

Lasry reports on Hicks trial cont...

the criticisms detailed by Mr Lasry. Lending his support to the military commission proceedings, Mr Ruddock said the process was necessary to protect classified information.

This assertion was promptly dismissed by Law Council President Stephen Southwood QC.

“Courts and court martials in the United States are experienced in dealing with security sensitive information and have adequate procedures in place, including the use of secure versions of documents and in-camera hearings. There is nothing to suggest a military commission process would provide a superior means of protecting security sensitive information,” Mr Southwood said.

He said the Australian Government’s inaction over the matter was unprecedented when compared with other nations.

“Great Britain, along with other allies of the US, have demonstrated their commitment to their citizens by securing the release of a number of detainees from prosecution

under the military commission process.”

And just recently, Pakistan secured the release of 34 of its nationals from Guantanamo Bay.

Just as damning, Mr Southwood added, was the fact that the Australian Government had still not produced any report of its own on the preliminary hearing and had not provided any evidence to challenge Mr Lasry’s conclusions about the unfairness of the system.

Mr Ruddock insists that the Government’s priority is to ensure that allegations against Hicks – and fellow Australian Guantanamo Bay inmate Mamdouh Habib – are tested in a fair and transparent process.

If that’s the case, why dismiss such a scathing report from by an independent expert without bias or pre-conception? Surely it warrants closer examination.

Hicks and Habib – regardless of their guilt or innocence – are Australian citizens and deserve better. ①

A practitioner’s duty to an unrepresented opponent cont...

3. Use non-threatening language eg “it is our position that the court order means... and if you disagree with our position you should seek legal advice from your own solicitor”, rather than “the court order means this... and I’ll take you to court if you don’t comply”;
4. Take heed of Rule 17.40 which requires cognisance of the opponent’s unrepresented state in court matters; and
5. Make a file note of every telephone or personal communication with the opponent. It may even be prudent in certain cases to send a copy of the file note to the opponent. The initial cost to you or your client may save you considerable time and expense later on.①

Crime Victims Advisory Committee

The Department of Justice, on behalf of the Crime Victims Advisory Committee, is currently seeking a legal practitioner to become a member of the Committee.

The Committee is established under the *Crime Victims Advisory Committee Act*. The functions of the Committee are to:

- (a) advise the Attorney-General on matters affecting the interests of victims of crime;
- (b) investigate, report and make recommendations to the Attorney-General on matters referred to it by the Attorney-General;
- (c) disseminate information relating to matters affecting the interests of victims of crime; and
- (d) be a forum for the co-ordination of organizations involved in, and initiatives in, the delivery of

services to victims of crime, including, but not limited to, services by the Territory.

The Committee is made up of 11 members including a Chairman appointed by the Attorney-General, four Chief Executive Officers of relevant Government Departments or their nominees, and six other members appointed by the Attorney-General. The legislation requires that one member shall be a legal practitioner who is not employed by the Commonwealth or the Territory.

The Department is seeking expressions of interest from legal practitioners who would like to be considered for appointment as a member of the Committee.

Written expression of interest, including a curriculum vitae should be sent to:

Crime Victims Advisory Committee
Department of Justice
GPO BOX 1722
DARWIN NT 0801

Meetings are held approximately four times a year and are usually held in a meeting room at the Department of Justice, 45 Mitchell Street. They commence at 7:30am and end no later than 9am. Members are entitled to a sitting fee of \$30 an hour. There may also be additional time spent as part of a sub-committee examining a particular issue relating to victims.

For further information, please contact Zoe Marcham on 8999 6742.①