

ATTENTION: News Editors, Chiefs of Staff

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**Maurice
Blackburn**
Lawyers

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MEDIA RELEASE

Counter-terrorism White Paper misses the mark, say lawyers

Increased security measures outlined in the Government's Counter-Terrorism White Paper could potentially breach human rights according to lawyers involved in several high profile national security cases.

Maurice Blackburn lawyer Elizabeth O'Shea says that the White Paper falls short of the safeguards needed on questions of national security. Maurice Blackburn represented peace activist Scott Parkin and is assisting Dr Mohamed Haneef in his claim for compensation for wrongful detention.

"Some of the Government's comments are alarmist and miss the mark," says Ms O'Shea, who specializes in public interest litigation.

"There is far too little discussion about why our law enforcement and security agencies need greater powers and this has the potential to undermine human rights and democratic principles. There is already concern that people can be detained without charge for 14 days.

"The measures could invite fear of outsiders, undermine the strength of our democracy and lead to government agencies operating like they are above the law."

Ms O'Shea says Australia's legal system has long had a range of measures to deal with criminal acts or threats of terrorism, and the introduction of new more complex measures can make it less likely that laws will operate effectively and make it harder to investigate possible miscarriages of justice.

"The cases of Scott Parkin, Mohamed Haneef and others represented by Maurice Blackburn are a reminder that anti-terrorism laws can breach basic human rights," says Ms O'Shea.

In 2005, Mr Parkin along with two asylum seekers, Mohammed Sagar and Mohammad Faisal were given adverse security assessments by ASIO and Mr Parkin was removed from the country and given a bill of over \$11,000 for the costs of his deportation.

Mohammed Sagar was accepted as a refugee in Sweden and Mohammad Faisal was eventually accepted as a refugee in Australia, passing subsequent security assessments without a problem.

"Five years later and at immense cost and inconvenience to the parties concerned, we still have no explanation from ASIO why these men were considered threats to national security. Dr Haneef is still awaiting compensation for his wrongful detention.

None of these men were charged with a crime.

The Counter-Terrorism White Paper refers to the Clarke Inquiry into the case of Dr Haneef and the measures that have been implemented as a result but it is not clear what safeguards have been put in place to prevent another wrongful detention.

Background on Maurice Blackburn cases is at

www.mauriceblackburn.com.au/home/about-the-firm/public-interest-law-activities.aspx

Information on Elizabeth O'Shea

www.mauriceblackburn.com.au/our-people/professional/elizabeth-oshea.aspx

***Media Inquiries: Amanda Tattam at Maurice Blackburn on 03 9605 2801 Mob 0413 997 467.
atattam@mauriceblackburn.com.au***