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Howard Happy With Guantanamo

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AUSTRALIA supports the continuation of America's military prison at GuantanamoBay but wants David Hicks - held there for more than four years - brought to trial as soon as possible.

The Government's position is at odds with British Attorney-General Lord Goldsmith, who has called the prison's existence "unacceptable" and says it should be shut down. It is the strongest condemnation of the prison by a British Government official.

Australian Hicks hopes to win British citizenship and join the nine UK detainees Britain has successfully forced the United States to release from the prison.

Hicks' Australian lawyer David McLeod is hopeful Lord Goldsmith's comments could signal that Britain will go into bat for his client.

"It's certainly my hope and the hope of David's supporters that the UK Government as a whole will come together and realise that it should go into bat for its newest citizen as it has for the other nine," he told ABC radio.

"These comments coming from their most senior legal officer are very heartening."

Prime Minister John Howard disagrees with the British peer's criticism.

"We listen to what others say on these matters, we don't necessarily agree with them on everything," he told ABC TV.

"Our view in relation to GuantanamoBay and in relation to David Hicks is that he should be brought to trial before the (United States) military commission without further delay.

"And what is delaying his trial at the moment is not the Australian Government, it's not the American administration - it's a court challenge to the authority of the military commission in the United States court system."

Foreign Minister Alexander Downer said Australia was prepared for facilities to remain at GuantanamoBay.

"What you can't do is let people who you are very concerned may commit acts of terrorism and kill people out on the streets," he said.

"There is a war against terrorism and in war holding the enemy prisoner of course is quite legitimate.

"We've been prepared to go along with maintaining the facilities they have at (GuantanamoBay) in the context of the war against terrorism.

Hicks could eventually serve any jail sentence in Australia under an agreement signed in Washington this week.

But the Law Council said allowing Hicks to serve any sentence in Australia would do nothing to legitimise the US military commission process.

"We have been saying for many years that the US military commission system is unjust and would never allow Mr Hicks a fair trial," Law Council president John North said.

Hicks was captured in Afghanistan in December 2001, allegedly fighting with the ousted Taliban regime, and faces charges including attempted murder and aiding the enemy.