considered. Therefore, the current guidelines are questionable in protecting the public from possible harmful effects of RFR exposure and the U.S. FCC should take steps to update their regulations by taking all recent research into consideration without waiting for replication that may never come because of the scarcity of research funding. The ICNIRP standards are more lenient in key exposures to the population than current U.S. FCC regulations. The U.S. standards should not be “harmonized” toward more lenient allowances. The ICNIRP should become more protective instead. All standards should be biologically based, not dosimetry based as is the case today.

Exposure of the general population to RFR from wireless communication devices and transmission towers should be kept to a minimum and should follow the “As Low As Reasonably Achievable” (ALARA) principle. Some scientists, organizations, and local governments recommend very low exposure levels — so low, in fact, that many wireless industries claim they cannot function without many more antennas in a given area. However, a denser infrastructure may be impossible to attain because of citizen unwillingness to live in proximity to so many

antennas. In general, the lowest regulatory standards currently in place aim to accomplish a maximum exposure of 0.02 V/m, equal to a power density of 0.0001  $\mu\text{W}/\text{cm}^2$ , which is in line with Salzburg, Austria's indoor exposure value for GSM cell base stations. Other precautionary target levels aim for an outdoor cumulative exposure of 0.1  $\mu\text{W}/\text{cm}^2$  for pulsed RF exposures where they affect the general population and an indoor exposure as low as 0.01  $\mu\text{W}/\text{cm}^2$  ([Sage and Carpenter 2009](#)). In 2007, *The BioInitiative Report, A rationale for a biologically based public exposure standard for electromagnetic fields (ELF and RF)*, also made this recommendation, based on the precautionary principle ([Bioinitiative Report 2007](#)).

**SOURCE:** Article: Biological effects from exposure to electromagnetic radiation emitted by cell tower base stations and other antenna arrays  
Publication: Environmental Reviews, 5 November 2010  
Authors: B. Blake Levitt and Henry Lai

<https://www.nrcresearchpress.com/doi/10.1139/A10-018#.XoIMPG5uKUK>

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#### 06 ~ SUPPORTING LETTERS FROM SCIENTISTS AND MEDICAL EXPERTS

Karolinska Institutet  
Department of Neuroscience  
Experimental Dermatology Unit

In the case of "protection from exposure to electromagnetic fields", it is thus of paramount importance to act from a prudence avoidance/precautionary principle point of view. Anything else would be highly hazardous! Total transparency of information is the key sentence here, I believe consumers are very tired of always having the complete truth years after a certain catastrophe already has taken place. For instance, it shall be noted, that today's recommendation values for wireless systems, the SAR-value, are just recommendations, and not safety levels. Since scientists observe biological effects at as low as 20 microWatts/kg, is it then really safe to irradiate humans with 2 W/kg (i.e., with 100,000 times stronger radiation!), which is the recommendation level for us? And, furthermore, it is very strange to see, over and over again, that highly relevant scientific information is suppressed or even left out in various official documents, as high up as at the governmental level of society. This is not something that the consumers will gain anything good from, and, still, the official declaration or explanation (from experts and politicians) very often is: "If we (=the experts) would let everything out in the open, people would be very scared and they would panic." Personally, I have never seen this happen, but instead I have frequently seen great disappointment from citizens who afterwards have realized they have been fooled by their own experts and their own politicians...

In many commentaries, debate articles and public lectures - for the last 20-30 years - I have urged that completely independent research projects must be inaugurated immediately to ensure our public health. These projects must be entirely independent of all types of commercial interests; public health cannot have a price-tag! It is also of paramount importance that scientists involved in such projects must be free of any carrier considerations and that the funding needed is covered to 100%, not 99% or less. This is the clear responsibility of the democratically elected body of every country.

Many wireless systems are close to beds, kitchens, playrooms, and similar locations, as well as are now introduced into schools and pre-schools. These wireless systems are never off, and the exposure is not voluntary. These wireless systems are being forced on citizens everywhere. Based on this, the inauguration of such wireless systems with grudging and involuntary exposure of millions to billions of human beings to pulsed microwave radiation should immediately be prohibited until 'the red flag' can be hauled down once and for all. In conclusion, wireless systems, such as Wi-Fi routers, can not be regarded as safe in schools, but must be deemed highly hazardous and unsafe for the children as well as for the staff. I encourage governments and local health and educational bodies to adopt a framework of guidelines for public and occupational EMF exposure that reflects the Precautionary Principle.

With my very best regards

Yours sincerely

Olle Johansson, assoc. professor.

**SOURCE:** Supporting letters from scientists and medical experts

[http://www.wifi-in-schools-australia.org/p/blog-page\\_3.html](http://www.wifi-in-schools-australia.org/p/blog-page_3.html)

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## 07 – 5G: THE BIG PICTURE

### The Un-reassuring Assurances of Government and Industry

The Government body charged with protecting public health, Public Health England, advises us that there is no convincing evidence that Radio Frequency radiation (which radio, television, mobile phones, smartphones and 5G all use) has any adverse health effects on either adults or children.

It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

This advice is based on the recommendations of a supposedly independent body called AGNIR (Advisory Group on Non-Ionising Radiation), which produced a report in 2012 on the safety of Radio Frequency radiation. The report stated that there was a lack of “convincing” and “conclusive” evidence for any adverse health effects.<sup>9</sup> It was like giving a blank cheque to the telecommunications industry to move on into the higher frequencies, without any heed for the consequences.

It turns out that far from being independent, AGNIR has a high proportion of members with blatant conflicts of interests, and their report distorted or simply left out of account evidence that should have compelled them to reach the opposite conclusion to the one they arrived at. In a forensic analysis of the report, the environmental health researcher, Sarah Starkey, makes it

clear that only a wilful disregard of the available scientific evidence could explain its internal contradictions and apparent incompetence.<sup>10</sup>

Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects ...

And yet it is the basis of current UK Government policy, allowing government to roll out 5G without so much as even a nod towards the need for prior health and safety assessment.<sup>11</sup> Health and safety simply do not feature in Government thinking, despite a veritable mountain of literally thousands of research papers demonstrating adverse health effects, which continues to grow at the rate of roughly 350 per year, on average practically one every day.<sup>12</sup>

One of the reasons for ignoring this evidence in the hell-for-leather dash to create the 5G electronic ecosystem is the conviction in government circles that, unless we introduce it immediately, we will be “left behind” and our economic growth and competitiveness will be put at risk. There is simply no time to consider the possible health consequences.

The National Infrastructure Commission, whose 2016 report, *CONNECTED FUTURE*, forms the basis of current Government policy, pushed this panicky vision of the UK falling behind other nations and urged the government to ensure that the new digital infrastructure is fully in place by 2025.<sup>13</sup> The NIC report repeatedly points out that the rewards of the “connected future” are to be measured in billions of pounds worth of revenue.

The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that *DISCONNECT* us more and more from the real world is entirely missed.

The mind-boggling amounts involved are well exemplified in a recent estimate that the global media industry alone stands to gain \$1.3 trillion from 5G by 2025, not least because 5G will “unlock the potential of augmented reality (AR) and virtual reality (VR)”.<sup>14</sup> The irony that the “connected” future is one in which dizzying profits stand to be made from technologies that *DISCONNECT* us more and more from the real world is entirely missed.

The sums involved are sufficient to explain why the telecoms industry has for the last twenty-five years done its utmost to ensure that research into the health effects of wireless technologies produce negative or inconclusive results. Since 1993, the industry has financed a large number of studies, saving governments a great deal of expense and at the same time preserving the convenient illusion that the jury is still out on whether exposure to Radio Frequency radiation causes harm.

Earlier this year, *THE GUARDIAN* published an article citing research which showed that while 67% of independently funded studies found a biological effect of exposure to Radio Frequency radiation, only 28% of industry-funded studies did. Industry-funded studies are almost two and a half times less likely than independent studies to find health effects.<sup>15</sup> The authors of the *GUARDIAN* article explain that the telecoms industry doesn’t need to win the scientific argument about safety, but simply keep the argument running indefinitely by producing studies with results that fail to verify, or even better contradict, the research that does find adverse health effects.

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually *PROTECTS* the user from brain tumours!

One of the most notorious is the mammoth, industry-funded “Interphone Study”, which managed to conclude that holding a mobile phone to the head actually *PROTECTS* the user from

brain tumours! This study, which is full of contradictions and suffers from grievous design flaws, is often quoted as the most authoritative to date, while it has in fact been thoroughly discredited.<sup>16</sup>

Nevertheless, the impression is maintained that there is no scientific consensus, and so there are not sufficient grounds for action to be taken. Needless to say, this suits Government just as much as it suits industry.

Beyond the health effects there is another level altogether of what the roll out of 5G actually entails.

**SOURCE:** Children's Health Defense, Article: 5G: The Big Picture  
By Jeremy Naydler, Ph.D., April 25, 2019

<https://childrenshealthdefense.org/news/5g-the-big-picture/>

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## 08 – EXPOSURE OF INSECTS TO RADIO-FREQUENCY ELECTROMAGNETIC FIELDS FROM 2 TO 120 GHz

### Conclusions

We investigated the absorbed radio-frequency electromagnetic power in four different real insects as a function of frequency from 2–120 GHz. Micro-CT imaging was used to obtain realistic models of real insects. These models were assigned dielectric parameters obtained from literature and used in finite-difference time-domain simulations. All insects show a dependence of the absorbed power on the frequency with a peak frequency that depends on their size and dielectric properties. The insects show a maximum in absorbed radio frequency power at wavelengths that are comparable to their body size. They show a general increase in absorbed radio-frequency power above 6 GHz (until the frequencies where the wavelengths are comparable to their body size), which indicates that if the used power densities do not decrease, but shift (partly) to higher frequencies, the absorption in the studied insects will increase as well. A shift of 10% of the incident power density to frequencies above 6 GHz would lead to an increase in absorbed power between 3–370%. This could lead to changes in insect behaviour, physiology, and morphology over time due to an increase in body temperatures, from dielectric heating. The studied insects that are smaller than 1 cm show a peak in absorption at frequencies (above 6 GHz), which are currently not often used for telecommunication, but are planned to be used in the next generation of wireless telecommunication systems. At frequencies above the peak frequency (smaller wavelengths) the absorbed power decreases slightly

**SOURCE:** Article: exposure of insects to radio-frequency electromagnetic fields from 2 to 120 GHz By Arno Thielens, Duncan Bell, David B. Mortimore, mark K. Greco, Luc Martens & Wout Joseph  
Article number: 3924 (2018), Published: 02 march 2018

<https://www.nature.com/articles/s41598-018-22271-3>

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### 09 – ELECTROMAGNETIC FIELDS, TREE & PLANT GROWTH

Electromagnetic (EMF) frequencies have been found to alter the growth and development of plants. Studies on wireless EMF frequencies have found physiological and morphological changes, increased micronuclei formation, altered growth as well as adverse cell characteristics such as thinner cell walls and smaller mitochondria. Electromagnetic exposure results in biochemical changes. Research shows that plants perceive and respond to electromagnetic fields and are a good model to study the biological effects of exposure.

Documentation of tree damage from base stations is made visible in the Report “Tree Damage Caused by Mobile phone base stations” in which he states, “RF radiation effects on plants have not been considered. In the Explosive Proliferation of the diverse wireless communication technologies across the entire environment and almost all areas of life, this represents an uncovered risk” (Breunig, 2017).

Note: EMFs also have been shown to alter the behavior of bees and birds.

**SOURCE:** Environmental Health Trust, Article: electromagnetic Fields Impact Tree and Plant Growth, Feb 17, 2018

<https://ehtrust.org/electromagnetic-fields-impact-tree-plant-growth/>

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### 10 – MICROWAVING OUR PLANET: THE ENVIRONMENTAL IMPACT OF THE WIRELESS REVOLUTION

Rocket exhaust destroys ozone. It has been calculated that 9 Space Shuttles and 6 Titan IV launches per year would only put enough chlorine into the stratosphere to destroy 0.1% of its ozone (Prather et al. 1990). But few people seem to be considering what hundreds or thousands of launchings will do and are doing. Aleksandr Dunayev of the Russian space agency was quoted in 1989 as saying, "About 300 launches of the shuttle each year would be a catastrophe and the ozone would be completely destroyed" (Broad 1991). Rocket exhaust also produces acid rain and massive water pollution near launch sites, and contributes further to global warming by adding water vapour to the stratosphere.

**SOURCE:** Document: Microwaving our planet: The environmental impact of the wireless revolution, By Arthur Firstenberg

[www.avaate.org/IMG/doc/Microwaving Our Planet firstenberg.doc](http://www.avaate.org/IMG/doc/Microwaving%20Our%20Planet%20firstenberg.doc)

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### 11 – SPACEX IS IN COMMUNICATION WITH ALL BUT THREE OF 60 STARLINK SATELLITES ONE MONTH AFTER LAUNCH

Verge article dated 28 June 2019 confirms the first sixty satellites were launched in 2019 and three are already out of communication meaning they will fall to Earth. SpaceX will continue to launch batches of sixty satellites at a time, with the goal of getting between 1,000 to 2,000 spacecraft up each year. It should take about 24 launches to reach global Internet coverage. With each satellite only lasting 5 years they will need to constantly be launching them with the corresponding impact on the ozone layer and pollution contributing to climate change for the foreseeable future.

**SOURCE:** Article: SpaceX is in communication with all but three of 60 Starlink satellites one month after launch, By Loren Grush, Dated June 28, 2019

<https://www.theverge.com/2019/6/28/19154142/spacex-starlink-60-satellites-communication-internet-constellation>

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### 12 – JOURNAL OF ONCOLOGY

World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review)

#### Abstract

In May 2011 the International Agency for Research on Cancer (IARC) evaluated cancer risks from radiofrequency (RF) radiation. Human epidemiological studies gave evidence of increased risk for glioma and acoustic neuroma. RF radiation was classified as Group 2B, a possible human carcinogen. Further epidemiological, animal and mechanistic studies have strengthened the association. In spite of this, in most countries little or nothing has been done to reduce exposure and educate people on health hazards from RF radiation. On the contrary ambient levels have increased. In 2014 the WHO launched a draft of a Monograph on RF fields and health for public comments. It turned out that five of the six members of the Core Group in charge of the draft are affiliated with International Commission on Non-Ionizing Radiation Protection (ICNIRP), an industry loyal NGO, and thus have a serious conflict of interest. Just as by ICNIRP, evaluation of non-thermal biological effects from RF radiation are dismissed as scientific evidence of adverse health effects in the Monograph. This has provoked many comments sent to the WHO. However, at a meeting on March 3, 2017 at the WHO Geneva office it was stated that the WHO has no intention to change the Core Group.

#### 7. Concluding remarks

The meeting at WHO was an obvious disappointment. During the discussion the two WHO officials showed little interest to collaborate with the scientists convened at the meeting in spite of the scientific evidence on adverse health effects. Their in-house experts seem to be members of ICNIRP, although not exclusively. This may explain why only short-term thermal effects from RF radiation are accepted as proofs of harm, and why non-thermal biological effects are ignored. In the draft of the Monograph a large bulk of peer-reviewed scientific publications on non-thermal effects are dismissed, c.f. as also by ICNIRP (19). Most remarkable is that WHO has no intention to replace the Core Group of experts affiliated with ICNIRP. Thereby ICNIRP is given full access to and exclusive possibilities to influence the Monograph. In view of the huge economic interests built into the ICNIRP guidelines, and several of its expert members' ties to industry, no doubt this is a large conflict of interest that will seriously undermine not only the credibility of the Monograph on RF radiation but also the credibility of WHO as a protector of world health. Seriously enough, the Monograph will be the hallmark for years to come on evaluation of health hazards from RF radiation and pave the way for increasing exposure to RF radiation to people and environment, e.g. the fifth generation (5G), internet of things, etc.

Children and adolescents may be more sensitive to RF radiation than adults (2). Thus as an authoritative agency, WHO has an obligation to reference all the scientific research results and call the experts from all the related fields like engineering, health and medicine to engage in the re-evaluation of all health effects including non-thermal of RF radiation. Related agencies should launch an objective and transparent project for this assessment. The EMF project was started many years ago and many new wireless digital technologies are developed and new devices are popularizing with a very fast speed.

Protests and comments by scientific experts and several organizations seem to be ignored. The Monograph might be political and industry supportive more than scientific and health promoting. For a definitive conclusion a more thorough review of the whole draft document would be needed. By now it is time for laymen, NGOs and scientists to exert pressure on politicians to change the WHO agenda on RF radiation and health hazards and decide that WHO's purpose is to support world health instead of industry interests. It is also time to evaluate the competence of the persons making the evaluations and decisions before publishing the Monograph. Of note, evidence has been published (52) which indicated that members of ICNIRP have written scientifically incorrect and misleading information. It is unknown if WHO has responded to this evidence of suggested scientific misconduct.

To evaluate cancer risks it is necessary to include scientists with competence in medicine, especially oncology. Furthermore, what are the personal advantages, at least in the short time, for those refusing to accept peer-reviewed scientific publications on adverse effects on health and environment from RF radiation? Ironically enough, whether knowingly or not, the WHO staff seems to protect themselves from high involuntary RF radiation levels at least in the measured areas within the Geneva building.

**SOURCE:** Article "World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review) By Lennart Hardell

<https://www.spandidos-publications.com/ijo/51/2/405>

### 13 – LOST RESEARCH OPPORTUNITIES – INDUSTRY TREADS WATER; CONFLICTS ABOUND

Once again, we ask why the conventional rules of research ethics don't apply to those working on EMFs and RF radiation? Business as usual in these backwoods would not pass the smell test in most other disciplines.

It's time for Kheifets and EPRI to come clean and disclose their financial relationship. And it's time for ICNIRP to give her the boot, together with any other industry consultants it has tapped as "scientific experts." She and Mike Repacholi, her mentor, have made a mockery of ICNIRP's pledge to be free of industry influence.

And finally it's time for ICNIRP —the inner circle of the EMF establishment— to disclose the sources of its operating budget. Some disinfecting daylight is long overdue.

**SOURCE:** microwavenews.org Article Lost Research Opportunities - Industry Treads Water; Conflicts Abound , Dated February 25th 2014

<https://microwavenews.com/news-center/lost-opportunities>

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### 14 – THE NATION INDULGES IN FEAR MONGERING ABOUT CELL PHONES AND CANCER

"An article published last week in the *Nation* likens wireless telephone companies to tobacco and fossil fuel episodes in their tactics of spreading fear, misinformation, and doubt regarding the science of cell phone radiation and health. To produce this narrative, the investigation's authors rely on unreliable sources and cherry pick scientific studies, ignoring the scientific consensus that cell phone radiation almost certainly doesn't cause cancer, all the while disingenuously claiming that they aren't taking a position on the health effects of radio waves." David Gorski on April 2, 2018

"..... we here at Science-Based Medicine (SBM) find ourselves writing about various health fear mongering about cell phones and wifi. The idea that the radiofrequency electromagnetic radiation used by cell phones and wireless networks is somehow causing horrendous health effects in humans, be it cancer ..... a claim not supported by evidence that just will not go away. Indeed, some take it a step further, inventing a syndrome called "electromagnetic hypersensitivity," in which certain people are especially sensitive to the claimed adverse health effects due to radio waves. It doesn't help, either, that organizations like the World Health Organization's International Agency for Research on Cancer (IARC) erroneously categorized cell phone radiation as a "possible carcinogen" or that the U.S. National Toxicology Program (NTP) wasted \$25 million on a study of cell phone radiation in rats that ..... produced singularly unconvincing results for a link between cell phones and cancer, but it produced sensationalistic headlines claiming a link."

“The latest magazine to publish a sensationalistic story about cell phones is *The Nation*. ..... this story is an example of much of what is wrong with reporting on the issue of cell phones and health effects due to cell phone radiation. Written by Mark Hertsgaard and Mark Dowie and entitled “[How Big Wireless Made Us Think That Cell Phones Are Safe: A Special Investigation](#).” Its tagline? THE DISINFORMATION CAMPAIGN—AND MASSIVE RADIATION INCREASE—BEHIND THE 5G ROLLOUT. The basic thesis of the article is that “big wireless” is a lot like “big tobacco” in hiding the science or preventing definitive science from being done because, presumably, it has something to hide.”

“cell phone radiation not only does not cause the health effects attributed to it but almost certainly cannot cause those health effects because the energy carried by radio waves is too low to do what is claimed. .... a link between cell phone radiation and cancer ..... is incredibly implausible.....”

“...the scientific consensus is currently strongly in favor of the conclusion that there is no detectable increased risk of brain cancer or other adverse health outcomes associated with cell phone radiation...”

“The implication behind the entire argument and claim made [in an article published in the *Nation*] is that the scientific community agrees that cell phone radiation causes adverse health effects and that only industry-sponsored studies find otherwise. This is a gross misrepresentation of the state of the science, when in reality the scientific consensus is on the side of the lack of a correlation between radio wave exposure due to cell phone use and cancer, making the scientists who believe that cell phone radiation is dangerous the ones who are in a clear minority.”

- David Gorski on April 2, 2018

Ken Foster pointed out, “Their conclusion is easy to misinterpret...Saying that something is a ‘possible carcinogen’ is a bit like saying that someone is a ‘possible shoplifter’ because he was in the store when the watch was stolen. The real question is what is the evidence that cell phones actually cause cancer, and the answer is — none that would persuade a health agency.”

**SOURCE:** Science-Based Medicine, Article: The Nation indulges in fear mongering about cell phones and cancer, by David Gorski Dated April 2, 2018

<https://sciencebasedmedicine.org/the-nation-indulges-in-some-particularly-egregious-fear-mongering-about-cell-phones-and-cancer/>

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## 15 ~ MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO ELECTROMAGNETIC FIELDS

The [World Telecommunication Standardization Assembly \(2012\)](#) of the International Telecommunication Union (ITU) stated that “[t]here is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited Member States “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**SOURCE:** World Telecommunication Standardization Assembly  
Dubai, 20-29 November 2012  
Resolution 72 – Measurement concerns related to human exposure to electromagnetic fields

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

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## 16 – THE POTENTIAL DANGERS OF MAGNETIC FIELDS AND THEIR EFFECT ON THE ENVIRONMENT

Resolution 1815 (Council of Europe, 2011): “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

**SOURCE:** The potential dangers of magnetic fields and their effect on the environment  
Council of Europe – Parliamentary Assembly, 27 May 2011  
Resolution 1815 (2011) Final version

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

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## 17 – PLANETARY ELECTROMAGNETIC POLLUTION: IS IT TIME TO ASSESS ITS IMPACT?

“Unprecedented human exposure to radiofrequency electromagnetic radiation from conception until death has been occurring in the past two decades. Evidence of its effects on the CNS, including altered neurodevelopment and increased risk of some neurodegenerative diseases, is a major concern considering the steady increase in their incidence. Evidence exists for an association between neurodevelopmental or behavioural disorders in children and exposure to wireless devices, and experimental evidence, such as the Yale finding, shows that prenatal exposure could cause structural and functional changes in the brain associated with ADHD-like behaviour. These findings deserve urgent attention.

At the Oceania Radiofrequency Scientific Advisory Association, an independent scientific organisation, volunteering scientists have constructed the world's largest categorised online database of peer-reviewed studies on radiofrequency electromagnetic radiation and other man-made electromagnetic fields of lower frequencies. A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields.

We have published our preliminary data on radiofrequency electromagnetic radiation, which shows that 89% (216 of 242) of experimental studies that investigated oxidative stress endpoints showed significant effects.

This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the [International EMF Scientist Appeal](#) by 244 scientists from 41 countries who have published on the subject in peer-reviewed literature and collectively petitioned the WHO and the UN for immediate measures to reduce public exposure to artificial electromagnetic fields and radiation.

Evidence also exists of the effects of radiofrequency electromagnetic radiation on flora and fauna. For example, the reported global reduction in bees and other insects is plausibly linked to the increased radiofrequency electromagnetic radiation in the environment.

Honeybees are among the species that use magnetoreception, which is sensitive to anthropogenic electromagnetic fields, for navigation.

Man-made electromagnetic fields range from extremely low frequency (associated with electricity supplies and electrical appliances) to low, medium, high, and extremely high frequency (mostly associated with wireless communication). The potential effects of these anthropogenic electromagnetic fields on natural electromagnetic fields, such as the Schumann Resonance that controls the weather and climate, have not been properly studied. Similarly, we do not adequately understand the effects of anthropogenic radiofrequency electromagnetic radiation on other natural and man-made atmospheric components or the ionosphere. It has been widely claimed that radiofrequency electromagnetic radiation, being non-ionising radiation, does not possess enough photon energy to cause DNA damage. This has now been proven wrong experimentally. Radiofrequency electromagnetic radiation causes DNA damage apparently through oxidative stress, similar to near-UV radiation, which was also long thought to be harmless.

At a time when environmental health scientists tackle serious global issues such as climate change and chemical toxicants in public health, there is an urgent need to address so-called electrosmog. A genuine evidence-based approach to the risk assessment and regulation of anthropogenic electromagnetic fields will help the health of us all, as well as that of our planetary home. Some government health authorities have recently taken steps to reduce public exposure to radiofrequency electromagnetic radiation by regulating use of wireless devices by children and recommending preferential use of wired communication devices in general, but this ought to be a coordinated international effort.

We declare no competing interests. We thank Alasdair Philips for assistance with the figure and Victor Leach and Steve Weller for assistance with the ORSAA Database, which has enabled our overview of the scientific evidence in this area of research.”

**SOURCE:** Planetary electromagnetic pollution: is it time to assess its impact?  
The Lancet, article dated December 2018

<https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2818%2930221-3/fulltext?fbclid=IwAR18aq6BxWprna1gxLKcMFqMoPlZGA2wc-YtfyWi24g7inIY-xvsYSBZ4sM#.XPP8FgoaE|c.facebook>

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## LAW AND LEGISLATION –

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/)

#### **International Covenant on Civil and Political Rights - Schedule 2**

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/sch2.html)

“Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence”

“Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.”

“Part III, Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

“Part III, Article 6

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.”

“Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

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**CRIMINAL CODE 1995**

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

“Section 5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.”

“Section 5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
  - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
  - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (2) A person is reckless with respect to a result if:
  - (a) he or she is aware of a substantial risk that the result will occur; and
  - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (3) The question whether taking a risk is unjustifiable is one of fact.
- (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.”

“Section 5.5 Negligence

A person is negligent with respect to a physical element of an offence if his or her conduct involves:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
- (b) such a high risk that the physical element exists or will exist; that the conduct merits criminal punishment for the offence.”

## Chapter 2 General principles of Criminal responsibility

### Part 2.4 Extensions of criminal responsibility

#### Division 11

##### “Section 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.”

##### “Section 11.3 Commission by proxy

A person who:

- (a) has, in relation to each physical element of an offence, a fault element applicable to that physical element; and
- (b) procures conduct of another person that (whether or not together with conduct of the procurer) would have constituted an offence on the part of the procurer if the procurer had engaged in it;

is taken to have committed that offence and is punishable accordingly.”

##### “Division 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.”

## Chapter 2 General principles of Criminal responsibility

### Part 2.5 – Corporate criminal responsibility

#### Division 12

##### “Section 12.1 General principles

- (1) This Code applies to bodies corporate in the same way as it applies to individuals. It so applies with such modifications as are set out in this Part, and with such other modifications as are made necessary by the fact that criminal liability is being imposed on bodies corporate rather than individuals.
- (2) A body corporate may be found guilty of any offence, including one punishable by imprisonment.”

“Note: Section 4B of the *Crimes Act 1914* enables a fine to be imposed for offences that only specify imprisonment as a penalty.”

“Section 12.2 Physical elements

If a physical element of an offence is committed by an employee, agent or officer of a body corporate acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the physical element must also be attributed to the body corporate.”

“Section 12.3 Fault elements other than negligence

- (1) If intention, knowledge or recklessness is a fault element in relation to a physical element of an offence, that fault element must be attributed to a body corporate that expressly, tacitly or impliedly authorised or permitted the commission of the offence.
- (2) The means by which such an authorisation or permission may be established include:
  - (a) proving that the body corporate’s board of directors intentionally, knowingly or recklessly carried out the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (b) proving that a high managerial agent of the body corporate intentionally, knowingly or recklessly engaged in the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (c) proving that a corporate culture existed within the body corporate that directed, encouraged, tolerated or led to non-compliance with the relevant provision; or
  - (d) proving that the body corporate failed to create and maintain a corporate culture that required compliance with the relevant provision.”

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision B – Treason

“Section 80.1 Treason

- (2) A person commits an offence if the person:

- (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection) with the intention of allowing him or her to escape punishment or apprehension; or
- (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence.”

“Penalty: Imprisonment for life.”

“Section 80.1AA Treason – assisting enemy to engage in armed conflict

- (1) A person commits an offence if:

- (a) a party (the *enemy*) is engaged in armed conflict involving the Commonwealth

.....

- (d) the person intends that the conduct will materially assist the enemy to engage in armed conflict involving the Commonwealth .....; and
- (e) the conduct materially assists the enemy to engage in armed conflict involving the Commonwealth .....

“Penalty: Imprisonment for life.”

“Section 80.2C Advocating terrorism

- (1) A person commits an offence if:
  - (a) the person advocates:
    - (i) the doing of a terrorist act; or
    - (ii) the commission of a terrorism offence referred to in subsection (2); and .....

“Section 80.2D Advocating genocide

- (1) A person commits an offence if:
  - (a) the person advocates genocide; and
  - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

- (4) A reference in this section to advocating genocide includes a reference to:
  - (a) advocating genocide, even if genocide does not occur; and
  - (b) advocating the commission of a specific offence that is genocide; and
  - (c) advocating the commission of more than one offence, each of which is genocide.”

“Subsection 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

- (1) A person (the *perpetrator*) commits an offence if:
  - (a) the perpetrator inflicts certain conditions of life upon one or more persons; and
  - (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
  - (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
  - (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.”

“Penalty: Imprisonment for life.”

“Subsection 268.13 Crime against humanity – torture

A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population."

"Penalty: Imprisonment for 25 years."

"Subsection 268.23 Crime against humanity – other inhumane act

A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population."

"Penalty: Imprisonment for 25 years."

"Subsection 268.27 War crime – biological experiments

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator subjects one or more persons to a particular biological experiment; and
- (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subsection 268.28 War crime – willfully causing great suffering

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and

- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict"

"Subsection 268.70 War crime – murder (page 45)

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for life."

"Subsection 268.72 War crime – cruel treatment

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subsection 268.73 War crime – torture

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the perpetrator inflicts the pain or suffering for the purpose of:
  - (i) obtaining information or a confession; or
  - (ii) a punishment, intimidation or coercion; or
  - (iii) a reason based on discrimination of any kind; and
- (c) the person or persons are not taking an active part in the hostilities; and

- (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and
- (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for 25 years."

## Chapter 8 Offences against humanity and related offences

"Division 268 Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court.

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict."

"Subsection 268.77 War crime – attacking civilians

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator directs an attack; and
- (b) the object of the attack is a civilian population as such or individual civilians not taking direct part in hostilities; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for life."

"Subsection 268.93 War crime – medical or scientific experiments

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment causes the death of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and
- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for life."

(2) "A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and

- (d) the person or persons are in the power of another party to the conflict; and
- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.”

“Penalty for a contravention of this subsection: Imprisonment for 25 years.”

## Chapter 8 Offences against humanity and related offences

### Division 274 Torture

#### “Section 274.2 Torture

- (2) A person (the *perpetrator*) commits an offence if the perpetrator:
  - (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
  - (b) the conduct is engaged in for any reason based on discrimination of any kind; and
  - (c) the perpetrator engages in the conduct:
    - (i) in the capacity of a public official; or
    - (ii) acting in an official capacity; or
    - (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.”

“Penalty: Imprisonment for 20 years.”

## Chapter 10 National infrastructure

### Part 10.6 Telecommunications Services

#### Division 474

##### Subdivision C – General offences relating to use of telecommunications

“Section 474.14 Using a telecommunications network with intention to commit a serious offence (page 369)

- (1) A person commits an offence if:
  - (a) the person:
    - (i) connects equipment to a telecommunications network; and
    - (ii) intends by this to commit, or to facilitate the commission of, an offence (whether by that person or another person); and
  - (b) the offence is:
    - (i) a serious offence against a law of the Commonwealth, a State or a Territory;  
or
    - (ii) a serious offence against a foreign law.

- (4) Absolute liability applies to paragraphs (1)(b) and (2)(b).”

“Section 474.15 Using a carriage service to make a threat (page 370)

*Threat to cause serious harm*

(2) A person (the **first person**) commits an offence if:

- (a) the first person uses a carriage service to make to another person (the **second person**) a threat to cause serious harm to the second person or a third person; and
- (b) the first person intends the second person to fear that the threat will be carried out.”

“Penalty: Imprisonment for 7 years.”

“Section 474.17 Using a carriage service to menace, harass or cause offence (page 371)

(1) A person commits an offence if:

- (a) the person uses a carriage service; and
- (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.”

“Penalty: Imprisonment for 3 years.”

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## STATE LEGISLATION

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### CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT VICTORIA 2006

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

“Section 9 – Right to life

Every person has the right to life and has the right not to be arbitrarily deprived of life.”

“Section 17 – Protection of families and children

(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State

(2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.”

“Section 38 Conduct of public authorities

(1) Subject to this section, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.”

### CIVIL PROCEDURE ACT 2010

<https://www.legislation.vic.gov.au/in-force/acts/civil-procedure-act-2010/020>

“Section 6 Charter and privilege not overridden

Nothing in this Act is intended to override—

- (a) the Charter of Human Rights and Responsibilities Act 2006”
- 

### RADIATION ACT 2005 (VIC)

<https://www.legislation.vic.gov.au/as-made/acts/radiation-act-2005>

“Section 23. Offences to cause serious harm to the environment

- (1) A person must not, when conducting a radiation practice in relation to a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: In the case of a natural person, 1800 penalty units;  
In the case of a body corporate, 9000 penalty units.
- (2) A person must not, when using a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: 1200 penalty units.
- (3) An offence under sub-section (1) or (2) is an indictable offence.”

Note: The penalty of up to 1,800 penalty units is in excess of \$297,000 for an individual, or up to 9,000 penalty units which is in excess of \$1,480,000 for a company or other type of body corporate.

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### RADIATION PROTECTION AND CONTROL ACT 1982 (SA)

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

“Division 3 – Radiation apparatus

Section 31 – Licences to operate radiation apparatus

- (1) A natural person must not operate –
  - (a) ionising radiation apparatus; or
  - (b) non-ionising radiation apparatus of a prescribed class.

unless the person holds a licence or temporary licence under this section.

Maximum penalty: \$10 000.”

“Section 33 – Offence for registered owner to cause, suffer or permit unlicensed person to operate radiation apparatus

If the registered owner of radiation apparatus causes, suffers or permits the apparatus to be operated by a person who is required to hold but does not hold a licence under section 31 to operate the apparatus, the registered owner is guilty of an offence.

Maximum penalty: \$10 000.”

Division 3A – Licence to possess a radiation source

Section 33A – Licence to possess a radiation source

(1) “A person must not be in possession of a radiation source unless authorised by a licence granted by the Minister under this section.

Maximum penalty: \$100 000.”

Section 33C—Authority conferred by accreditation

“Accreditation authorises the person named in the accreditation—

- (a) to conduct tests on radiation sources;
- (b) to undertake activities to assess compliance with this Act or any requirements prescribed by the regulations;
- (c) to issue certificates of compliance or certificates of competency in relation to matters regulated under this Act, ....”

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**PUBLIC HEALTH AND WELLBEING ACT 2008**

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

Part 2 Objective, principles and application

Section 5 Principle of evidence based decision-making

“Decisions as to -

(a) the most effective use of resources to promote and protect public health and wellbeing; and

(b) the most effective and efficient public health and wellbeing interventions

should be based on evidence available in the circumstances that is relevant and reliable.”

### Section 7 Principle of primacy of prevention

(1) “The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.

(2) For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.”

### Section 8 Principle of accountability

(1) “Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.

(2) Members of the public should therefore be given

(a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and

(b) opportunities to participate in policy and program development.”

### Section 9 Principle of proportionality

“Decisions made and actions taken in the administration of this Act

(a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and

(b) should not be made or taken in an arbitrary manner.”

### Division 3 - Councils

“Section 24 Function of Councils

The function of a Council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by

(a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health;

(b) initiating, supporting and managing public health planning processes at the local government level;”

### Part 5 - General powers

“Division 1 State Public Health and Wellbeing Plan

Section 49 Minister to ensure preparation of State Public Health and Wellbeing Plan

(2) A State Public Health and Wellbeing Plan must

(a) identify the public health and wellbeing needs of the people of the State;

(c) establish objectives and policy priorities for (i) the promotion and protection of public health and wellbeing in the State;

(e) specify how the State is to work with other bodies undertaking public health initiatives, projects and programs to achieve the objectives and policy priorities referred to in paragraph (c).”

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## CASE LAW

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### CASE: 904/2019 OF 3.12.2019, ROMEO V. INAIL – TURIN, ITALY JUDGMENT SUMMARY - MOBILE PHONE CAUSED HEAD TUMOUR

Court case: 904/2019 of 3.12.2019, Romeo v. INAIL

Summary: (Turin, Italy) The Court of Appeal of Turin confirms in a full judgment published on 13 January 2020, the decision of the Tribunal of Ivrea of 2017. Judge Fadda considers that the worker’s acoustic neuroma (benign tumour of the head) was indeed caused by the use of the mobile phone.

All the scientific elements of the case were re-examined and re-analysed by two new experts appointed by the Court of Turin (Carolina Marino, Angelo D’Errico). The Court of Appeal fully accepted their conclusions and rejected INAIL’s appeal, stating that CTU had provided: “strong evidence to assert a causal role between the complainant’s occupational exposure, his exposure to radiation from mobile phones and the disease that occurred”.

**SOURCE:** <https://www.phonegatealert.org/en/the-court-of-appeal-of-turin-confirms-the-link-between-a-head-tumour-and-mobile-phone-use>

**Judgement of the court 22 jan 2002:** <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62000CJ0218&from=IT>

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## INTERNATIONAL LAW AND LEGISLATION

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### INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

Preamble

“The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights, .....

## PART I

### *Article 1*

1. “All peoples have the right of self-determination.”
2. “All peoples may, for their own ends, freely dispose of their natural wealth and resources....”
3. “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, .....

### Article 11

1. “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family,.....”

### Article 12

1. “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

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## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948).

“Everyone has the right to life, liberty and security of person” (art. 3).

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4TH 1950.**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

“Everyone's right to life shall be protected by law (art 2.1).

No one shall be subjected to torture or to inhuman or degrading treatment or punishment”

(art. 3).

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18TH 1961.**

[https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/publishable_en.pdf)

‘Part I The Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:

3. All workers have the right to safe and healthy working conditions.

7. Children and young persons have the right to a special protection against the physical and moral hazards.

11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.”

“Article 7 – The right of children and young persons to protection.

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.”

“Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the

Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill health;

2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
  3. to prevent as far as possible epidemic, endemic and other diseases.”
- 

### UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

#### Principles

##### Article 3 – Human dignity and human rights

1. “Human dignity, human rights and fundamental freedoms are to be fully respected.”
2. “The interests and welfare of the individual should have priority over the sole interest of science or society.”

##### Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

##### Article 6 – Consent

2. “Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned.” ..... “Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law.”

##### Article 7 – Persons without the capacity to consent

(b) “research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual’s human rights. Refusal of such persons to take part in research should be respected.”

##### Article 8 – Respect for human vulnerability and personal integrity

“...human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.”

#### Article 14 – Social responsibility and health

1. “The promotion of health and social development for their people is a central purpose of governments that all sectors of society share.”
2. “Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, progress in science and technology should advance:  
[...]  
(c) improvement of living conditions and the environment;  
(d) elimination of the marginalization and the exclusion of persons on the basis of any grounds;

#### Article 16 – Protecting future generations

“The impact of life sciences on future generations, including on their genetic constitution, should be given due regard.”

#### Article 17 – Protection of the environment, the biosphere and biodiversity

“.....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

#### Promotion of the Declaration

#### Article 22 – Role of States

1. “States should take all appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles set out in this Declaration in accordance with international human rights law.”
2. “States should encourage the establishment of independent, multidisciplinary and pluralist ethics committees, ....”

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### THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

“As set out in article 12 of the International Covenant on Economic, Social and Cultural Rights.

Article 12 provides as follows:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

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**THE UNITED NATIONS GLOBAL STRATEGY FOR WOMEN'S, CHILDREN'S AND ADOLESCENTS' HEALTH (2016-2030)**

<https://www.who.int/life-course/partners/global-strategy/globalstrategyreport2016-2030-lowres.pdf>

[...] “has as objectives and targets to “transform”, by expanding enabling environments; to “survive”, by reducing maternal and newborn mortality; and to “thrive” by ensuring health and well-being and reducing pollution-related deaths and illnesses.”

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**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

“States shall “undertake to ensure the child such protection and care as is necessary for his or her well-being” (art. 3),

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services (art. 24.1).

States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures (art. 24.2):

- (c) To combat disease and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of

adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;”

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### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD, 2006)

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

“Preamble:

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment **without discrimination**,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others, etc.”

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### THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES (1993)

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

“Fundamental concepts in disability policy

17. The term "disability" summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or

sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses maybe permanent or transitory in nature.”

18. “The term "handicap" means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasize them focus on the short comings in the environment and in many organized activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.”

19. “The use of the two terms "disability" and "handicap", as defined in paragraphs 17 and 18 above, should be seen in the light of modern disability history. During the 1970s there was a strong reaction among representatives of organizations of persons with disabilities and professionals in the field of disability against the terminology of the time. The terms "disability" and "handicap" were often used in an unclear and confusing way, which gave poor guidance for policy-making and for political action. The terminology reflected a medical and diagnostic approach, which ignored the imperfections and deficiencies of the surrounding society.”

22.” The term "prevention" means action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action, such as primary health care, prenatal and postnatal care, education in nutrition, immunization campaigns against communicable diseases, measures to control endemic diseases, safety regulations, programs for the prevention of accidents in different environments, including adaptation of workplaces to prevent occupational disabilities and diseases, and prevention of disability resulting from pollution of the environment or armed conflict.

... And just about every rule stated thereafter are violated.”

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**RESOLUTION 72 – MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO ELECTROMAGNETIC FIELDS OF THE INTERNATIONAL TELECOMMUNICATIONS UNION [2012]**

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

It stated that “There is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited member states “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

**REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES (2017):**

[https://au.int/sites/default/files/treaties/7782-treaty-0029\\_-\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resources\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

“The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (art. 13).

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**CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES**

**Bureau of International Security and Nonproliferation**

Signed in Geneva May 18, 1977

Entered into force October 5, 1978

<https://2009-2017.state.gov/t/isn/4783.htm>

Article I sets forth the basic commitment: "Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." An understanding defines the terms "widespread, long-lasting or severe." "Widespread" is defined as "encompassing an area on the scale of several hundred square kilometers"; "long-lasting" is defined as "lasting for a period of months, or approximately a season"; and "severe" is defined as "involving serious or significant disruption or harm to human life, natural and economic resources or other assets."

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**THE OUTER SPACE TREATY (1967)**

[http://www.unoosa.org/pdf/gares/ARES\\_21\\_2222E.pdf](http://www.unoosa.org/pdf/gares/ARES_21_2222E.pdf)

“Which requires that the use of outer space be conducted “so as to avoid [its] harmful contamination and also adverse changes in the environment of the Earth” (art. IX).”

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**THE UNITED NATIONS GUIDELINES FOR THE LONG-TERM SUSTAINABILITY OF OUTER SPACE ACTIVITIES (2018):**

[http://www.unoosa.org/res/oosadoc/data/documents/2018/aac\\_1052018crp/aac\\_1052018crp\\_20\\_0\\_html/AC105\\_2018\\_CRP20E.pdf](http://www.unoosa.org/res/oosadoc/data/documents/2018/aac_1052018crp/aac_1052018crp_20_0_html/AC105_2018_CRP20E.pdf)

“Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects

(Guideline A.2, 2 c).”

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**THE WORLD CHARTER FOR NATURE (1982):**

<http://www.un.org/documents/ga/res/37/a37r007.htm>

“Activities which are likely to cause irreversible damage to nature shall be avoided...

[W]here potential adverse effects are not fully understood, the activities should not proceed”

(art. 11).

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992):**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 1: Human beings are at the centre of concerns for sustainable development.

They are entitled to a healthy and productive life in harmony with nature.

“PRINCIPLE 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, **and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**”

“PRINCIPLE 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”

“PRINCIPLE 4: In order to achieve sustainable development, **environmental protection shall constitute an integral part of the development process** and cannot be considered in isolation from it.”

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#### UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS

Article 17 – Protection of the environment, the biosphere and biodiversity

“....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

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#### THE DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (1972):

<http://www.un-documents.net/unchedec.htm>

“The discharge of toxic substances... in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems” (principle 6).

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#### PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED IN THE CHARTER OF THE NÜRNBERG TRIBUNAL AND IN THE JUDGMENT OF THE TRIBUNAL

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

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### SCRIPTURAL LAW

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#### PROVERBS 22:29

“Do you see a man skillful in his work? He will stand before kings; he will not stand before obscure men.”

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#### JAMES 2:10

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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#### 1 TIMOTHY 1:8-10

“But we know that the law [is] good, if a man use it lawfully; “

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#### AMOS 5:24

“But let justice roll on like a river,  
righteousness like a never-failing stream!”

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#### ROMANS 2:12

“All who sin apart from the law will also perish apart from the law, and all who sin under the law will be judged by the law.”

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#### PROVERBS 19:16

“Whoever keeps commandments keeps their life,

but whoever shows contempt for their ways will die.”

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**MATTHEW 5:19**

“Therefore anyone who sets aside one of the least of these commands and teaches others accordingly will be called least in the kingdom of heaven, but whoever practices and teaches these commands will be called great in the kingdom of heaven.”

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**LEVITICUS 5:17**

“If anyone sins and does what is forbidden in any of the Lord’s commands, even though they do not know it, they are guilty and will be held responsible.”

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**LEVITICUS 22:31**

“Keep my commands and follow them. I am the Lord.”

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**EXODUS 23:1**

“Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness.”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Reputatio est vulgaris opinio ubi non est veritas - Reputation is a vulgar opinion where there is no truth

Paen non potest, culpa perennis erit - Punishment may have an end, crime is perpetual

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Plus peccat auctor quam actor - The instigator of a crime is worse than he who perpetrates it

## SECTION 12 – THE “CORONAVIRUS” CONNECTION

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### REFERENCES – THE “CORONAVIRUS” CONNECTION

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#### 01 – NIH ADMITS 5G CAN ACTUALLY CREATE CORONAVIRUS WITHIN HUMAN CELLS

New generation mobile technology, like 5G, could have the main role in constructing various types of viruses, such as Coronaviruses, within a cell,' says study

The study, jointly produced by scientists from Guglielmo Marconi University, Central Michigan University and First Moscow State Medical University, claims that 5G millimeter waves stimulate DNA in a way that causes cell nuclei to produce coronaviruses.

“In this research, we show that 5G millimeter waves could be absorbed by dermatologic cells acting like antennas, transferred to other cells and play the main role in producing Coronaviruses in biological cells,” the study states.

“To produce these viruses within a cell, it is necessary that the wavelength of external waves be shorter than the size of the cell. Thus 5G millimeter waves could be good candidates for applying in constructing virus-like structures such as Coronaviruses (COVID-19) within cells.”

The study goes on to suggest that the cancer-causing qualities of 5G are due to how it alters DNA within the body.

**SOURCE: NIH admits 5G can actually create coronavirus within human cells**

Article posted by Joshua Flint, July 22, 2020 – Breaking News, Health & Wellness

<https://thegoodlylawfulsociety.org/nih-admits-5g-can-actually-create-coronavirus-within-human-cells/>

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#### 02 – 5G TECHNOLOGY AND INDUCTION OF CORONAVIRUS IN SKIN CELLS

In this research, we show that 5G millimeter waves could be absorbed by dermatologic cells acting like antennas, transferred to other cells and play the main role in producing Coronaviruses in biological cells. DNA is built from charged electrons and atoms and has an inductor-like structure. This structure could be divided into linear, toroid and round inductors. Inductors interact with external electromagnetic waves, move and produce some extra waves

within the cells. The shapes of these waves are similar to shapes of hexagonal and pentagonal bases of their DNA source. These waves produce some holes in liquids within the nucleus. To fill these holes, some extra hexagonal and pentagonal bases are produced. These bases could join to each other and form virus-like structures such as Coronavirus. To produce these viruses within a cell, it is necessary that the wavelength of external waves be shorter than the size of the cell. Thus 5G millimeter waves could be good candidates for applying in constructing virus-like structures such as Coronaviruses (COVID-19) within cells.

...there are some similarities between effects of COVID-19 and waves in 5G technology.

In another study, it was argued that 5G technologies cause great harm to human health. Cancer is only one of the many problems. 5G causes 720 (factorial) different diseases in human beings, and can kill everything that lives except some forms of microorganisms.

...the structure of a DNA is similar to the structure of an inductor (16) in a receiver and can produce some waves. Thus, a DNA could emit some waves and interact with external waves.

These wavelengths could be observed in 5 G technology. Thus, towers in this technology could exchange waves with DNAs within cells and produce various types of diseases such as COVID-19.

...skin cells act as dermatologic antenna, take waves in 5G technology and transfer them to host cells. Then, DNAs within host cells interact with these waves and move. By motions of a DNA, some hexagonal and pentagonal holes emerge. To fill these holes, some bases are constructed within cells. These holes join to each other and form RNAs of COVIF-19.

To produce these viruses, it is necessary that the wavelengths of external electromagnetic fields be equal or less than the size of a cell. For this reason, 5G technology waves could have the main role in the emergence of COVID-19, however radio waves could not have any effect on the evolutions within a cell.

It is concluded that in the next generation of mobile technology, emitted waves of towers will have more effects on biological cells.

**SOURCE:** 5G Technology and induction of coronavirus in skin cells

Authors: M. Fioranelli, A. Sepehri, M.G. Roccia, M. Jaffernay, O. Yu, Olisova, K.M. Lomonsov and T. Lotti Accepted June 9, 2020

<https://scienceintegritydigest.files.wordpress.com/2020/07/fioranelli.pdf>

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### 03 - ROLE OF 5G IN THE CORONAVIRUS EPIDEMIC IN WUHAN CHINA

Wuhan, the capital of Hubei province in China, was chosen to be China's first 5G "smart city" and the location of China's first smart 5G highway. Wuhan is also the center of the horrendous coronavirus epidemic.

The question that is being raised here is not whether 5G is responsible for the virus, but rather whether 5G radiation, acting via VGCC activation may be exacerbating the viral replication or the spread or lethality of the disease.

...findings show that the rapid pace of the coronavirus epidemic developed at least roughly as the number of 5G antennae became extraordinarily high. So we have this finding that China's 1st 5G smart city and smart highway is the epicenter of this epidemic and this finding that the epidemic only became rapidly more severe as the numbers of 5G antennae skyrocketed.

**.. replication of the viral RNA is stimulated by oxidative stress:**

Other aspects of viral replication including those involved in the spread of the virus are stimulated by increased intracellular calcium  $[Ca^{2+}]_i$ , oxidative stress, NF-kappaB elevation, inflammation and apoptosis, each of which are increased following EMF exposure. The first citation below shows an important role of VGCC activation in stimulating coronavirus infection. [.....]

The predominant cause of death from this coronavirus is pneumonia. Pneumonia is greatly exacerbated by each of those five downstream effects of VGCC activation, excessive intracellular calcium, oxidative stress, NF-kappaB elevation, inflammation and apoptosis. The first of the citations listed below shows that calcium channel blockers, the same type of drugs that block EMF effects, are useful in the treatment of pneumonia. This predicts that EMFs, acting via VGCC activation, will produce increasingly severe pneumonia and therefore 5G radiation as well as other types of EMFs may well increase pneumonia deaths. [.....]

...5G radiation is likely to greatly exacerbate the spread of the coronavirus and to greatly increase the lethality of the infections produced by it. The good news is that it is likely that those of us that live in areas with no 5G radiation and who avoid other EMFs wherever possible will probably escape much of the impacts of this prospective global pandemic. It is highly probable that one of the best things Wuhan can do to control the epidemic in the city is to turn off the 4G/5G system.

**SOURCE:** Role of 5G in the Coronavirus Epidemic in Wuhan China  
by Martin Pall, PhD, Professor Emeritus, Washington State University 20/03/2020

<https://smombiegate.org/argument-for-a-5g-covid-19-epidemic-causation-mechanism-by-martin-pall-phd/>

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**04 – THOMAS COWAN, M.D., LECTURING ON THE DANGERS OF ELECTROMAGNETIC RADIATION (VIDEO)**

“When your cells get poisoned, they try to purify themselves by excreting debris which we call viruses.

[...] So what happened in 1918? Every pandemic in the last 150 years, there was a quantum leap in the electrification of the earth. In 1918, late fall of 1917 there was the introduction of radio

waves around the world. Whenever you expose any biological system to a new electromagnetic field, you poison it, you kill some, and the rest go into a kind of suspended animation so that interestingly, they live a little bit longer and sicker. And then starts in World War 2 with the next pandemic with the introduction of radar equipment all over the earth, blanketing the entire earth in radar fields. First time humans had ever been exposed to that.

In 1968 there was the Hong Kong flu and it was the first time the earth has a protective layer in the Van Allen belt which essentially integrates the cosmic fields from the sun and the earth from the moon and Jupiter etc, integrates that and essentially distributes that to the living beings of the earth. And we put satellites emitting radioactive frequencies in the Van Allen belt, within 6 months we had a new viral pandemic. Why viral? Because the people are poisoned, they excrete toxins, they look like viruses, people think it's a flu epidemic.

[...] There has been a dramatic and quantum leap in the last 6 months with the electrification of the earth.... It's called 5G. Where they now have 20,000 radio emitting satellites, just like the radio emitting thing in your pocket and on your wrist and that you use all the time. That is not compatible with health.

We are electrical beings and the chemicals are only the bi-product of those electrical impulses. Anyone want to make one guess as to where the first completely blanketed 5G city in the world was? Wuhan!

So when you start thinking about this, we are in an existential crisis..... The likes of which human kind has never seen.

.....this is something that is unprecedented.”

**SOURCE:** VIDEO : Thomas Cowan, M.D., lecturing on the dangers of electromagnetic radiation, April 9, 2020

<https://www.youtube.com/watch?v=AUatR41IfC8>

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## LAW AND LEGISLATION -

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### CONSTITUTIONAL LAW

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### FEDERAL LEGISLATION

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#### AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/)

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#### Reduction/deprivation of Oxygen available:

#### CRIMINAL CODE ACT 1995 DIVISION 268.9 CRIME AGAINST HUMANITY— EXTERMINATION

- (1) A person (the perpetrator) commits an offence if:
- (a) the perpetrator causes the death of one or more persons; and
  - (b) the perpetrator's conduct constitutes, or takes place as part of, a mass killing of members of a civilian population; and
  - (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for life.

- (2) In subsection (1):

causes the death of includes causes death by intentionally inflicting conditions of life (such as the deprivation of access to food or medicine) intended to bring about the destruction of part of a population.

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#### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS - SCHEDULE 2

[http://classic.austlii.edu.au//au/legis/cth/consol\\_act/ahrca1986373/sch2.html](http://classic.austlii.edu.au//au/legis/cth/consol_act/ahrca1986373/sch2.html)

"Part I, Article 1

2. In no case may a people be deprived of its own means of subsistence"

Part 2, Article 3. Each State Party to the present by Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

“Part II, Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.”

“Part III, Article 6

- 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
- 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.[1] This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

“Part III, Article 6

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.”

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

“Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

Supported by Article 4, Part 2: No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

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### CRIMINAL CODE 1995

<https://www.legislation.gov.au/Details/C2020C00217>

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html)

Chapter 2 General principles of Criminal responsibility

Part 2.2 – The elements of an offence

Division 5 – Fault elements

“Section 5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.”

“Section 5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
  - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
  - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (2) A person is reckless with respect to a result if:
  - (a) he or she is aware of a substantial risk that the result will occur; and
  - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (3) The question whether taking a risk is unjustifiable is one of fact.
- (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.”

“Section 5.5 Negligence

A person is negligent with respect to a physical element of an offence if his or her conduct involves:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
- (b) such a high risk that the physical element exists or will exist; that the conduct merits criminal punishment for the offence.”

## Chapter 2 General principles of Criminal responsibility

### Part 2.4 Extensions of criminal responsibility

#### Division 11

##### “Section 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.”

##### “Section 11.3 Commission by proxy

A person who:

- (a) has, in relation to each physical element of an offence, a fault element applicable to that physical element; and
- (b) procures conduct of another person that (whether or not together with conduct of the procurer) would have constituted an offence on the part of the procurer if the procurer had engaged in it;

is taken to have committed that offence and is punishable accordingly.”

##### “Division 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.”

## Chapter 2 General principles of Criminal responsibility

### Part 2.5 – Corporate criminal responsibility

#### Division 12

##### “Section 12.1 General principles

- (1) This Code applies to bodies corporate in the same way as it applies to individuals. It so applies with such modifications as are set out in this Part, and with such other modifications as are made necessary by the fact that criminal liability is being imposed on bodies corporate rather than individuals.

- (2) A body corporate may be found guilty of any offence, including one punishable by imprisonment.”

“Note: Section 4B of the *Crimes Act 1914* enables a fine to be imposed for offences that only specify imprisonment as a penalty.”

“Section 12.2 Physical elements

If a physical element of an offence is committed by an employee, agent or officer of a body corporate acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the physical element must also be attributed to the body corporate.”

“Section 12.3 Fault elements other than negligence

- (1) If intention, knowledge or recklessness is a fault element in relation to a physical element of an offence, that fault element must be attributed to a body corporate that expressly, tacitly or impliedly authorised or permitted the commission of the offence.
- (2) The means by which such an authorisation or permission may be established include:
- (a) proving that the body corporate’s board of directors intentionally, knowingly or recklessly carried out the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (b) proving that a high managerial agent of the body corporate intentionally, knowingly or recklessly engaged in the relevant conduct, or expressly, tacitly or impliedly authorised or permitted the commission of the offence; or
  - (c) proving that a corporate culture existed within the body corporate that directed, encouraged, tolerated or led to non-compliance with the relevant provision; or
- (d) proving that the body corporate failed to create and maintain a corporate culture that required compliance with the relevant provision.”

Chapter 5 – The security of the Commonwealth

Part 5.1 – Treason and related offences

Division 80 – Treason, urging violence and advocating terrorism or genocide

Subdivision B – Treason

“Section 80.1 Treason

- (2) A person commits an offence if the person:
- (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection)

with the intention of allowing him or her to escape punishment or apprehension; or

- (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence.”

“Penalty: Imprisonment for life.”

“Section 80.1AA Treason – assisting enemy to engage in armed conflict

(1) A person commits an offence if:

- (a) a party (the *enemy*) is engaged in armed conflict involving the Commonwealth .....

- (d) the person intends that the conduct will materially assist the enemy to engage in armed conflict involving the Commonwealth .....,; and  
(e) the conduct materially assists the enemy to engage in armed conflict involving the Commonwealth .....,.”

“Penalty: Imprisonment for life.”

“Section 80.2C Advocating terrorism

(1) A person commits an offence if:

- (a) the person advocates:  
(i) the doing of a terrorist act; or  
(ii) the commission of a terrorism offence referred to in subsection (2); and  
.....”

“Section 80.2D Advocating genocide

(1) A person commits an offence if:

- (a) the person advocates genocide; and  
(b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

(4) A reference in this section to advocating genocide includes a reference to:

- (a) advocating genocide, even if genocide does not occur; and
- (b) advocating the commission of a specific offence that is genocide; and
- (c) advocating the commission of more than one offence, each of which is genocide.”

“Subsection 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts certain conditions of life upon one or more persons; and
- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and
- (d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.”

“Penalty: Imprisonment for life.”

“Subsection 268.13 Crime against humanity – torture

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- (c) the perpetrator’s conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.”

“Penalty: Imprisonment for 25 years.”

“Subsection 268.23 Crime against humanity – other inhumane act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator’s conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.”

“Penalty: Imprisonment for 25 years.”

**Criminal Code Act 1995 division 268.25 War crime—torture**

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the perpetrator inflicts the pain or suffering for the purpose of:
    - (i) obtaining information or a confession; or
    - (ii) a punishment, intimidation or coercion; or
    - (iii) a reason based on discrimination of any kind; and
  - (c) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (d) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (e) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(c).

**Criminal Code Act 1995 division 268.26 War crime—inhumane treatment**

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
  - (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
  - (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
  - (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

- (2) Strict liability applies to paragraph (1)(b).**

**“Subsection 268.27 War crime – biological experiments**

- (1) A person (the *perpetrator*) commits an offence if:
- (a) the perpetrator subjects one or more persons to a particular biological experiment; and

- (b) the experiment seriously endangers the physical or mental health or integrity of the person or persons; and
- (c) the perpetrator's conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (e) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (f) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subsection 268.28 War crime – willfully causing great suffering

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator causes great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons; and
- (b) the person or persons are protected under one or more of the Geneva Conventions or under Protocol I to the Geneva Conventions; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances that establish that the person or persons are so protected; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subdivision F – War crimes that are serious violations of article 3 common to the Geneva Conventions and are committed in the course of an armed conflict that is not an international armed conflict"

"Subsection 268.70 War crime – murder (page 45)

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for life."

'Subsection 268.72 War crime – cruel treatment

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (c) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are neither taking an active part in the hostilities nor are members of an organised armed group; and
- (d) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for 25 years."

"Subsection 268.73 War crime – torture

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons; and
- (b) the perpetrator inflicts the pain or suffering for the purpose of:
  - (i) obtaining information or a confession; or
  - (ii) a punishment, intimidation or coercion; or
  - (iii) a reason based on discrimination of any kind; and
- (c) the person or persons are not taking an active part in the hostilities; and
- (d) the perpetrator knows of, or is reckless as to, the factual circumstances establishing that the person or persons are not taking an active part in the hostilities; and
- (e) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

"Penalty: Imprisonment for 25 years."

Chapter 8 Offences against humanity and related offences

"Division 268 Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court.

Subdivision G – War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict."

"Subsection 268.77 War crime – attacking civilians

A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator directs an attack; and
- (b) the object of the attack is a civilian population as such or individual civilians not taking direct part in hostilities; and
- (c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict."

“Penalty: Imprisonment for life.”

“Subsection 268.93 War crime – medical or scientific experiments

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment causes the death of the person or persons; and
- (c) the perpetrator’s conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and
- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.”

“Penalty: Imprisonment for life.”

(2) “A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator subjects one or more persons to a medical or scientific experiment; and
- (b) the experiment seriously endangers the physical or mental health, or the integrity, of the person or persons; and
- (c) the perpetrator’s conduct is neither justified by the medical, dental or hospital treatment of the person or persons nor carried out in the interest or interests of the person or persons; and
- (d) the person or persons are in the power of another party to the conflict; and
- (e) the conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.”

“Penalty for a contravention of this subsection: Imprisonment for 25 years.”

## Chapter 8 Offences against humanity and related offences

### Division 274 Torture

“Section 274.2 Torture

(2) A person (the *perpetrator*) commits an offence if the perpetrator:

- (a) engages in conduct that inflicts severe physical or mental pain or suffering on a person; and
- (b) the conduct is engaged in for any reason based on discrimination of any kind; and
- (c) the perpetrator engages in the conduct:
  - (i) in the capacity of a public official; or
  - (ii) acting in an official capacity; or

- (iii) acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.”

“Penalty: Imprisonment for 20 years.”

## Chapter 10 National infrastructure

### Part 10.6 Telecommunications Services

#### Division 474

#### Subdivision C – General offences relating to use of telecommunications

“Section 474.14 Using a telecommunications network with intention to commit a serious offence (page 369)

- (1) A person commits an offence if:
  - (a) the person:
    - (i) connects equipment to a telecommunications network; and
    - (ii) intends by this to commit, or to facilitate the commission of, an offence (whether by that person or another person); and
  - (b) the offence is:
    - (i) a serious offence against a law of the Commonwealth, a State or a Territory; or
    - (ii) a serious offence against a foreign law.

- (4) Absolute liability applies to paragraphs (1)(b) and (2)(b).”

“Section 474.15 Using a carriage service to make a threat (page 370)

*Threat to cause serious harm*

- (2) A person (the **first person**) commits an offence if:
  - (a) the first person uses a carriage service to make to another person (the **second person**) a threat to cause serious harm to the second person or a third person; and
  - (b) the first person intends the second person to fear that the threat will be carried out.”

“Penalty: Imprisonment for 7 years.”

“Section 474.17 Using a carriage service to menace, harass or cause offence (page 371)

- (1) A person commits an offence if:

- (a) the person uses a carriage service; and
- (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.”

“Penalty: Imprisonment for 3 years.”

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#### CRIMES ACT 1914 PART 2 4) DEFINITIONS

**electronic communication** means a communication of information:

- (f) whether in any combination of forms;
- by means of guided and/or unguided electromagnetic energy.

**Crimes Act 1914 Division 4B 1AA serious terrorism offence** means:

- (a) a terrorism offence (other than offence against **section 102.8, Division 104 or Division 105 of the Criminal Code**); or
- (b) an offence against a law of a State:
  - (i) that has a federal aspect; and
  - (ii) that has the characteristics of a terrorism offence (other than such an offence that has the characteristics of an offence against section 102.8, Division 104 or Division 105 of the *Criminal Code*); or
- (c) an offence against a law of a Territory that has the characteristics of a terrorism offence (other than such an offence that has the characteristics of an offence against section 102.8, Division 104 or Division 105 of the *Criminal Code*).

#### **Crimes Act 1914 Division 3UA**

**terrorism related item** means a thing that a police officer conducting a search under section 3UD reasonably suspects:

- (a) may be used in a terrorist act; or
- (b) is connected with the preparation for, or the engagement of a person in, a terrorist act; or
- (c) is evidence of, or relating to, a terrorist act.

**terrorist act** has the same meaning as in subsection 100.1(1) of the *Criminal Code*.

#### **15F Civil rights not affected**

Nothing in this Act shall affect the right of any person aggrieved by any act or omission which is punishable as an offence against this Act to institute civil proceedings in any court in respect of such act or omission.

**Crimes Act 1914 Part 1 (3)** A State offence is taken to be covered by paragraph (1)(c) if the conduct constituting the State offence:

- (a) affects the interests of:
  - (i) the Commonwealth; or
- (c) was engaged in in a Commonwealth place; or
- (e) involved an electronic communication; or
  - (i) relates to a matter in respect of which an international agreement to which Australia is a party imposes obligations to which effect could be given by the creation of an offence against the domestic laws of the parties to the agreement; or
  - (j) relates to a matter that affects the relations between Australia and another country or countries or is otherwise a subject of international concern.

Fines are monetary penalties that can be imposed in addition to or instead of another order, with or without recording a conviction.

Judges and magistrates have the discretion to impose a fine up to the maximum penalty for the offence. Court fines differ from infringement penalties (such as for minor traffic offences), which are fixed amounts.

The maximum amount of a fine is described in penalty units. A penalty unit is an amount of money set by parliament each year. For the period 1 July 2020 to 30 June 2021, the value of a penalty unit is set at \$165.22.

As with terms of imprisonment, fines are set out in a penalty scale. There are 11 levels for fines in Victoria. The penalty units for each level and the corresponding monetary value for 2020-21 are outlined below.

| Level    | Penalty units  | Monetary value 2020-21 |
|----------|--|------------------------|
| Level 1  | There is no provision for a fine to be given for a Level 1 offence |                        |
| Level 2  | 3,000  | \$495,660.00           |
| Level 3  | 2,400  | \$396,528.00           |
| Level 4  | 1,800  | \$297,396.00           |
| Level 5  | 1,200  | \$198,264.00           |
| Level 6  | 600  | \$99,132.00            |
| Level 7  | 240  | \$39,652.80            |
| Level 8  | 120  | \$19,826.40            |
| Level 9  | 60   | \$9,913.20             |
| Level 10 | 10   | \$1,652.20             |
| Level 11 | 5  | \$826.10               |
| Level 12 | 1  | \$165.22               |

Source: <https://www.sentencingcouncil.vic.gov.au/about-sentencing/fine>

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## STATE LEGISLATION

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### CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT VICTORIA 2006

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://classic.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)

“Section 9 – Right to life

Every person has the right to life and has the right not to be arbitrarily deprived of life.”

“Section 17 – Protection of families and children

(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State

(2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.”

“Section 38 Conduct of public authorities (1) Subject to this section, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.”

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### CIVIL PROCEDURE ACT 2010

<https://www.legislation.vic.gov.au/in-force/acts/civil-procedure-act-2010/020>

“Section 6 Charter and privilege not overridden Nothing in this Act is intended to override— (a) the Charter of Human Rights and Responsibilities Act 2006”

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### RADIATION ACT 2005 (VIC)

<https://www.legislation.vic.gov.au/as-made/acts/radiation-act-2005>

“Section 23. Offences to cause serious harm to the environment

- (1) A person must not, when conducting a radiation practice in relation to a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: In the case of a natural person, 1800 penalty units;  
In the case of a body corporate, 9000 penalty units.
- (2) A person must not, when using a radiation source, knowingly, recklessly or negligently cause serious harm to the environment.  
Penalty: 1200 penalty units.
- (3) An offence under sub-section (1) or (2) is an indictable offence.”

Note: The penalty of up to 1,800 penalty units is in excess of \$297,000 for an individual, or up to 9,000 penalty units which is in excess of \$1,480,000 for a company or other type of body corporate.

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### RADIATION PROTECTION AND CONTROL ACT 1982 (SA)

<https://www.legislation.sa.gov.au/LZ/C/A/RADIATION%20PROTECTION%20AND%20CONTROL%20ACT%201982/CURRENT/1982.49.AUTH.PDF>

“Division 3 – Radiation apparatus

Section 31 – Licences to operate radiation apparatus

- (1) A natural person must not operate –
  - (a) ionising radiation apparatus; or
  - (b) non-ionising radiation apparatus of a prescribed class.

unless the person holds a licence or temporary licence under this section.

Maximum penalty: \$10 000.”

Division 3A – Licence to possess a radiation source

Section 33A – Licence to possess a radiation source

(1) “A person must not be in possession of a radiation source unless authorised by a licence granted by the Minister under this section.

Maximum penalty: \$100 000.”

#### Section 33C—Authority conferred by accreditation

“Accreditation authorises the person named in the accreditation—

- (a) to conduct tests on radiation sources;
- (b) to undertake activities to assess compliance with this Act or any requirements prescribed by the regulations;
- (c) to issue certificates of compliance or certificates of competency in relation to matters regulated under this Act, ....”

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### PUBLIC HEALTH AND WELLBEING ACT 2008

<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>

#### Part 2 Objective, principles and application

##### Section 5 Principle of evidence based decision-making

“Decisions as to -

- (a) the most effective use of resources to promote and protect public health and wellbeing; and
  - (b) the most effective and efficient public health and wellbeing interventions
- should be based on evidence available in the circumstances that is relevant and reliable.”

##### Section 7 Principle of primacy of prevention

(1) “The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.

(2) For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.”

##### Section 8 Principle of accountability

(1) “Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.

(2) Members of the public should therefore be given

(a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and

(b) opportunities to participate in policy and program development.”

#### Section 9 Principle of proportionality

“Decisions made and actions taken in the administration of this Act

(a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and

(b) should not be made or taken in an arbitrary manner.”

#### Division 3 - Councils

“Section 24 Function of Councils

The function of a Council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by

(a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health;

(b) initiating, supporting and managing public health planning processes at the local government level;”

#### Part 5 - General powers

“Division 1 State Public Health and Wellbeing Plan

Section 49 Minister to ensure preparation of State Public Health and Wellbeing Plan

(2) A State Public Health and Wellbeing Plan must

(a) identify the public health and wellbeing needs of the people of the State;

(c) establish objectives and policy priorities for (i) the promotion and protection of public health and wellbeing in the State;

(e) specify how the State is to work with other bodies undertaking public health initiatives, projects and programs to achieve the objectives and policy priorities referred to in paragraph (c).”

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**CASE LAW**

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**INTERNATIONAL LAW AND LEGISLATION**

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**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

Preamble

“The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights, .....

PART I

*Article 1*

1. “All peoples have the right of self-determination.”
2. “All peoples may, for their own ends, freely dispose of their natural wealth and resources....”
3. “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, .....

Article 11

1. “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family,.....”

Article 12

1. “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948).**

“Everyone has the right to life, liberty and security of person” (art. 3).

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art. 5).

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

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**EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS OF NOVEMBER 4TH 1950.**

[https://www.cvce.eu/obj/convention\\_for\\_the\\_protection\\_of\\_human\\_rights\\_and\\_fundamental\\_freedom\\_rome\\_4\\_november\\_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html](https://www.cvce.eu/obj/convention_for_the_protection_of_human_rights_and_fundamental_freedom_rome_4_november_1950-en-32a749bd-2ce0-4d3a-b26a-973e4b176e4f.html)

“Everyone's right to life shall be protected by law (art 2.1).

No one shall be subjected to torture or to inhuman or degrading treatment or punishment”  
(art. 3).

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**EUROPEAN SOCIAL CHARTER OF OCTOBER 18TH 1961.**

<https://www.cvce.eu/content/publication/2003/3/7/e71c737f-4afb-41e3-9426-43bbf1cd0f00/>

[publishable\\_en.pdf](#)

‘Part I The Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:

3. All workers have the right to safe and healthy working conditions.

7. Children and young persons have the right to a special protection against the physical and moral hazards.

11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.”

“Article 7 – The right of children and young persons to protection.

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.”

“Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the

Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases.”

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### UNIVERSAL DECLARATION ON BIOETHICS AND HUMAN RIGHTS

<http://www.kentlaw.edu/faculty/bbrown/classes/IntlOrgSp07/CourseDocs/IIIUniversalDeclarationonBioethicsandHumanRights.pdf>

#### Principles

##### Article 3 – Human dignity and human rights

1. “Human dignity, human rights and fundamental freedoms are to be fully respected.”
2. “The interests and welfare of the individual should have priority over the sole interest of science or society.”

##### Article 4 – Benefit and harm

“...and any possible harm to such individuals should be minimized.”

#### Article 6 – Consent

2. "Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned." ..... "Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law."

#### Article 7 – Persons without the capacity to consent

(b) "research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual's human rights. Refusal of such persons to take part in research should be respected."

#### Article 8 – Respect for human vulnerability and personal integrity

"....human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected."

#### Article 14 – Social responsibility and health

1. "The promotion of health and social development for their people is a central purpose of governments that all sectors of society share."
2. "Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, progress in science and technology should advance:  
[....]  
(c) improvement of living conditions and the environment;  
(d) elimination of the marginalization and the exclusion of persons on the basis of any grounds;

#### Article 16 – Protecting future generations

"The impact of life sciences on future generations, including on their genetic constitution, should be given due regard."

Article 17 – Protection of the environment, the biosphere and biodiversity

“.....respect for traditional knowledge and to the role of human beings in the protection of the environment, the biosphere and biodiversity.”

Promotion of the Declaration

Article 22 – Role of States

1. “States should take all appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles set out in this Declaration in accordance with international human rights law.”

2. “States should encourage the establishment of independent, multidisciplinary and pluralist ethics committees, ....”

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**THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH**

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

“As set out in article 12 of the International Covenant on Economic, Social and Cultural Rights.

Article 12 provides as follows:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;
  - (b) The improvement of all aspects of environmental and industrial hygiene;
  - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
  - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

**THE UNITED NATIONS GLOBAL STRATEGY FOR WOMEN'S, CHILDREN'S AND ADOLESCENTS' HEALTH (2016-2030)**

<https://www.who.int/life-course/partners/global-strategy/globalstrategyreport2016-2030-lowres.pdf>

[...] “has as objectives and targets to “transform”, by expanding enabling environments; to “survive”, by reducing maternal and newborn mortality; and to “thrive” by ensuring health and well-being and reducing pollution-related deaths and illnesses.”

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**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)**

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

“States shall “undertake to ensure the child such protection and care as is necessary for his or her well-being” (art. 3),

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services (art. 24.1).

States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures (art. 24.2):

(c) To combat disease and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;”

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**CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD, 2006)**

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

“Preamble:

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment **without discrimination**,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others, etc.”

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**THE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES (1993).**

<http://www.un.org/disabilities/documents/gadocs/standardrules.pdf>

“Fundamental concepts in disability policy

17. The term "disability" summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses maybe permanent or transitory in nature.”

18. “The term "handicap" means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasize them focus on the short comings in the environment and in many organized activities in society, for example, information,

communication and education, which prevent persons with disabilities from participating on equal terms.”

19. “The use of the two terms "disability" and "handicap", as defined in paragraphs 17 and 18 above, should be seen in the light of modern disability history. During the 1970s there was a strong reaction among representatives of organizations of persons with disabilities and professionals in the field of disability against the terminology of the time. The terms "disability" and "handicap" were often used in an unclear and confusing way, which gave poor guidance for policy-making and for political action. The terminology reflected a medical and diagnostic approach, which ignored the imperfections and deficiencies of the surrounding society.”

22.” The term "prevention" means action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action, such as primary health care, prenatal and postnatal care, education in nutrition, immunization campaigns against communicable diseases, measures to control endemic diseases, safety regulations, programs for the prevention of accidents in different environments, including adaptation of workplaces to prevent occupational disabilities and diseases, and prevention of disability resulting from pollution of the environment or armed conflict.

... And just about every rule stated thereafter are violated.”

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**RESOLUTION 72 - MEASUREMENT CONCERNS RELATED TO HUMAN EXPOSURE TO ELECTROMAGNETIC FIELDS OF THE INTERNATIONAL TELECOMMUNICATIONS UNION (2012).**

[https://www.itu.int/dms\\_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf](https://www.itu.int/dms_pub/itu-t/opb/res/T-RES-T.72-2012-PDF-E.pdf)

It stated that “There is a need to inform the public of the potential effects of exposure to electromagnetic fields (EMFs)” and invited member states “to adopt suitable measures in order to ensure compliance with relevant international recommendations to protect health against the adverse effect of EMF”.

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**RESOLUTION 1815 (COUNCIL OF EUROPE, 2011).**

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

“The potential dangers of electromagnetic fields and their effect on the environment: “Take all reasonable measures to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people.”

Also worth noting, Part 4: While electrical and electromagnetic fields in certain frequency bands have wholly beneficial effects which are applied in medicine, **other non-ionising frequencies, whether from extremely low frequencies, power lines or certain high frequency waves used in the fields of radar, telecommunications and mobile telephony, appear to have more or less potentially harmful, non-thermal, biological effects on plants, insects and animals as well as the human body, even when exposed to levels that are below the official threshold values.”**

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**THE DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (1972):**

<http://www.un-documents.net/unchedec.htm>

“The discharge of toxic substances... in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems” (principle 6).

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**THE WORLD CHARTER FOR NATURE (1982):**

<http://www.un.org/documents/ga/res/37/a37r007.htm>

“Activities which are likely to cause irreversible damage to nature shall be avoided...

[W]here potential adverse effects are not fully understood, the activities should not proceed”

(art. 11).

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**THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT (1992):**

[http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

“PRINCIPLE 1: Human beings are at the centre of concerns for sustainable development.

They are entitled to a healthy and productive life in harmony with nature.

“PRINCIPLE 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, **and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**”

“PRINCIPLE 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”

“PRINCIPLE 4: In order to achieve sustainable development, **environmental protection shall constitute an integral part of the development process** and cannot be considered in isolation from it.”

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#### 16. REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES (2017):

[https://au.int/sites/default/files/treaties/7782-treaty-0029\\_-\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resources\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

“The Parties shall... take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes” (art. 13).

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#### THE OUTER SPACE TREATY (1967)

[http://www.unoosa.org/pdf/gares/ARES\\_21\\_2222E.pdf](http://www.unoosa.org/pdf/gares/ARES_21_2222E.pdf)

“Which requires that the use of outer space be conducted “so as to avoid [its] harmful contamination and also adverse changes in the environment of the Earth” (art. IX).”

**THE UNITED NATIONS GUIDELINES FOR THE LONG-TERM SUSTAINABILITY OF OUTER SPACE ACTIVITIES (2018):**

[http://www.unoosa.org/res/oosadoc/data/documents/2018/aac\\_1052018crp/aac\\_1052018crp\\_20\\_0\\_html/AC105\\_2018\\_CRP20E.pdf](http://www.unoosa.org/res/oosadoc/data/documents/2018/aac_1052018crp/aac_1052018crp_20_0_html/AC105_2018_CRP20E.pdf)

“Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects

(Guideline A.2, 2 c).”

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**PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED IN THE CHARTER OF THE NÜRNBERG TRIBUNAL AND IN THE JUDGMENT OF THE TRIBUNAL**

Principle I: Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II: The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

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**SCRIPTURAL LAW**

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**ISAIAH 26:30**

“Come, my people, enter your chambers, and shut your doors behind you; hide yourselves for a little while until the fury has passed by.”

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**JAMES 2:10**

“For whosoever shall keep the whole law, and yet offend in one [point], he is guilty of all.”

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**1 JOHN 3:4**

“Whosoever committeth sin transgresseth also the law: for sin is the transgression of the law.”

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**LUKE 16:17**

“And it is easier for heaven and earth to pass, than one tittle of the law to fail.”

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**1 TIMOTHY 1:8-10**

“But we know that the law [is] good, if a man use it lawfully; “

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**ROMANS 3:20**

“Therefore no one will be declared righteous in God’s sight by the works of the law; rather, through the law we become conscious of our sin.”

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**MATTHEW 7:12**

“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.”

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**GALATIANS 5:14**

“For the entire law is fulfilled in keeping this one command: “Love your neighbor as yourself.”

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**EXODUS 15:26**

“If you listen carefully to the Lord your God and do what is right in his eyes, if you pay attention to his commands and keep all his decrees, I will not bring on you any of the diseases I brought on the Egyptians, for I am the Lord, who heals you.”

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**DEUTERONOMY 4:40**

“Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the Lord your God gives you for all time.”

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**LUKE 20:25**

“And he said unto them, render therefore unto Cæsar the things which be Cæsar’s, and unto God the things which be God’s.”

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**EXODUS 23:1**

“Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness.”

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**EPHESIANS 5:29**

“for no man ever yet hated his own flesh; but nourisheth and cherisheth it,”

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**JERIMIAH 33:6**

“Behold, I will bring it health and cure, and I will cure them, and will reveal unto them the abundance of peace and truth.”

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**MAXIMS OF LAW**

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Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur -  
What is otherwise good and just, if sought by force or fraud, becomes bad and unjust

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Mistakes, neglect, or misconducts are not to be regarded as accidents

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Suppression of the truth is equivalent to the expression of what is false

