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## **US wants Hicks convicted says lawyer**

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Australian terror suspect David Hicks would not get a fair trial because the United States military wanted him convicted, a leading lawyer said.

Hicks, who was arrested in Afghanistan after the terrorist attacks of September 11, 2001, is being held at the US military Base at Guantanamo Bay in Cuba where his trial before a US military commission begins in January.

Melbourne QC Lex Lasry, who was an independent observer at a preliminary hearing of the commission in August, said he had no doubt the case against Hicks and fellow Australian Mamdouh Habib, yet to be formally charged, was becoming one of the most disgraceful matters in the history of American military justice.

But he said the Australian government was refusing to acknowledge the faults of the military commission, which was not set up under any legislation and where hearsay evidence could be accepted as the truth.

"When members of the federal government have been asked about this particular case they've looked us in the eye via the television set, and said it's okay," he said in an address to the Queensland Public Interest Law Clearing House in Brisbane.

"I can tell you it's not okay and it won't ever be okay as long as the regime established at Guantanamo Bay continues."

Mr Lasry said that if Hicks had done something wrong and was guilty of a real conspiracy recognized by criminal law – or of murder or aiding the enemy, which were the three charges he faced – he should be dealt with.

"No-one is saying that if David Hicks has done something wrong he should not be punished.

"But let him be dealt with in a fair process where he can get a fair trial."

He said if Hicks was convicted there was no real appeal process and the time he had already spent in a cage in Guantanamo Bay was not counted as part of any sentence.

"There are two Australian nationals in that place who are not going to be fairly dealt with.

"You can see the lack of independence and the lack of rules and the determination of the US military to avoid any real prospect of acquittal.

"My view is the Australian government has to wake up. The Australian government must do something about this. The Australian government can no longer afford to stand back and let this disaster happen," Mr Lasry said.