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Guantanamo Detainee May Get UK Citizenship

Court backs Hicks; suspect hopes status change will aid his release

Associated Press

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LONDON - Britain's Court of Appeal on Wednesday unanimously rejected the British government's attempt to stop an Australian terrorist suspect held at Guantanamo Bay from gaining British citizenship.

A panel of three judges dismissed the government's appeal against an earlier High Court decision that David Hicks, 30, should be granted a British passport. The government said it would now seek to appeal to the House of Lords, Britain's highest court of appeal.

Hicks, an Australian whose mother was born in Britain, has been trying to change his nationality to improve his hopes of being freed. All nine British nationals being held at Guantanamo were released in 2004 and 2005 after appeals from the government. Six British residents who hold other citizenship remain in the camp.

Hicks, a former kangaroo skinner and Muslim convert, was detained in Afghanistan in December 2001 while allegedly fighting with the ousted Taliban regime. He has been held at the U.S. Navy detention camp in Cuba since 2002.

The British Home Office, which deals with nationality issues, had rejected Hicks' citizenship application on grounds of character. In December, the High Court ruled that Home Secretary Charles Clarke had no power to reject the application for citizenship, but the government appealed the decision.

In his judgment, Lord Justice Malcolm Pill rejected the government's argument that Hicks' actions in Afghanistan constituted disloyalty or disaffection to Britain.

He said the government had failed to establish "that the conduct of an Australian in Afghanistan in 2000 and 2001 is capable of constituting disloyalty or disaffection toward the United Kingdom, a state of which he was not a citizen, to which he owed no duty and upon which he made no claims," the judge said, dismissing the appeal.

Though Britain has criticized the system of military justice applied at Guantanamo Bay, it is not clear whether officials would intervene in Hicks' case even if he wins citizenship, since legal proceedings against him have already begun.