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**ALHR CONTRIBUTES TO THE WORK OF THE INDEPENDENT NATIONAL SECURITY LEGISLATION
MONITOR ('INSLM')**

Australian Lawyers for Human Rights ('ALHR') has welcomed the opportunity provided by the INSLM to comment on powers relating to questioning warrants and questioning and detention warrants under the *Australian Security Intelligence Organisation Act 1979* and control orders and preventative detention orders under the *Criminal Code Act 1995*. ALHR holds significant concern about the legislative regimes under review and the lack of adherence of those regimes to the Australian government's obligations under international law including international human rights law. ALHR has addressed all 20 questions proposed by the INSLM in his 2011 Annual Report and provided a number of recommendations.

Stephen Keim, President of ALHR, said "the laws under consideration by the INSLM provide significant power to the State to immediately abrogate the fundamental right to liberty of the person on grounds of reasonable suspicion. They also violate many other human rights." Mr Keim continued, "whilst it might not be unreasonable to utilise such powers to nullify the commission of a terrorist offence which would otherwise kill many innocent people, whether such excessive powers are necessary to have on the books, especially if under-utilised or unreasonably utilised, should be subject to ongoing review in the context of both the current global geo-political climate and of Australia's compliance with its obligations under international law."

Mr Keim explained that "in performing the delicate balancing of two distinct objectives, there may from time to time be some justified incursions by government upon fundamental freedoms but only in extreme circumstances and for a temporary and limited time, such as national security in times of war. Such laws become problematical in the current climate of the seemingly eternal 'War on Terror'." Mr Keim said, "counter-terrorism and national security laws can and must exist within a human rights framework. As a State signatory to numerous ratified international human rights instruments, Australia has an obligation to comply with international law. ALHR believes that a

human rights framework will strengthen counter-terrorism and national security laws in Australia by appropriately balancing the various obligations. If the provisions under review cannot be effectively amended to accord with those standards and binding legal obligations, it is ALHR's strong recommendation that they be repealed."

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