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Guantanamo Inmate Demands UK Citizenship in Court

Reuters

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LONDON - An Australian detainee in Guantanamo Bay launched a legal challenge on Wednesday against Britain's failure to grant him citizenship ahead of his military trial.

David Hicks, 30, has been held for more than three years and is due to go before a U.S. military court this month, charged with fighting for militant groups in Afghanistan including Al-Qaeda and the Taliban.

Hicks, who claims entitlement to British citizenship because his mother was born in the UK, believes it would give him greater protection at the trial than he would receive from his native government.

His counsel Michael Fordham said the British view of Guantanamo Bay was different from that of Australia and that the government sought to protect its citizens from military proceedings, which are regarded as flawed in terms of due process rights.

"This is a very anxious case," said Fordham at the High Court in London.

"It concerns a person held in detention in Guantanamo Bay, in circumstances which have been condemned as a travesty of due process and an affront to the rule of law."

He read a list of indictments of the camp, including statements from Amnesty International, the Attorney General and even Prime Minister Tony Blair.

Justice Andrew Collins said at the start of the hearing it was not in dispute that the American system at Guantanamo Bay failed to meet proper standards of due process.

"It is not part of ... what the British government have been saying that the process is fair. It clearly isn't," he said.

According to Hicks, he qualifies for British citizenship under the 1981 British Nationality Act and claims the Home Secretary's failure to register him is an unlawful use of his power to deprive a person of citizenship status.

The hearing continues.