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## **Australian's War Crimes Trial is Delayed a Month;**

Nov. 18 is the likely resumption date for the on-again, off-again war crimes trial of Australian and alleged al Qaeda member David Hicks at a U.S. base in Cuba. WAR ON TERRORISM

CAROL ROSENBERG  
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The Pentagon announced a monthlong delay in the resumption of the Guantánamo Bay, Cuba, war crimes trial of alleged Taliban member David Hicks of Australia.

Military officials said there will likely be a Nov. 18 motions hearing in the first U.S.-run Military Commission since World War II. A senior Pentagon official had earlier set an Oct. 20 deadline to resume the trial.

But Army Col. Peter Brownback, the presiding officer, found Nov. 18 to be the first date when all the lawyers in the case would be free, said Air Force Maj. Michael Shavers, the Pentagon's spokesman for Military Commissions.

Hicks, 30, has been held at Guantánamo since January 2002 -- soon after his capture in Afghanistan.

A former Outback cowboy-turned-Muslim convert, he is among the best known of the 500 or so captives held as "enemy combatants" at the U.S. Navy base in Cuba.

### **AL QAEDA TRAINING**

The Pentagon alleges that he engaged in a worldwide al Qaeda conspiracy by training at its camps in Afghanistan in 2001. It does not specify any direct role in the Sept. 11, 2001, terrorist attacks -- but says Hicks met Osama bin Laden once, complained about a lack of English-language al Qaeda training manuals, then did some translations himself. Later, he was allegedly in league with Taliban forces who fought off the U.S. invasion.

The Pentagon froze his trial in November 2004, along with the cases of the three other war crimes defendants, after a federal judge ruled the process unconstitutional.

A federal appeals court has restored the court, and Defense Department officials have decided to move forward on Hicks -- even as fellow Guantánamo captive Salim Hamdan asks the U.S. Supreme Court to intervene.

Under the current timetable, the high court may have ruled on whether to hear the Hamdan case before Hicks' trial resumes.

### **'DOUBLE STANDARD'**

The Pentagon chose to resume the Hicks trial even as an Australian general has been outspoken in criticizing U.S. detention policies.

"The Military Commissions empowered under President Bush's military order are the exact types of trials that the United States openly condemns in the international community," Brig. Gen. Gerard Fogarty writes in the latest edition of the U.S. Army War College's journal, Parameters.

Fogarty is director general of Workforce, Planning and Retention of the Australian Defense Force, a key coalition ally in the war on terrorism. He accuses the United States of engaging in an "apparent double standard," which denies ``the United States the moral high ground it needs to censure other nations in the future for human rights abuses."

Hicks is the only known Australian captive at Guantánamo.

The United States earlier released Australian Mamdouh Habib, 48, under a diplomatic deal after it was disclosed in federal court that, before he arrived in Cuba, Egyptian agents interrogated Habib. It prompted allegations that the United States outsourced interrogations under a policy known as rendition.