More delays for Hicks

February 21, 2007 12:00am

Article from: Herald Sun

FURTHER delays are looming in the trial of terror suspect David Hicks, after a human rights group vowed to fight a US ruling banning enemy combatants from challenging their detention in US courts.

The US Centre for Constitutional Rights is planning to appeal the US Federal Appeals Court decision in the US Supreme Court.

``This case will almost definitely go to the Supreme Court,'' president Michael Ratner told ABC Radio today.

``The Supreme Court will almost for sure take this case - it is discretionary.''

Any challenge has the potential to further delay the upcoming US military commission trial of Adelaide-born Hicks, who has been held by the US in the Guantanamo Bay detention centre since being seized in Afghanistan in late 2001.

As unease grows in Australia over the period Hicks has been held without trial, Prime Minister John Howard has urged the US to deal with him quickly.

However Mr Ratner said detainees have a right under US law to challenge their detention in American courts.

``The question is whether our constitution guarantees people the right to go into a court and test their detention - we think it does,'' he said.

The group is planning to lodge an appeal with the Supreme Court within weeks and Mr Ratner said that could delay Hicks' trial.

``There's always a chance of that, that the court could say, `We don't want to proceedings to go ahead while we're hearing the case' - and that's possible.

``The question is, can he challenge his case before he goes through that (military) commission? In this case, it very well might affect that,'' Mr Ratner said.

The Washington Legal Foundation says it is very likely the US Supreme Court will review the decision, but that it's unlikely to create a delay.

``Today's decision has very little to do with military commissions, therefore I don't believe that today's

decision will result in a delay in any of those proceedings," chief counsel Richard Samp told ABC radio.

Former military judge Susan Crawford is currently considering the charges recommended against Hicks - attempted murder and providing support from terrorism - before he is formally charged.

Once the charges have formally been served, there is a 120-day deadline for the military commission trial to begin.

However if Hicks' trial is further delayed by appeals outside his control, the government has hinted it is looking at alternatives to return him to Australia.

Hicks' Australian lawyer David McLeod says the decision is certain to lead to an appeal to the US Supreme Court and more delays to any hearing.

``David Hicks, whether he likes it or not, is going to be swept up in this dual process," Mr McLeod told Southern Cross Broadcasting. - AAP

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