

PTER

R10

Fetter, David R (EAP)

From: (b)(2),(b)(6)
Sent: Wednesday, April 03, 2002 6:28 PM
To: Peter Brookes
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Subject: FetterDR@state.sgov.gov
 Meeting on Australian Detainee David Hicks

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Mr. Brookes-

(U) Today a representative from the Embassy of Australia met with OSD General Counsel representatives regarding the Australian Al Qaeda member, David Hicks.

~~(S)~~ The purpose of the meeting was to establish communication with DoD (in addition to an existing dialogue with State) and to prepare for an Australian intelligence/law enforcement/consular delegation visit to Camp X-Ray.

~~(S)~~ First, (b)(1) [redacted]
(b)(1)

~~(S)~~ Australian lawyers are investigating David Hick's activities to see if he can be prosecuted under Australian law. As things currently stand (including our denial of a defense attorney to accompany the delegation's visit to Camp X-Ray - which will limit Australian law enforcement interrogation of Hicks), (b)(1) [redacted]
(b)(1)

~~(S)~~ The likely means of prosecution will be under an "anti-mercenary" law. It has a maximum penalty of 15 years (10 years for conspiracy).

~~(S)~~ Australia will nevertheless conduct a "legal" (vice intelligence) interrogation of Hicks at a later date, when a defense attorney can be present.

~~(S)~~ (b)(1) [redacted]
(b)(1) [redacted]
(b)(1)

~~(S)~~ (b)(1) [redacted]
(b)(1) [redacted]

VB
(b)(6)

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