



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: SW:vk:HumanRights:572709  
Direct line: 9926 0354

15 September 2011

The Hon. Stephen Smith MP  
Minister for Defence  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

By email: [Stephen.Smith.MP@aph.gov.au](mailto:Stephen.Smith.MP@aph.gov.au)

Dear Minister,

**The Australian Defence Force's detention policy in Iraq and Afghanistan**

The Law Society's Human Rights Committee (the "Committee") has responsibility to consider and monitor Australia's obligations under international law in respect of human rights; to consider reform proposals and draft legislation with respect to issues of human rights; and to advise the Law Society of NSW on any proposed changes. The Committee is a long-established committee of the Society, comprised of experienced and specialist practitioners drawn from the ranks of the Society's members who act for the various stakeholders in all areas of human rights law in this State.

The Committee refers you to the investigation carried out and the subsequent report produced by the Public Interest Advocacy Centre (PIAC) on the Australian Defence Force's detention policy in Iraq and Afghanistan. The PIAC's investigation suggests that the Australian Defence Force personnel had knowledge of, and a role in, illegal detention practices at Abu Ghraib. Further, the Committee understands that PIAC's investigation suggests that the Australian Government and Australian Defence Force may have avoided their obligations under international law.

The Committee is concerned about the gravity of these suggestions and echoes PIAC's call of 4 July 2011 for a full inquiry, with Royal Commission powers, into this matter. The Committee respectfully requests that the Government provide a response to PIAC's call for an inquiry.

Thank you for your consideration.

Yours sincerely,

**Stuart Westgarth**  
President