

Children in Detention

During 2003 the Full Court of the Family Court found that the detention of the five children of Ali Bakhtiari at the Woomera Detention Centre in South Australia was illegal.

The Australian Government announced it would appeal the decision as of right to the High Court.

IMF allocated \$25,000 to support the Childrens' High Court Challenge, taking into account:

1. the childrens' limited resources;
2. access to justice issues;
3. the public interest issues; and
4. the embarrassment caused by the Australian Government locking up children purportedly on its citizens' behalf.

The hearing in the High Court was on 30 September and 1 October 2003, with David Jackson QC representing Ali Bakhtiari and Sydney Tilmouth QC representing the children.

The decision of the High Court was handed down on 29 April 2004. The High Court allowed the Australian Government's appeal.

Below is a link to the decision:

<http://www.austlii.edu.au/au/cases/cth/HCA/2004/20.html>