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## **Australian Guantanamo Prisoner Could Serve Sentence at Home**

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SYDNEY , May 10, 2006 (AFP) - Australia's lone GuantanamoBay prisoner David Hicks could be transferred home to serve out any sentence handed down by a US military commission under a new agreement, senior ministers said Wednesday.

Foreign Affairs Minister Alexander Downer and Attorney-General Philip Ruddock said Australia and the United States had signed an agreement in Washington on Tuesday on the possible transfer of prisoners sentenced by a US military commission.

"Transfers would need the approval of the Australian and United States governments and the transferee and would only be possible after the judgment of the military commission is final," Downer and Ruddock said in a joint statement.

"The enforcement of the sentence will be governed by Australian law but must maintain the legal nature and duration of the original sentence."

Hicks, 30, has been at the US military facility of GuantanamoBay in Cuba since January 2002 after he was captured among Taliban forces in Afghanistan in late 2001.

He has pleaded not guilty to charges by a US military commission of conspiracy to commit war crimes, attempted murder, and aiding the enemy.

The ministers said the new arrangement could see Hicks, if convicted, choose to serve his sentence on home soil.

"Should Mr. David Hicks, who is currently facing charges before the military commission, be convicted, the arrangement would provide a means for Mr. Hicks to apply to be transferred to serve any penal sentence in Australia in accordance with Australian and US law," the ministers said.

But the issue of transferring Hicks to Australia following any conviction could be complicated by his push for British citizenship.

The South Australian has applied to the British government for citizenship on the basis that his mother was born in Britain.

Britain previously ensured the release of all its citizens held in US custody at GuantanamoBay.

Hicks' Australian lawyer David McLeod said that British courts had found his client was entitled to be registered as a British citizen but this could be contested by a petition to the House of Lords.

"It is a great pity that during a period when the rest of the western world has been condemning the military commissions and demanding the return of their citizens, Downer has spent his time working on the details of how David is to be returned in chains and imprisoned upon his conviction on his return to Australia," McLeod said.

