

**Jacobson, Linda**

**From:** Holman, Beverly S  
**Sent:** Tuesday, January 29, 2002 8:18 AM  
**To:** Legal-All-Deputies-dl; Legal-L-EAP-dl; Legal-L-NESA-dl; Legal-L-LEI-dl  
**Subject:** FW: Australian Taliban's lawyers seek U.S. legal action

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*Thanks,  
 Beverly Holman  
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## —Original Message—

**From:** Fleishman, Stuart E  
**Sent:** Tuesday, January 29, 2002 3:59 AM  
**To:** LW-S/WCI; LW-PM; LW-S/CT; LW-L; LW-EAP  
**Subject:** Australian Taliban's lawyers seek U.S. legal action

## BC-ATTACK-AUSTRALIA-HICKS

Australian Taliban's lawyers seek U.S. legal action

SYDNEY, Jan 29 (Reuters) - Lawyers for an Australian held at a U.S. navy base in Cuba as a suspected member of radical Islamic network al Qaeda said on Tuesday they will take legal action in the United States against his detention.

Adelaide attorney Stephen Kenny told Australian Broadcasting Corp radio the action would test whether the detention of David Hicks and about 200 other alleged Taliban and al Qaeda fighters at Guantanamo Bay, Cuba, was constitutional.

"The basis of the planned legal action is we are seeking a determination in a U.S. court as to the legality of the detention of David Hicks," Kenny, from law firm Camatta Lempens, told the broadcaster.

"Is he being detained under some law of the United States, or if he's being improperly detained, then we would hope the court may in fact order his release."

Kenny could not be reached for comment and it was not clear where in the United States the case would be lodged and what form it would take.

But the law firm has been considering legal action in the United States since it was hired by David Hicks' father Terry to defend his son's rights.

Kenny also urged the Australian government on Tuesday to persuade Washington to arrange visiting rights for Hicks' family.

The law firm has already written to U.S. President George W. Bush seeking his release.

Hicks, a 26-year-old Islamic convert, was detained in Afghanistan last month as the Taliban collapsed after weeks of heavy U.S. air raids.

The assault on Afghanistan was launched in retaliation for the Taliban harbouring Saudi-born militant Osama bin Laden, accused mastermind of the September 11 attacks on New York and Washington, and top al Qaeda leader.

Hicks has not been charged and his father has been pressuring the Australian government to bring him home for trial. It is unclear if he has broken any Australian laws and Canberra has rejected calls to take Hicks out of U.S. hands.

Hicks, from Adelaide, is called "Indiana Jones" by his family because of his love of adventure. Before heading to Afghanistan in 2000, he spent time with the Kosovo Liberation Front and Pakistan-based radical groups.

He is being held by the Americans as an unlawful combatant. U.S. officials have defended their decision not to classify the detainees in Cuba as prisoners of war, a definition that would give them certain rights under the Geneva Convention.

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: WILLIAM E LANDFAIR  
 DATE/CASE ID: 10 NOV 2004 200303827

UNCLASSIFIED

DOS-000626