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Australian Guantanamo inmate wins UK legal battle

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LONDON, Dec 13 (Reuters) - An Australian detainee in Guantanamo Bay won a legal battle on Tuesday to be granted UK citizenship, a victory he hopes will secure his release from the U.S. prison camp.

The United States has so far released nine British detainees from Guantanamo Bay in Cuba after requests by the UK government.

Australian David Hicks, 30, has been held for more than three years and is due to face a military commission on charges of fighting for groups in Afghanistan including Al Qaeda and the Taliban. He denies the charges.

In contrast to Britain, the Australian government has consistently supported the U.S. military commission process and has refused to seek Hicks' repatriation.

The application for British citizenship, by virtue of Hicks' mother having been born in the UK, had originally been denied because of his alleged involvement with terrorism and the Home Office has said it will appeal.

"Today's ruling ... is a disappointment," a spokesman said, adding that further comment would be inappropriate.

At the High Court in London, Mr Justice Andrew Collins ruled that there was "no power in law to deprive the claimant of his citizenship.

"Once he is a British citizen, he should be entitled to all assistance which can be given to a British citizen."

Justice Collins went on: "There is no doubt that Her Majesty's Government has a discretion as to what assistance should be given, if any, in a given case.

"But in my view it would be improper to fail to give assistance which would otherwise have been given simply because the claimant was believed to be involved in terrorism and has not had any previous connection with this country."

The judge said that the Australian government believed the system to be fair, and was not prepared to take any steps to prevent Hicks from being held in Guantanamo Bay.

However, he said it was clear the British government did not agree.

"That is why it has negotiated the release of nine British subjects," he said.

Hicks' lawyer Stephen Grosz said he would be monitoring the Home Office closely and pushing them to support his client.

"We won't just sit back and wait, we will obviously be snapping at their heels to make sure they do what's right," he told Reuters, adding that the judge had told the Home Office to launch any appeal quickly.

Officials from the Home Office will now have to travel to Guantanamo Bay to allow Hicks to take the oath of allegiance to Britain, Grosz said.