

The following text may be printed, copy/pasted, or downloaded and emailed.

U.S. Covered Up Findings: Hicks Lawyer

Adam Harvey and Mark Dunn
Melbourne Herald Sun, Australia
August 5, 2005

The US military suppressed findings of a probe into claims the Guantanamo Bay trials were rigged, a military lawyer says.

And two Australian lawyers have said accused Taliban fighter David Hicks could be charged and tried here.

The US investigation took place after military prosecutors left the commission in disgust.

Two said in emails the commissions were rigged to ensure the conviction of prisoners.

US TV channel ABC yesterday said a third prosecutor, air force Capt Carrie Wolf, chose to be reassigned from the commissions.

"I suppose if one person leaves you could attribute that to a personality conflict," Hicks' lawyer Major Michael Mori said.

"Two or three leave, there's got to be something going on."

Hicks, captured in Afghanistan in 2001, is charged with attempted murder, aiding the enemy and conspiracy.

Entrepreneur Dick Smith yesterday cited legal advice that Hicks could be tried in Australia.

And a QC specialising in military matters backed the opinion.

Mr Smith said he sought advice from George Williams, at the University of NSW law faculty.

Mr Williams said Hicks could be charged with breaching the Fourth Geneva Convention, the Crimes Act or the Foreign Incursions and Recruitment Act.

"He said there is absolutely no doubt in the three major charges he can be tried in Australia," Mr Smith told ABC Radio.

Paul Willee, QC, said versions of some of Hicks' charges could be tried in the Australian criminal justice system using extra-territorial powers.

Mr Willee said having Hicks tried in Australia would probably lead to an acquittal because of his long period of detention and the nature of his imprisonment and questioning.