

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 63

Senator Stott-Despoja asked the following question at the hearing on 31 October 2005

- a) Has the Government made any attempts, or will they in the future make any attempts, to influence the outcome of Mr Hicks, application for United Kingdom citizenship?
- b) If Mr Hicks is granted United Kingdom citizenship, will the Government make any attempts to interfere with the agreement reached between the United States and the United Kingdom that all United Kingdom nationals held at GTMO are to be repatriated?
- c) Will the Government seek Mr Hicks' immediate repatriation to Australia in the event that the Commission is abandoned, the Commission is demonstrated to be incapable of delivering a fair trial or Mr Hicks is acquitted or convicted before it?
- d) US legal adviser to the military commissions, Brigadier-General Thomas Hemingway, said that if Hicks was convicted, the years he has spent in Guantanamo Bay would count for nothing in any sentencing. In the event that Mr Hicks is convicted, will the Government confirm that it will seek to have credit given for all time already served by Mr Hicks at GTMO?
- e) If the Government will not seek such credit, why not?

The answer to the honourable senator's question is as follows:

- a) No. The Government considers Mr Hicks' application for British citizenship is a private matter for him. The determination of the application is a matter for the British Government.
- b) No.
- c) If proceedings against Mr Hicks are abandoned or Mr Hicks is acquitted, the Government will seek his repatriation in the same way it did for Mr Habib. The Government is satisfied that there are procedures in place to ensure Mr Hicks receives a full and fair trial.
- d) In the event of a guilty verdict or plea, the Government's position is that time spent by Mr Hicks in custody should be taken into account in sentencing. The Government has made this position clear to United States officials. In addition, it should be noted that the Australian Government may make submissions to the Review Panel that will review Mr Hicks' Military Commission trial.
- e) See answer to (d).