

Liberty Victoria says: Australians should be alarmed by Howard's measure of 'Justice'

Prime Minister John Howard said yesterday that "Australia is satisfied that the military commission process in relation to David Hicks will provide a proper measure of justice".

Liberty Victoria is unsatisfied with military justice and believes that David Hicks cannot get justice under a military trial. The rules and procedures are written by the military in the interest of the military and there is no independent process in such mechanisms.

Military trials have been the favoured process of authoritarian regimes. They were used extensively in fascist regimes between the first and second world wars and remains the favoured choice of dictatorial regimes today.

Anne O'Rourke Vice President of Liberty Victoria says "that Australia should reject outright the use of military justice and condemn those countries, whether democracies or dictatorships, that use them today". Military tribunals are by their nature secretive and weighted against open justice. The tribunal members are not independent judges but members of the hierarchy of the military.

David Hicks cannot receive a fair trial under military justice and it is offensive to the rule of law for our Prime Minister and for Mr Ruddock the Attorney-General to suggest otherwise.

O'Rourke went on to say; "It is shameful that our Prime Minister, who is also Chairman of the International Democratic Union, can be praising democracy and congratulating its spread around the world as the "key weapon against terrorism", while at the same time agreeing to submit an Australian citizen to a pre-democratic extralegal form of "justice".

Beside the military trial process, Liberty holds grave fears for the precedent being set by Howard's support of this military trial and the methods used to gather 'evidence' against David Hicks. O'Rourke stated, "there seems to be little doubt that David Hicks has been subjected to torture, had his human rights violated and been illegally transported across international borders, and yet despite this our Prime Minister voices his unqualified support for this legal case to proceed. All Australians should be alarmed by Howard's measure of justice".

Liberty Victoria calls on the Prime Minister and the Attorney-General to stop acquiescing to Washington and demand that David Hicks receive a fair trial in a constitutional civilian court, and for them to publicly denounce torture and violations of human rights and freedoms.

Contacts: Brian Walters SC, President: 0411 020 967
 Anne O'Rourke, Vice-President: 0409 334 581
 Jamie Gardiner, Vice-President: 0412 795 491

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