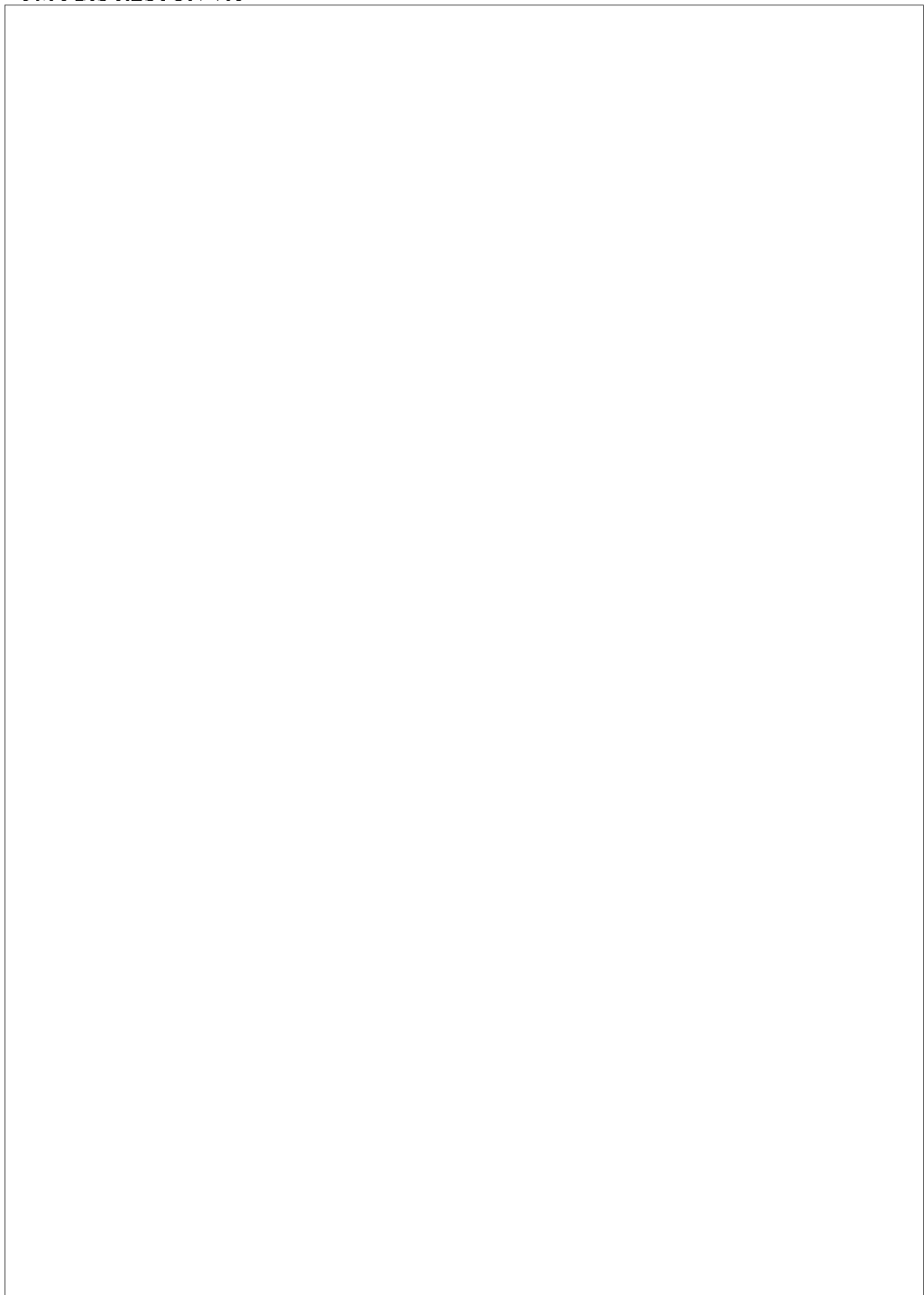


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WARNING: TOPIC: INTERNATIONAL POLITICAL, TERRORISM

SERIAL: JPP20030708000058

COUNTRY: AUSTRALIA, UNITED STATES

SUBJ: AFP: LAWYER CLAIMS AUSTRALIAN TERROR SUSPECT WILL NOT GET FAIR TRIAL IN US

SOURCE: HONG KONG AFP IN ENGLISH 0423 GMT 08 JUL 03

TEXT:

[FBIS TRANSCRIBED TEXT] SYDNEY, JULY 8 (AFP) - AUSTRALIAN-BORN TALIBAN FIGHTER **DAVID HICKS**, WHO IS BEING HELD BY US AUTHORITIES AS A SUSPECTED TERRORIST, IS UNLIKELY TO RECEIVE A FAIR TRIAL, THE HEAD OF AMERICA'S CRIMINAL DEFENCE LAWYERS GROUP SAID TUESDAY.

US NATIONAL ASSOCIATION OF CRIMINAL DEFENCE LAWYERS (NACDL) PRESIDENT LAWRENCE GOLDMAN SAID THERE WOULD BE NO CONFIDENTIALITY BETWEEN LAWYERS AND CLIENTS, WHICH IS HELD TO BE A BASIC TENET OF LEGAL REPRESENTATION, AND THAT WOULD MAKE IT VIRTUALLY IMPOSSIBLE FOR A TRIAL TO BE FAIR.

THE NACDL HAS ADVISED ALL ITS MEMBERS THAT THEY SHOULD NOT ACT AS CIVILIAN DEFENCE COUNSEL IN THE MILITARY TRIALS BECAUSE IT BELIEVES THE PROCESS IS UNLIKELY TO BE FAIR.

THE FORMER POULTRY PROCESS WORKER FROM ADELAIDE HAS BEEN IN US CUSTODY AT GUANTANAMO BAY, CUBA, SINCE HE WAS CAPTURED FIGHTING WITH THE TALIBAN BY US TROOPS IN AFGHANISTAN IN NOVEMBER 2001. HE IS CLAIMED BY TERRORISM EXPERTS TO HAVE UNDERGONE SPECIALIST TRAINING WITH THE AL-QAEDA [AL-QA'IDA] NETWORK.

AL-QAEDA EXPERT ROHAN GUNARATNA, WHO HAS WRITTEN EXTENSIVELY ABOUT OSAMA BIN LADEN'S [USAMA BIN LADIN] TERRORIST GROUP AND WHO INITIALLY DESCRIBED HICKS AS A "SMALL FRY" IN THE ORGANISATION, NOW BELIEVES HE WAS MORE THAN JUST A FOOT SOLDIER.

"THERE IS MORE RECENT INFORMATION TO INDICATE THAT HE HAS UNDERGONE MORE ADVANCED AND MORE SPECIALISED TRAINING," GUNARATNA TOLD THE AUSTRALIAN NEWSPAPER.

"THE FACT THAT HE RECEIVED THAT TRAINING SHOULD BE VIEWED SERIOUSLY BECAUSE A PERSON DOES NOT RECEIVE THAT LEVEL OF TRAINING UNLESS BOTH HE AND HIS TRAINERS HAD SOME SPECIAL PLANS FOR HIM."

HICKS, WHO WAS NAMED LAST WEEK AS ONE OF AN INITIAL GROUP OF SIX DETAINEES ELIGIBLE TO FACE A US MILITARY TRIBUNAL, DOES NOT YET HAVE A MILITARY-ASSIGNED LAWYER FOR HIS DEFENCE.

HIS FAMILY HAS APPOINTED A CIVILIAN LEGAL TEAM ON HIS BEHALF, ALTHOUGH IT APPEARS US AUTHORITIES MAY NOT ALLOW LAWYERS ACCESS TO THE TRIAL.

GOLDMAN TOLD ABC RADIO HERE THAT THE US ADMINISTRATION HAD MADE IT CLEAR ALL CONVERSATIONS BETWEEN DETAINEES AND THEIR LAWYERS WOULD BE RECORDED.

"I WOULD BE VERY NERVOUS IF I WERE A CLIENT, TO TELL MY LAWYER CERTAIN FACTS THAT I THINK COULD BE HARMFUL TO MY CASE OR EVEN HELPFUL TO MY CASE," HE SAID. "SO IT BECOMES AN ALMOST IMPOSSIBLE SITUATION."

GOLDMAN SAID THE MILITARY COURT WAS LIKELY TO BE BIASED BECAUSE THE JUDGES, WHO WOULD PROBABLY BE SENIOR MILITARY OFFICERS WOULD FIND IT DIFFICULT TO ACQUIT SOMEONE WHOM THE PRESIDENT OF THE UNITED STATES HAS RECOMMENDED FOR TRIAL.

"I WOULD NOT WALK INTO THESE TRIALS AS A DEFENCE LAWYER WITH THE CONFIDENCE THAT MY CLIENT WOULD GET A FAIR SHAKE," HE SAID.

THE AUSTRALIAN GOVERNMENT SAYS IT HAS BEEN ASSURED HICKS WILL BE TREATED FAIRLY.

[DESCRIPTION OF SOURCE: HONG KONG AFP IN ENGLISH -- HONG KONG SERVICE OF THE INDEPENDENT FRENCH PRESS AGENCY AGENCE FRANCE-PRESSE]
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