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For Immediate Release
Office of the Press Secretary
November 17, 2006

President Bush Meets with Prime Minister Howard of Australia

Sheraton Hanoi
Hanoi, Vietnam

[APEC 2006](#)

[President's Trip to Southeast Asia](#)

1:17 P.M. (Local)

PRESIDENT BUSH: I just had an enjoyable lunch with my friend, John Howard. We talked about a variety of subjects. I talked to John about Iraq. I appreciate the Australian contributions to helping this young democracy succeed. There's a lot of questions, I know, in the press around the world about our troop posture and about the attitudes of our government. I assured John that we will get the job done. We will continue to help this Maliki government meet the aspirations of the Iraqi people.

And that -- I'm sure there's some questions by the Australian press about what the elections mean. The elections mean that the American people want to know whether or not we have a plan for success, and that -- and I assured John that any repositioning of troops, if that's what we choose to do, will be done in close consultation with John and his government. But I also assured him that we're not leaving until this job is done, until Iraq can govern, sustain and defend itself.

We talked about the climate. John has got some very strong ideas about the use of technologies to enable countries like our own and the rest of the world to be able to grow, and at the same time, protect the environment. And I appreciated his views. And I share those views. I assured him that we will continue to spend research dollars to develop technologies such as clean coal technologies, something that Australia is interested in, or the use of ethanol, for example, to power our automobiles, or money spent to develop hydrogen fuel cells, all aimed at changing our energy habits, and at the same time, protecting the environment.

We talked about the neighborhood that Australia is in. I always admire John's strategic vision of the world. I really appreciate the chance to have lunch with you.

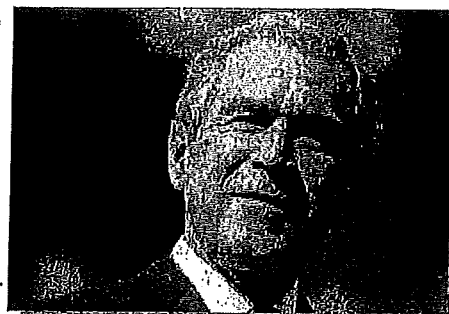
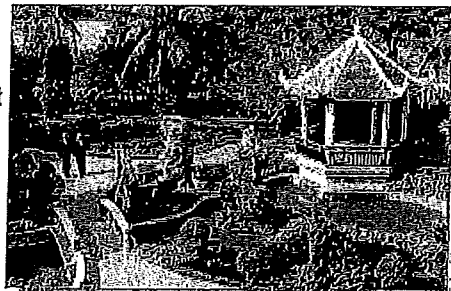
PRIME MINISTER HOWARD: Well, thank you very much, George. We did cover all of those subjects; and we spent a lot of time, naturally, talking about Iraq. Our views are very similar. It's not easy, but we hold to the view, and I've said it back in Australia, and I'd repeat it here today, that the idea of the coalition leaving in circumstances where the Iraqi people were not soon to be able to look after themselves and to enjoy the democracy they want would be a catastrophic defeat for our cause, not only in the Middle East, but it would embolden terrorists in that region and it would embolden terrorism in countries like Indonesia.

Our discussions about climate change were very valuable. Our thinking is similar. We don't believe that Kyoto is the answer. Both our countries are committed to dealing with the growth of greenhouse gasses. We can have debate about the severity of the problem, but there's really no debate about the desirability of responding to it, provided we do it in a way that maintains economic growth in our societies and the world.

And we certainly have a similarity of commitment to doing things in the area of technology. And I indicated to the President that Australia is looking very seriously at the place of nuclear power in our own response. And the Australian media will be aware of the upcoming Switkowski report that is going to deal with the whole question of nuclear power in the overall equation.

PRESIDENT BUSH: We'll answer a couple of questions. Jennifer.

Q Thank you, sir. What does it mean to you, personally, and what do you think it means to other Americans who experienced some of the



turbulence of the Vietnam War that you're here now, talking cooperation and peace with a former enemy?

PRESIDENT BUSH: You know, Laura and I were talking about -- we were talking about how amazing it is we're here in Vietnam. And one of the most poignant moments of the drive in was passing the lake where John McCain got pulled out of the lake. And he's a friend of ours; he suffered a lot as a result of his imprisonment, and yet, we passed the place where he was, literally, saved, in one way, by the people pulling him out.

I guess my first reaction is history has a long march to it, and that societies change and relationships can constantly be altered to the good. And I'm looking forward to my meetings with the President and the Prime Minister here shortly. I found it really interesting, for example, that the Prime Minister's children were educated in the United States. The Prime Minister of Vietnam who, as I understand it, was part of the Viet Cong, sends his children to our country to get educated, and one of his children ended up marrying a Vietnamese American. And it shows how hopeful the world can be and how people can reconcile and move beyond past difficulties for the common good.

Vietnam is an exciting place. It's a place with an enormous future, and they obviously have got to work through difficulties like religious freedom, for example, but nevertheless, there's certainly a new hopefulness to this country. And so I'm -- thought a lot about what it was like, what my impressions of Vietnam were growing up, and here I am in this country today, and I guess my answer is, it's very hopeful.

Q Are there lessons here for the debate over Iraq?

PRESIDENT BUSH: I think one thing -- yes, I mean, one lesson is, is that we tend to want there to be instant success in the world, and the task in Iraq is going to take a while. But I would make it beyond just Iraq. I think the great struggle we're going to have is between radicals and extremists versus people who want to live in peace, and that Iraq is a part of the struggle. And it's just going to take a long period of time to -- for the ideology that is hopeful, and that is an ideology of freedom, to overcome an ideology of hate. Yet, the world that we live in today is one where they want things to happen immediately.

And it's hard work in Iraq. That's why I'm so proud to have a partner like John Howard who understands it's difficult to get the job done. We'll succeed unless we quit. The Maliki government is going to make it unless the coalition leaves before they have a chance to make it. And that's why I assured the Prime Minister we'll get the job done.

Do you want to ask somebody?

Q Mr. President, did the Prime Minister raise any new ideas on Iraq during your talks? Can you tell us what they are, and will you be taking them up?

PRESIDENT BUSH: The Prime Minister's main concern was that we consult closely together. And I assured him that's going to be the case. That's the way it has been throughout this war on terror. We value Australia's commitments; I value John Howard's advice. And when our deliberations are complete -- and as you may or may not know, we've got a lot of people looking at different tactical adjustments -- once I make up my mind what those will be, I'll share it with him right off the bat.

Let's see here -- yes, Steve.

Q You mentioned troop postures in Iraq. There's a report that you may want to send 30,000 additional troops to Iraq. Is that something --

PRESIDENT BUSH: Where was that report?

Q In the Guardian newspaper.

PRESIDENT BUSH: Guardian newspaper? Well, I don't read that paper often. But I -- look, I'm going to listen to our commanders, Steve. Ours is a condition-based strategy, and Pete Pace is conducting a thorough study -- he's the Chairman of the Joint Chiefs. John Abizaid has got some ideas, and the Baker-Hamilton commission is looking. I want to hear from Democrats on Capitol Hill what their views may be. I want to hear from my fellow Republicans on Capitol Hill. And then I'll make up my mind. So I'm not aware of the Guardian article.

Q Are you getting sufficient cooperation from South Korea on North Korea? And will this be something you talk to them about tomorrow?

PRESIDENT BUSH: Oh, absolutely. I'll remind --

Q -- they're not following through on the sanctions as hard as they could have.

PRESIDENT BUSH: I'll, of course, talk to the South Korean President about implementing the United Nations Security Council resolution. I'll talk to Vladimir Putin, Hu Jintao and Prime Minister Abe, as well. I'm meeting with all our partners in the six-party talks.

The APEC is an important summit; it's an important opportunity to talk about the importance of free trade. But it's also important to give us a chance to talk about other issues. And a key issue that John and I, by the way, talked about is going to be North Korea. We have a chance to solve this issue peacefully and diplomatically. It's important for the world to see that the Security Council resolutions which were passed are implemented. So part of my discussions will be how we fully implement those sanctions that the world has asked for, but also it's a chance to set the conditions right so that the six-party talks will succeed. North Korea, as you know, has decided to come back to the table and it gives us a chance to solve this problem peacefully.

Q Mr. President, did you discuss the issue of David Hicks at all with the Prime Minister? And when do you think he might come to trial?

PRESIDENT BUSH: Yes, we did. The Prime Minister brought it up. He was pleased that I was able to sign the military tribunal bill -- in other words, a way forward for somebody like Hicks to be able to get a day in court. And he was asking me, do I have a timetable in mind as to when Hicks' trial will be coming forth. I told him I didn't, although we hope that Hicks is one of the early people that will have a day in court.

Interestingly enough, as I understand, Hicks has lawyers that may be trying to appeal certain aspects of the law we passed. If that's the case, he's having his day in court, in an interesting way. But I believe Hicks deserves a trial and is going to get it.

.Thank you all very much.

PRIME MINISTER HOWARD: Thank you.

Q One more, do you feel generous, one more?

PRESIDENT BUSH: No, I'm not generous. It's also hot out here, Gregory. We're in the sun, you're not. (Laughter.)

Q I don't see you sweat.

PRESIDENT BUSH: That's the problem, you might see me sweat.

END 1:29 P.M. (Local)

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Summary:

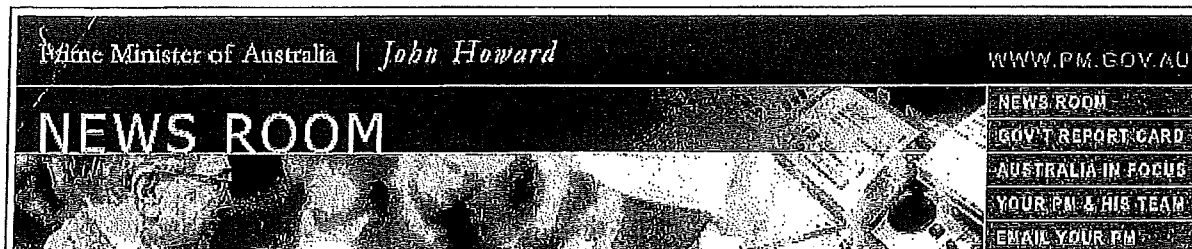
The Attorney-General has requested Post arrange an urgent telephone call with Attorney-General Gonzales in relation to Mr Hicks' case.

Body:

Post will be aware of proceedings lodged by Mr Hicks yesterday in the Federal Court of Australia, seeking inter alia, the issue of a writ of habeas corpus for the repatriation and release of Mr Hicks from US custody.

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Interviews

11 January 2007

TRANSCRIPT OF THE PRIME MINISTER THE HON JOHN HOWARD MP PRESS CONFERENCE, KIRRIBILLI HOUSE, SYDNEY

Subject: Iraq; unemployment; David Hicks; death penalty; Qantas

E&OE.....

PRIME MINISTER:

Well ladies and gentlemen the Government supports the new approach outlined by President Bush in relation to Iraq. I watched his speech. I thought it was a very clear and calm and, above all, realistic speech. He didn't underestimate the challenge. He acknowledged that some mistakes had been made but he made it very clear what was at stake. And we all should understand what is at stake: an American or western defeat in Iraq will be an unbelievable boost to terrorism and if America is defeated in Iraq, it is hard to see how the longer term fight against terrorism can be won. If the West retreats in Iraq, if America retreats in Iraq then that has enormous consequences for the stability of the Middle East and it will also be an enormous boost to terrorism in our part of the world. I welcomed the greater burden to be carried by the Iraqis that came through in the President's speech. Quite plainly the Iraqi Government must show national leadership and not just sectarian leadership in that country and the proposal for a more integrated approach to dealing with the violence in the Baghdad area, which is overwhelmingly responsible for the carnage in Iraq, struck me as the only realistic approach amongst the options that were available. So far as Australia is concerned, there is no direct implication in the President's statement for the Australian forces in Iraq. We have an appropriately sized force, one that can be maintained, which is doing very useful work. What we are doing in Iraq is entirely consistent with what the President has outlined. We are providing a back-up or overwatch role in the southern part of Iraq, and although it is dangerous work, it is not as dangerous an area as that immediately surrounding Baghdad. It continues to be our task and our responsibility in that part of Iraq to provide the back up and also to provide the training. In the long run, training the Iraqi Army, the Iraqi security forces, giving them greater confidence and capacity is enormously important because in the end the goal has to be a withdrawal of foreign forces, including our own, and the assumption of full security responsibility by the Iraqis. We are some time away from that, let's be realistic. The alternatives the President faced were either to announce what he announced or effectively indicate that the West could not win in Iraq and start making arrangements, however it might be camouflaged, for a withdrawal. I believe in the circumstances the President chose the only realistic option. It will be difficult and it's not an easy task that he has to discharge; it's a very heavy burden he carries, but I believe in the circumstances it was a realistic and sensible approach and one that the Australian Government will support.

JOURNALIST:

Prime Minister, George Bush has accepted this afternoon his share of the blame in Iraq. Do you accept some...

PRIME MINISTER:

Oh look I accept responsibility for everything that goes wrong on my watch, of course I do. But I, in saying that, I make it very plain that we were right to go into Iraq and we would be wrong to get out as Mr Rudd now advocates because the alternative to my position is effectively for us to, however you disguise it, tell the Americans well we're going to leave and if it's good enough for us to go, it's good enough for the Americans to go.

JOURNALIST:

Mr Howard, President Bush said that mistakes had been made. Have you made any mistakes...

PRIME MINISTER:

I have made lots of mistakes in my life.

JOURNALIST:

In regards to Iraq?

PRIME MINISTER:

Well I certainly didn't make a mistake in supporting the coalition effort. I think he's talking about the inadequate number of troops at various stages of the operation in Baghdad and we were never directly involved in that. But look, I am not going to mince words, I'm not going to pretend that everything about this operation has been perfect, but fundamentally what we are faced with now is a decision do we go or do we stay? If we go the terrorists win, if we stay there is a reasonable prospect that they can be defeated. Now that's what's at stake. Let's not muck around and pretend that there is anything else involved other than that. And however you camouflage it, whatever soothing words you might use about talking to the Americans and discussing a redeployment of Australian forces, we must either now as an ally of America, which is our most important ally and friend, we must either be part of the coalition operation or in effect say we're getting out. Now this Government is going to maintain its commitment to the coalition operation. We think our commitment is important, we think it's affordable and eminently maintainable.

JOURNALIST:

Prime Minister are you ruling out sending more Australian troops in the near future?

PRIME MINISTER:

I never rule out sending more forces, however I don't see any need at the present time and I have not been asked to send more forces and I think it unlikely. But for the record, I am not going to rule it out because I can't be absolutely certain about what might happen in the future.

JOURNALIST:

Prime Minister, George Bush talked about a handover to Iraqi troops within a year. Does that signal that perhaps Australian troops might be home by around Christmas time?

PRIME MINISTER:

I am not going to get into any kind of predictions about when troops are coming home. I know you people have got to ask those questions and it's easy to fall into the trap of making some time commitment. I am not going to do that. It's harder, in a sense, to refrain from doing it than to do it, but I am not going to make that mistake. We have a task, it's a clearly defined task, and we're doing it well. I don't see at the moment any need for additional Australian forces but we have to see how the situation unfolds.

JOURNALIST:

(Inaudible)

PRIME MINISTER:

No, no they can't. That's why I made the point that the Iraqi Government has got to show greater national leadership. The Iraqi Government has got to be a government for all Iraqis and not just a government that is a government for the Shia in Iraq. There are important lessons to be learnt from the past few months in relation to that. And I was particularly pleased at the emphasis that President Bush placed on the commitments he had received from the Iraqi Government about that. We discussed that issue yesterday when he rang me and we're both very much of the view that the Iraqi Government has to do more to achieve national reconciliation inside the country and you are quite right to say that troops alone will not solve the issue. You need both. You need a political coming together and you also need the continued help of coalition forces while the Iraqis improve their capacity to maintain security. If you take one of them away, you won't succeed. You will succeed with both, but not one with one alone.

JOURNALIST:

Mr Howard why do you think (Inaudible)?

PRIME MINISTER:

Because the strategy he's outlined makes sense, that you clear out an area and then you have to maintain a presence in that area because if you then move on to another area, then the bad people come back. And it makes sense. I was very interested to see Rudy Giuliani give an interview on television not long after the President's speech and he likened it in some way to some of the tactics that his police have used.

JOURNALIST:

Mr Howard, is this the last (Inaudible)?

PRIME MINISTER:

Look I don't get involved in those kind of descriptions. I think the speech the President made was a very calm speech, very realistic. It didn't overstate things, it didn't understate the challenge. He didn't pretend that what he was announcing was a silver bullet, he acknowledged his mistakes, but he was resolute in saying that if America is defeated in Iraq, that would be a huge victory for the terrorists and that's really what's at stake. You can't sort of have a middle position on this. You can't be sort of against what the President is trying to do and yet be in favour of defeating the terrorists in Iraq.

JOURNALIST:

Mr Howard how (Inaudible)?

PRIME MINISTER:

Well I think they are very important indeed and there is no doubt that Iran and Syria have not been helpful. There's also no doubt that countries like Jordan and

Saudi Arabia would be subjected to enormous instability if the terrorists were to win in Iraq. That would undermine what stability there is in the Middle East. It would put back the Palestinian peace cause many years. All of those things would be very badly, if not fatally undermined by a terrorist victory in Iraq. You have to understand that if America, the most powerful country in the world, our strongest ally, is defeated in Iraq or retreats in circumstances of defeat in Iraq, that would be the greatest propaganda victory the terrorists could ever win. And it passes comprehension on my part that people should seriously advocate a course of action that would produce that outcome.

JOURNALIST:

Prime Minister what will the benchmarks be for success? How will we know when the job is done?

PRIME MINISTER:

Well the best answer I can give to that is that when we are, meaning the coalition, is satisfied that the ongoing security responsibility can be adequately discharged by the Iraqis without significant coalition involvement, you are starting to reach that situation. I can't be more; nobody can be more precise than that. It is unrealistic to try and specify and quantify it any further than that.

JOURNALIST:

Sheik al Hilali has today made some comments on Egyptian television, among them that Muslims (inaudible) in Australia because they didn't come as convicts. Do you have a response to that?

PRIME MINISTER:

I think I'd better check that. I think I'd better check it. I think it will bring a wry smile, if it's true, it will bring a wry smile to the face of many Australians who sort of don't actually feel the least bit offended that many of our ancestors came here as convicts; almost as a badge of honour for a lot of Australians.

JOURNALIST:

Last time he made inappropriate comments you said it was up to the Muslim people to decide...

PRIME MINISTER:

Well look, I'd like to check it out, but let me just rest on that response at the present time.

JOURNALIST:

Looking at the economy Prime Minister.

PRIME MINISTER:

Yes.

JOURNALIST:

There are strong jobs numbers today. Does that concern you about sort of wage pressure and (inaudible) further pressure going into an election year on interest rates?

PRIME MINISTER:

No it doesn't because we have a far less regulated labour market now and

therefore you don't have this automatic flow through of wage increases, one in one part of the economy into other parts of the economy. It doesn't automatically flow through in the way it used to under a centralised system. I think the jobs figures today are wonderful. Isn't this what it's all about? I mean I have spent 10 years as Prime Minister, or a bit more than 10 years as Prime Minister of Australia trying to achieve a situation where every Australian who wants a job can get one. We are getting to that situation, not everybody, but we are getting to that situation and there is no greater indicator, there is no greater mark of economic success than low unemployment. We now have the best labour market in this country in my lifetime. The best. It's even better than the 1950s and 60s because we were a lot more protected as an economy then. And the prospects of young people getting jobs now are better than they have been I reckon in the lifetime of anybody standing here, certainly all of the young faces that I am looking at now, much, much better. Now in all of those circumstances, this is something to be pleased about. This is what it is all about. If it's not about providing jobs for Australians and thereby security and stability for Australian families, what is economic policy all about? This is far more important than anything else and it's a wonderful mark of the success of economic policy over the last decade. It seems to me the only thing that might threaten it, you know, on the horizon is a re-regulation of the Australian labour market. And there is only one side of politics that is promising that, the Australian Labor Party.

JOURNALIST:

Prime Minister, is there any chance of the Government changing its stance on David Hicks?

PRIME MINISTER:

Well our position on David Hicks, David, is that we want him tried as soon as possible. We are unhappy that he's been held for so long without trial. About two of the five years, just under two of the five years, has been due to the legal manoeuvres by others in a similar situation, but it's a principle of our legal system that somebody who is in detention should not be kept in detention indefinitely without trial. That is a fundamental. Now I know in an ordinary situation, a prisoner of war is held until the war is over. I don't think that myself is entirely analogous to this situation and I have made it clear and the Attorney-General has made it clear that he cannot be held indefinitely in detention. We have been told that he will be charged very soon. We expect that to happen and we will be extremely disappointed to say the least if it doesn't happen.

JOURNALIST:

Are you actively putting pressure on the US to give you a date?

PRIME MINISTER:

Well I discussed this matter with the President at some length yesterday when he spoke to me and he's been left in no doubt as to the strength of feeling of the Australian Government and the things that I have just said to you, I said to him yesterday.

JOURNALIST:

(inaudible)

PRIME MINISTER:

Look, let's just take it one step at a time. He has been in detention for five years, there are serious allegations against him, they are allegations; I won't put them any stronger than that. You heard something of them this morning from the chief American prosecutor. Our simple position to the Americans now is charge him and bring him before the Military Commission as soon as possible. And I have been told that people will be charged within the next few weeks and I have been told that Hicks will be amongst the first to be charged. We will continue to push

the Americans on that front.

JOURNALIST:

Mr Howard (inaudible) the Military Commission (inaudible)?

PRIME MINISTER:

Well I don't think you should accept everything that; look I don't want to get into a debate about this with the defence counsel. It's not appropriate. I have been fairly careful in what I have said. Let me say this; we are satisfied in relation to the American... we are very satisfied in relation to the conditions attaching to the Military Commission. The problem about Hicks coming back to Australia always has been that he can't be charged under Australian law because the offence he is alleged to have committed was not a criminal offence under our law at the time. The other thing you have got to keep remembering is that Australian law does not follow Australians when they go overseas. It seems to be some mistaken view still in many sections of the Australian media that if you're an Australian and you're picked up overseas the Australian Government can automatically snap its fingers and say send him or her home. It doesn't work that way and we wouldn't accept it working that way with Americans or Englishmen or Japanese and we can't expect it to operate in that way with Americans, with Australians I'm sorry.

JOURNALIST:

What's your opinion on the (inaudible)?

PRIME MINISTER:

No, well you can ask me my view, I am not going to express an opinion on that.

JOURNALIST:

You have no point of view on whether they should be executed (inaudible)?

PRIME MINISTER:

Well look, I don't believe in the death penalty in Australia, but I recognise that other countries practice the death penalty and I don't intend to, how shall I put it, exhaust whatever powers of advocacy I have in relation to people that have been charged with atrocities in Iraq. I will exercise whatever powers of advocacy I have on behalf of Australians, as I did very strenuously for the man who was executed in Singapore at the end of last year or the end of the year before last. I put a lot of effort into that and I was very disappointed that those efforts failed. And at the appropriate time, if any other Australians face execution in other parts of the world I will do the same thing. But in relation to the nationals of other countries, having stated my general objection to the death penalty, I fail to see that it's a sufficiently high priority for the Prime Minister of Australia to put it ahead of other things.

JOURNALIST:

Prime Minister, can you give us (inaudible) Qantas takeover?

PRIME MINISTER:

I don't think I've got anything to add to what Mr Vaile said. What he said the other day was speaking for the Government and I don't have anything to add. And I think I'll let him deal with that question tomorrow when he resumes his duties as Acting Prime Minister.

JOURNALIST:

s 22

From: s 22
Sent: Tuesday, 23 January 2007 1:17 PM
To: s 22
Subject: FW: Media alert: PM told US to charge Hicks by next month [SEC=Unclassified]

s 22

Senior Legal Officer
Security Law Branch
Attorney-General's Department
Tel: s 22
Fax: s 22
E: s 22

-----Original Message-----

From: s 22
Sent: Tuesday, 23 January 2007 1:03 pm
To: Chidgey, Sarah; s 22 McDonald, Geoff
A
Subject: Media alert: PM told US to charge Hicks by next month [SEC=UNCLASSIFIED]

Cheers

s 22

s 22

Public Affairs Branch
Australian Government Attorney-General's Department
Robert Garran Offices | National Circuit | Barton ACT 2600
s 22
www.ag.gov.au

PM told US to charge Hicks by next month

January 23, 2007 01:02pm

PRIME Minister John Howard said today he had told the US that Australian terror suspect David Hicks must be formally charged by the middle of next month.

Mr Howard said he discussed Hicks with Attorney-General Phillip Ruddock yesterday and made the decision to make the request that the US lay charges by the middle of February.

He did not say what the Government would do if the charges had not been laid by then but said: "We are unhappy that it has taken so long for him to be charged again."

The 31-year-old Adelaide father of two has been detained at Guantanamo Bay military prison in Cuba since January 2002, a month after he was captured with the Taliban in Afghanistan.

He pleaded not guilty to charges of conspiracy, aiding the enemy and attempted murder at a US military commission hearing in August 2004, but the charges were struck out by a US Supreme Court ruling last June

23/01/2007

Message

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declaring the military commissions unlawful.

The US announced a new system of military commissions last week.

Under a new trial system, Hicks will probably face charges that carry a maximum penalty of life imprisonment, including providing "material support" to terrorist groups.

US prosecutors are expected to introduce evidence showing Hicks trained at up to four terrorist camps.

Prosecutors have suggested a plea bargain could bring Hicks a reduced sentence.

The five years Hicks has already spent in prison could also persuade a jury to decide to impose no sentence if he was convicted.

-AAP

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23/01/2007

ABC Online

Hicks charges expected by 'middle of February'. 23/01/2007. ABC News Online

[This is the print version of story <http://www.abc.net.au/news/newsitems/200701/s1832032.htm>]

Last Update: Tuesday, January 23, 2007, 1:10pm (AEDT)



Hicks charges expected by 'middle of February'

~~Prime Minister John Howard says he is "reasonably optimistic" Australian Guantanamo Bay detainee David Hicks will be charged within weeks.~~

Mr Hicks has been held at Guantanamo Bay since 2002. (file photo)

In the past 24 hours, Mr Howard has formally asked United States authorities to lay charges against Mr Hicks by the middle of next month.

Mr Howard says he is unhappy it has taken so long.

~~"The Foreign Minister and I discussed the matter and the Attorney-General, we discussed the matter yesterday," he said.~~

~~"The decision was taken to formally convey to the Americans that he should be charged by the middle of February."~~

Mr Hicks has been held at Guantanamo Bay since 2002 as a terrorism suspect.

"We are unhappy that it has taken so long for him to be charged again. Now, remember he was charged before and that was overturned," Mr Howard said.

Mr Hicks, originally from Adelaide, was captured in Afghanistan where the convert to Islam allegedly fought alongside the ruling Taliban against US-led forces who invaded after the terrorist attacks on the United States on September 11, 2001.

The US charged him with conspiracy, attempted murder by an unprivileged belligerent and aiding the enemy.

But the charges were dropped earlier this year, after the US Supreme Court ruled it was unlawful for the US military commission to try Mr Hicks.

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Interviews

23 January 2007

TRANSCRIPT OF THE PRIME MINISTER
THE HON JOHN HOWARD MP
PRESS CONFERENCE,
PARLIAMENT HOUSE, CANBERRA

Subject: Ministerial Changes; Iraq; David Hicks

E&OE.....

[...]

PRIME MINISTER:

JOURNALIST:

How do you read the poll result on David Hicks Mr Howard?

PRIME MINISTER:

That doesn't surprise me. Neither of those results surprise me. I mean let me say in relation to Hicks that we are unhappy that it has taken so long for him to be charged again. Now remember he was charged before and that was overturned and at my request and that of the Foreign Minister we have indicated to the Americans in the past 24 hours that we want him charged by the middle of February.

JOURNALIST:

Mr Howard just back on the reshuffle, in your New Year's message you talked about water being one of the top priorities, you've now promoted Turnbull in the new sort of super water ministry. What exactly is the Government proposing to do different on the water issue that has not been achieved so far?

PRIME MINISTER:

Well I think it is a bit early to expect a minister to have a repertoire...

JOURNALIST:

You nominated it yourself...

PRIME MINISTER:

Are you asking me? Well I have had quite a lot to say about water and I and my colleagues will be saying more things about water in the time immediately ahead.

JOURNALIST:

Do we need a revolution in education?

PRIME MINISTER:

A revolution? No, I don't think we need a revolution in education. I tell you what we need in education more than anything else: basic standards. We need basic standards of literacy, of numeracy, a proper and rigorous understanding according to an appropriate narrative sense of the history of this country, the history of the influences that have made and conditioned this country, they are the sort of things that we need more than anything else in education. They are things that we have been on about years and they've been stymied by Mr Rudd's mates in the education unions.

JOURNALIST:

Mr Howard back on David Hicks you say you've told the Americans you want him charged by February.

PRIME MINISTER:

By the middle of February.

JOURNALIST:

Yes, what if they don't...

PRIME MINISTER:

Well let's deal with that issue if that eventually arises.

JOURNALIST:

Well have you told them what would happen after that?

PRIME MINISTER:

Well we have said what I have said.

JOURNALIST:

Who conveyed it?

PRIME MINISTER:

The Ambassador.

JOURNALIST:

And have you had any response from the American Government?

PRIME MINISTER:

Let us wait and let a bit of time go by.

JOURNALIST:

Mr Howard you've said you will bring him home if he's not charged, does that...

PRIME MINISTER:

Did I say that?

JOURNALIST:

The Government has said that if he is not charged...

PRIME MINISTER:

Who said that?

JOURNALIST:

The Government has said previously, as is the case of Mamdouh Habib...

PRIME MINISTER:

Who actually said that?

JOURNALIST:

I believe that the Attorney General has said that.

PRIME MINISTER:

I'd have to check that.

JOURNALIST:

Who did Mr Richardson talk to Mr Howard?

PRIME MINISTER:

An appropriate person. I don't know, I mean, what happened; the Foreign Minister and I discussed the matter, and the AG, we discussed the matter yesterday and the decision was taken to formerly convey to the Americans our view that he should be charged by the middle of February.

JOURNALIST:

In your view is that the strongest representation you've made to the US Government on David Hicks?

PRIME MINISTER:

We'll look that is commentary, I'll leave that to you.

JOURNALIST:

Was it a positive response from Washington?

PRIME MINISTER:

We are reasonably optimistic there will be, but let's wait and see.

JOURNALIST:

Mr Howard though isn't it academic given that Hicks could be in limbo for another couple of years anyway with legal challenges and legislative challenges as well?

PRIME MINISTER:

Well I don't know about that.

JOURNALIST:

Mr Howard with the departure of Amanda Vanstone I think that takes you back to just two women in Cabinet and there weren't...didn't appear to be any women amongst the other elevations. What does that say to talented women in the Liberal Party who are hoping to...

PRIME MINISTER:

I don't think it says anything either way. I don't think talented women in the Liberal Party do these sums every time there's an adjustment made; I think that is a rather patronising, old fashioned view to take. Most of the talented women in the Liberal Party take the view that you've got to make decisions. Sometimes they fall in favour of more women, sometimes they don't. Thank you.

[Ends]

DEPARTMENT OF THE PRIME MINISTER AND CABINET

Document 7

Secretary
Mr Lewis
Mr Campbell

Prime Minister (for signature)

DAVID HICKS

s 22

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PMO (x3)

File

s 22

The draft response emphasises: government efforts to speed up Mr Hicks' trial; your representation to the United States Government that Mr Hicks should be charged by the middle of February; our consular welfare role; and the lack of evidence of any abuse of Mr Hicks at Guantanamo Bay. It is consistent with recent responses to other correspondents.

s 22

SIGNED/ NOT SIGNED

s 22

Nicholas Coppel
Assistant Secretary
International Division
24 January 2007

(John Howard)

Contact Officer:

s 22

Consultation: AGD, DFAT



PRIME MINISTER
CANBERRA

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The government has, however, raised with the United States (US) Government its concerns about the length of time taken to bring Mr Hicks to trial, including in my recent discussions with US President George W Bush. The government has formally conveyed to the US government its view that Mr Hicks should be charged by the middle of February 2007.

s 22

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The government has received additional assurances from the US in relation to Mr Hicks, including that it will not seek the death penalty, a prisoner transfer agreement (in the event that Mr Hicks is convicted) and the presence of an independent legal expert.

s 22



Australian Government

Department of Foreign Affairs and Trade

MEDIA TALKING POINTS

s 22



- The Prime Minister and the Australian Government have sought to expedite resolution of Mr Hicks' case and the swearing of charges against Mr Hicks is an important first step in that process
- The Government has been concerned about the amount of time taken to re-issue charges against Mr Hicks

If asked whether this step meets the Prime Minister's call for Mr Hicks' to be charged by mid-February

- Yes

s 22



Prime Minister Howard said in a press conference on 23 January 2007 that "we are unhappy that it has taken so long for him to be charged again... at my request and that of the Foreign Minister we have indicated to the Americans in the past 24 hours that we want him charged by the middle of February". When asked what the government would do if Mr Hicks was not charged by mid-February, Mr Howard said "we will deal with that issue if the eventuality arises". Ambassador Richardson had conveyed the government's view that Mr Hicks should be charged by the middle of February to the NSC, and the State, Justice and Defense departments on 22 January.

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The Pentagon has agreed to our proposed amendments to the Prisoner Transfer Arrangement.

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Revised Prisoner Transfer Arrangement

3. The Pentagon has accepted our proposed changes to the Prisoner Transfer Arrangement (e-mailed Suckling-Richards ). It proposes that the revised document be signed as previously: Hemingway for the United States; HOM for Australia. The Ambassador has no objections to this proposal. **Grateful advice.**

s 22



s 22

From: info@pm.gov.au
Sent: Thursday, 15 February 2007 3:17 PM
To: s 22
Subject: PM Info

15 February 2007

TRANSCRIPT OF THE PRIME MINISTER
THE HON JOHN HOWARD MP
DOORSTOP INTERVIEW
THE LODGE, CANBERRA

Subjects: New Zealand visit; Iraq; David Hicks.

E&OE.....

PRIME MINISTER:

Ladies and gentlemen a quick comment. The relationship between Australia and New Zealand is one that we should never take for granted. It's got a lot of history, it's got a lot of common culture, it's got a lot of common sporting endeavour, but like all close relationships, if you take them for granted they tend to fray at the edges over time and I've tried very hard in the time I've been Prime Minister, and I've worked with three New Zealand Prime Ministers, two National, one Labour, and I'm very happy to say that the bilateral relationship is in very good shape. Relations between Miss Clark and myself are good. We put aside any ideological differences we might have and we focus very much on getting good results. The main focus of our talks will necessarily be about the Pacific. We'll talk a lot about the Solomon Islands, we'll talk about Fiji, Tonga - I did see the Tongan Prime Minister two days ago and things have settled down in Tonga. We remain quite concerned about Fiji and we'll compare notes and talk about that as well as other bilateral issues. But I always look forward to going to New Zealand and it's a very good thing that we have put the Prime Ministerial visit year, after one in New Zealand, one to Australia, we've put that on formal basis and in that fashion the relationship really is in very good shape.

JOURNALIST:

Prime Minister if Iraq is so critical to Australia's future, why won't we send more troops to shoulder more of the burden of the Americans?

PRIME MINISTER:

Well Jim, given our size and given the other commitments we have, including in the Pacific, including in Afghanistan, and given that we've not been asked to send more forces, I think our contribution is appropriate. And as well as the physical value of our contribution, we have been there from the beginning, and if we were to pull out, not only would Iraq and the coalition lose the value of Australia's contribution, but the diplomatic and psychological repudiation that that would represent would be very significant.

JOURNALIST:

I think it's the case isn't it that the...I mean the Americans have also got other global commitments, also I think as a proportion of both population and of our armed forces, our commitment to Iraq is fortunately less than either the United States or Britain?

PRIME MINISTER:

Well I've never argued that it hasn't, that it was anything other than that, but given those other commitments and given the size of Australia's military, I think our contribution is quite significant and it is very deeply appreciated.

JOURNALIST:

Mr Howard will we have to be there for decades to achieve the sort of stability you want before we can pull out?

PRIME MINISTER:

Well I wouldn't describe it as decades, but I am not going to try and put some target date. That is foolish. The goal is to create a situation where the Iraqis can reasonably provide for their own security and we are playing a significant part in that in relation to training and I think we have to persevere with that. But to try and put a date on it is foolish because it's impossible.

JOURNALIST:

But initially you said months not years and now you can't rule out decades...now you're not ruling out decades?

PRIME MINISTER:

Well what I'm saying is I don't expect it to be that order of magnitude, but look, we can play these sort of games. If you're asking me to name a date, I'm not going to do so because I can't and I also think it's foolish to try and do that because it encourages people to behave in a particular fashion with a view to prolonging the conflict until that date is reached.

JOURNALIST:

Prime Minister just to clarify, part of the reason Australia's in Iraq at the moment is help America psychologically, is that correct?

PRIME MINISTER:

Well I think one of the reasons why it would be damaging to withdraw would be that the rest of the world would say a country that was there at the very beginning has deserted the United States, and that would not be well received - no matter what people might say publicly - that would not be well received and I suspect it would not be well received on both sides of politics in the United States.

JOURNALIST:

So you're drawing a distinction are you then between Australia and countries like Japan and Italy, for example, which have come and gone?

PRIME MINISTER:

Well there is some distinction, Jim, because we were there at the very beginning.

JOURNALIST:

But never-the-less it is a blow isn't it for the United States every time there are fewer...

PRIME MINISTER:

Yes I think so. I don't think it has helped, I think the coalition would've been doing better if those other countries had not withdrawn, of course.

JOURNALIST:

You've said it would be rolled goal disaster if we pulled out....

PRIME MINISTER:

No, no, I have said, I have said that it would be a disaster for the West if America left in circumstances of defeat.

JOURNALIST:

But isn't it a rolled goal catastrophe and disaster now when we see almost daily occurrences of this enormous bloodshed there?

PRIME MINISTER:

Well there is a very difficult security position and of course it is bad, it can get infinitely worse, it will get infinitely worse, as Baker-Hamilton pointed out, if there is a precipitate American withdrawal.

JOURNALIST:

Will be in Iraq so long as the Americans are in Iraq?

PRIME MINISTER:

Well I certainly believe that if the Americans decided to go then I don't think any other members of the coalition would remain. But America is not about to go and let me just restate our position. Our position is that we will stay until we believe that the Iraqis are in a position, and I'm speaking staying as part of the coalition, I mean self evidently Australia is not going to remain in Iraq on her own; I mean everybody knows that and it's just foolish to play the game that it's otherwise. Our position is that as a member of coalition we should stay there until we believe that the Iraqis are reasonably able to provide for their own security. We are seeing improvements on the ground in some parts of the country, particularly in the south, the situation in Baghdad is still very difficult and to start talking about withdrawal dates at the present time is unrealistic, it's unwise and it's counterproductive.

JOURNALIST:

On David Hicks, we've seen Don Randall and Michael Johnson express their frustrations, is there anything more Australia can do to speed up the process?

PRIME MINISTER:

What both of them have said is what I've said, that's it's taken too long for him to come to trial. That's been our position for quite some time now and we will continue to press that position on the Americans. He needs to be brought to trial as quickly as possible and that is a position that we will continue to put to the Americans. I will put that position to the Vice President when he's in Australia a little over a week from now and I'll be putting it very strongly because I do think this has taken too long. I was of the view that he should face a trial because of the seriousness of the charges and that is why we weren't prepared to ask for his repatriation several years ago because he couldn't face charges in Australia. But we are quite angry that it has taken so long and we have communicated that anger to the Americans and we'll continue to do so. Mr Downer did it to Robert Gates and I will do it to the Vice President when he comes to Australia.

JOURNALIST:

Do you think that the Hicks issue has now become a mainstream concern within the Australian....

PRIME MINISTER:

Jim, I always defer to you ladies and gentlemen for commentary.

JOURNALIST:

So Mr Howard if it takes a decade for the Iraqis to provide reasonable security for themselves, does that mean that our troops will be there for a decade?

PRIME MINISTER:

Daniel, I'm not going to start hypothesising about time. I'm simply saying that asked what our goal, what our strategy is, our goal, our strategy is to create a situation where the Iraqis are reasonably able to provide for their own security. They can't at the present time and for us, speaking collectively of the coalition, to go now or in

the near future, which includes the early part of next year, would be to condemn them to the very circumstances described by Baker-Hamilton and it would also be seen as a defeat for the United States, and that would be a catastrophe for the Western cause not only in the Middle East but around the world. Thank you.

[ends]

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Hicks: On 2 February, the prosecution began the process of charging Mr Hicks with providing material support for terrorism and attempted murder in violation of the law of war. The sworn charges will now be considered by the Legal Advisor to the Convening Authority and the Convening Authority, who may amend or dismiss, but not add to the charges. If approved, the charges will be served on Mr Hicks time frame?

s 22

NOTED

Miles Armitage
Assistant Secretary
Asia, Americas And Trade Branch
14 February 2007

(John Howard)

Contact Officer: s 22
Consultation: CBRHOS, NSD, I&E, DFAT, Defence

s 22

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- Mr Hicks' case needs to be dealt with expeditiously and fairly, consistent with military commission procedures.

s 22



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s 22

From: info@pm.gov.au
 Sent: Saturday, 24 February 2007 1:47 PM
 To: s 22
 Subject: Prime Minister's Media Alert Service

Interview

24 February 2007

Joint Press Conference with the Hon Richard B. Cheney, Vice President of the United States of America, Phillip Street, Sydney

Subject: Bilateral discussions; Iran; China; Iraq, David Hicks.

E&OE...

PRIME MINISTER HOWARD:

Well ladies and gentlemen I'm delighted to welcome the Vice President of the United States to Australia. The Vice President and I have had a very lengthy discussion in which we have canvassed Iraq, Afghanistan, China, our relations with, and the influence of, Indonesia in our region, we've had a bit of chit chat as politicians normally do on occasions like this about world politics generally and all of this has taken place against the background of the very close, long standing and rock solid friendship and relationship between the people of Australia and the people of the United States. Vice President Cheney is a very welcome visitor to this country, he knows it well, he came here frequently between his years of service with the first Bush Administration and his becoming Vice President. As well as discussing the matters I've itemised, I spoke to him regarding our concerns about the progress with the trial of David Hicks. I'll be joining the Vice President or rather he'll be joining me and some of my senior colleagues for lunch at Kirribilli House and we'll have the opportunity during that lunch to continue our discussions. But Dick you're very welcome, you're a good friend.....

[media audio interruption]

Did I tell you as well as talking about the matters I've mentioned, I raised our concerns about David Hicks, is that about where you dropped off, is that about right? Well I did indicate to the Vice President our concerns about the processes and the time involved in bringing David Hicks to trial. As well as discussing that and the other matters I spoke about, the Vice President and I will, along with some of my senior colleagues be having lunch at Kirribilli House later today. At that lunch we will talk about some trade issues I intend to raise and some broader political issues. But let me say again, Dick, you're very, very welcome in our country, you have a long and warm and close association with Australia, we value very much the determination and articulation you have brought to the cause of the West in fighting the scourge of terrorism, and the determination of your country, a determination that I share and my country shares to resist terrorism wherever it occurs, be it in Afghanistan, in our own part of the world, in Iraq or indeed in any other part of the world. It is a threat of different dimensions from ones we've faced in the past but the threat is no less lethal than ones the West has previously faced and we must remain and maintain our resolve in resiting it. The best I can remember, that's what I said.

VICE PRESIDENT CHENEY:

Sounded better the second time. Well I'm delighted to be here. I want to thank Prime Minister Howard for his gracious hospitality. We have been friends for a long time and I've visited Australia on many occasions but it's always a special privilege to come back, especially to Sydney, one of my favourite cities. I want to also bring good wishes to everybody in Australia from our President, from the people of the United States. I made this journey to focus on dialogue between our two countries, to thank the people of Australia for the friendship that means so much to the United States. Prime Minister Howard has spoken of the age old wisdom that we must keep our friendships in good repair and certainly I believe our two nations have lived by that wisdom. Australians and Americans know each other, we respect and like each other, we

face common challenges with firmness and resolve and rarely have the challenges been so numerous and yet never before has our alliance been stronger.

I had the privilege of meeting with members of the Australian Defence Force, who've demonstrated a great professionalism and courage in Afghanistan and Iraq. Australia, of course, has been a staunch ally in the global war on terror and the conduct of the Australian Defence Forces reflects great credit on the nation. America's proud to count Australia as a skilled and a decisive ally, we have much yet to do in Afghanistan and Iraq to defeat freedoms' enemies and to consolidate the gains for democracy. But we will honour our commitments and we'll remain on the offensive against the forces of extremism and violence. The US and Australia face the world with open eyes, we accept the responsibilities of leadership, our trans-Pacific alliance, we'll continue to work to build security and stability throughout South East Asia, addressing the dangers of weapons proliferation, extending the benefits of free markets and open trade and confronting environmental challenges as well. Australia's contribution to security and to good governance in the Pacific Island countries is principled, it's effective and it's indispensable. History has set a good deal of work in front of us and none of it is easy, yet together we compose one of the world's great alliances, a broad and successful partnership based on deep respect, shared values and great strength used to good purposes and we look forward to the future with confidence. Finally I note that next month Prime Minister Howard will mark 11 years as the leader of this country. He has certainly borne up well under what Sir Robert Menzies called the hammering of the times. John Howard's integrity, his good counsel and his optimistic spirit have only strengthened the warm friendship between our two countries and have added to our effectiveness in the cause of freedom and security. These have been crowded and decisive years during which all of the world has come to know John Howard as a man of wisdom and character. For myself and for my country I want to express our gratitude to the Prime Minister for his friendship and for the leadership he's brought to our world. Thank you.

PRIME MINISTER HOWARD:

Thank you. We'll have two questions from each side, Olivier?

JOURNALIST:

Thank you Prime Minister, thank you Mr Vice President, one for each of you. Mr Vice President you've said that the British drawdown from Iraq reflects their success there not domestic political considerations. Did the United States ask Britain to redeploy those troops inside Iraq to take some strain off the US forces involved in Baghdad's security plan and in Al Anbar province? And if not why not? And to you Prime Minister, the Vice President had some pretty tough words on China yesterday, do you agree that China's military build-up exceeds their security needs and what can China do specifically to ease concerns about that?

VICE PRESIDENT CHENEY:

Well the Brits have been great allies in the efforts, mutual efforts in Iraq. They have been there from the very beginning, as have our Australian friends. They have to make decisions with respect to their forces based upon what they think makes sense. Prime Minister Blair did consult with President Bush in terms of moving forward and the comments I made reflected their communications with us, the fact that they believe the situation has improved in Basra in southern Iraq, which has been their primary area of operation. They're going to continue to have a major presence there, they're also I believe beefing up their operations in Afghanistan at the same time, so we're very comfortable with their decision.

PRIME MINISTER HOWARD:

In relation to China, Australia as you know has striven over the last decade to build a very close relationship with China but we've always done it against background of being realistic about the nature of political society in that country. We have no illusions that China remains an authoritarian country. We have sought to emphasise in our relations with China those practical things that we have in common and we do, I hope with appropriate modesty, regard it as one of the foreign policy successes of this country over the last decade, that we have simultaneously become ever closer in our relationship with our great ally the United States but at the same time built a very constructive, understandable relationship with China. But we always look at these things from a practical standpoint, we have no false illusions about the nature of China's society, but we see positive signs in the way in which China and the United States have worked together, particularly in relation to North

Korea, and nothing is more important to the stability of our region at the present

time than resolving the North Korean nuclear situation. And I think the way in which China and the United States have worked together on that is wholly positive and is obviously to the credit of both of those countries. Jim?

JOURNALIST:

A question I guess for both leaders but most specifically for the Vice President. Would you, the United States, like and indeed did you seek from the Prime Minister any additional military support in Iraq and given your belief that Baghdad must be secured why would the United States not want more military support from its allies within the Sunni triangle? And secondly would the US-Australia Alliance be damaged if Australia were to withdraw its 500 combat, and I stress combat, troops from Iraq?

VICE PRESIDENT CHENEY:

Well I want to emphasise how much we appreciate what our friends in Australia have done from the very beginning, both in Iraq and Afghanistan. The cooperation between our militaries has been superb, the contribution on the part of the Australians has been significant in every respect. I also want to emphasise that decisions about what Australia does going forward with respect to force levels is a decision for the Government of Australia. Those decisions are obviously going to be made by the Australian Government based on their considerations as well as I would expect conditions on the ground in that part of the world. It's not for us to suggest to our allies what their appropriate response might be, but certainly I would say that the Government has met our expectations in every regard, the cooperation's been excellent.

JOURNALIST:

And damage to the alliance?

VICE PRESIDENT CHENEY:

I don't see any prospect of damage to the Alliance, I think this alliance has been solid; we've fought together in every major conflict for the last 100 years. I remember coming here 15 years ago to celebrate the 50th anniversary of the Coral Sea battle. We do from time to time, as all governments do in democracies, have differences of opinion on various and sundry issues, but I think the Alliance is rock solid and we are delighted with the way in which it's functioned in the latest go around. Americans always remember that John Howard was in America on 9/11 and spoke eloquently about the challenge that we face and has been a superb leader and ally in the global war on terror ever since and we have great respect for that.

JOURNALIST:

Thank you Mr Prime Minister. I would like to ask the Vice President a question about Iran. With Tehran ignoring the UN deadline for its nuclear program and Ahmadinejad saying his country must stand up to the world, are you frustrated with the pace of diplomacy on Iran? And also, Secretary Rice has said that the North Korea deal could serve as a model for Iran and I am just wondering if you could elaborate on that and explain exactly how it could be a model? And I would be interested in the Prime Minister's thoughts about Iran as well.

VICE PRESIDENT CHENEY:

Well with respect to the second part of your question, in terms of the Secretary's view on North Korea as a model, you really ought to direct those questions to Condi. With respect to the first part of your question on Iran, we are deeply concerned and have made it very clear we are deeply concerned about Iran's activities. We see a nation that has been fairly aggressive in the Middle East as a sponsor of Hezbollah working through the Syrians and Hezbollah to create problems for the Government of Lebanon. They have made some fairly inflammatory statements under President Ahmadinejad. They appear to be pursuing the development of nuclear weapons through uranium enrichment. We've worked with the European community and through the United Nations to put in place a set of policies to persuade the Iranians to give up their aspirations and to resolve the matter peacefully, that's still our preference but I've also made the point, the President's made the point, that all options are still on the table. The next step now is being debated between our Government and the others involved and Nick Burns, the number three man in the State Department is, I believe, in London today to negotiate with our European friends who have been in the effort, the Brits, the French and the Germans, on the future course of action that we want to pursue with respect to the United Nations' sanctions and so forth. I don't

have anything beyond that, that I can say at this point other than that we believe it would be a serious mistake if a nation such as Iran were to become a nuclear power.

PRIME MINISTER HOWARD:

I guess the only additional comment I'd make is in the context of Iraq. I can't think of a country whose influence and potential clout would be more enhanced in that part of the world than Iran's would be if there were to be a coalition defeat in Iraq. I don't think you can separate the two, I think the impact on Iran and the way in which Iran would be emboldened if there were a coalition defeat in Iraq, and that would occur if there were a...that would be seen to have occurred if there were a precipitate coalition withdrawal. I think Iran would benefit enormously from that and that would be to many in the Middle East, not just the Israelis, that would be a nightmare scenario. John?

JOURNALIST:

Prime Minister, Mr Vice President, on the David Hicks issue, you said you raised your concerns with the United States on Mr Hicks, these concerns have been raised for some considerable time. Will the United States allow David Hicks to be returned to Australia or could you both tell us exactly when he will now be presented to trial in the United States?

PRIME MINISTER HOWARD:

I did raise my concerns as I have on two occasions recently with President Bush. The concern is about the time. I make no judgement about guilt or innocence, I am no sympathiser of David Hicks, I cannot believe that he was some kind of hitchhiking tour in Afghanistan. I don't think any person who examines the facts could possibly believe that and the charges against him are very serious indeed and countries that have fighting men and women in Afghanistan have every right to want those charges heard before a court. He can't be tried in Australia for those alleged activities because they were not crimes at the time that they took place. Our sole concern is about the passage of time and the bedrock principle of our legal system and that, indeed, of the, I might loosely call, the Anglo-American legal system, that people should not be held indefinitely without trial and that's the view that I have put. And I have asked that within the constraints of the separation of powers in the United States' system between the executive and the judicial process that the trial be brought on as soon as humanly possible and with no further delay. Now I have put that very plainly and I've put it in the context of direct speaking between close friends. It is an issue that concerns me and concerns a lot of my fellow Australians. We think, we have always thought that the cause of justice was better served by him facing a Military Commission with enhancements including a presumption of innocence which is now entrenched in the process as a result of the most recent piece of Congressional legislation, an appeal to the Supreme Court of the United States, an understanding between Australia and the United States that the unexpired residue of any conviction that Hicks receives, the term can be served in an Australian prison, in other words the time he has already spent can be deducted from any sentence. Now all of that is understood and I have put the view that the trial

should be set as soon as humanly possible. Now I think the Vice President understands that, I am sure he does, he can speak for himself, I certainly put those views very strongly to the President when I last spoke to him. It's time, not so much the merits of the case that matter to me.

VICE PRESIDENT CHENEY:

The Prime Minister's absolutely right about the importance of moving forward as quickly as possible consistent with the basic legal procedures and requirements that are appropriate. The reason there have been delays; when we get into this whole business of a global conflict on terror, traditionally, of course, when you are at war you are allowed under international law to capture enemy combatants and then to hold them and once the war is over we release them and send them back to their home country. This is a very different situation where the combatants are unlawful combatants under international laws of war and where there's no provision, ready-made provision for how you are going to proceed under those circumstance. What we've done, what we did initially to establish Military Commissions, that would try those suspected of having violated the laws of war in some fashion. The precedent for that under our law was dated back to our civil war in the 1860s as well as during World War II when commissions were used to try German saboteurs for example. The Supreme Court after World War II upheld the constitutionality of that commission process and so we went back and we used that to build the commissions that we put in place in

connection with the global war on terror. That was challenged, it went through a long process in the courts, 20 some months in terms of wending its way through to the Supreme Court. The Supreme Court this time gave us a different decision than they had some 50 years before and this time concluded that we had to have explicit authorisation from the Congress before we could set up these commissions and that certain requirements had to be met. We've now met those requirements, we've put the commissions, created commissions in a manner that is consistent with the Supreme Court's decision, passed legislation through the last session of Congress and are now moving forward. Mr Hicks is near the head of the queue if I can put it in those terms. He has been charged, the question that happens now, or the issue that arises now is, under our procedures there is what's called a convening authority, this is a quasi-judicial function inside the Department of Defense, a judge in effect, who will make the decision based on the charges that have been presented as to whether or not a commission should be convened for the purpose of trying this individual, in this case Mr Hicks. We cannot interfere with that process. It is a judicial process and we are not allowed to call over and say, you know, when are you going to be through, or what are you going to decide. We can't influence it, that would be a violation of the procedures, but I do expect in the not too distant future that piece of the process will get resolved. Once they go to trial, if Mr Hicks is found guilty, as John said, we have agreed that he can serve his sentence here in Australia and, of course, if he were not found guilty then he would presumably be returned to Australia having been found innocent. But that's where we are at now. There's no question that it's taken a long time, longer than I think anybody would have desired but a lot of that has been due to the fact that we were trying to comply with our own legal processes and in many cases law suits had been filed, decisions were required by the various courts going through this process in terms of establishing the commissions and the procedures that would be used in conjunction with them. The Prime Minister has been very direct with us and we appreciate his candor. He's talked to the President about it and we've discussed it again this morning and I can assure you we want to do everything we can to deal with these matters in an as expeditious manner as possible consistent with the statutes and the laws that apply in this case.

PRIME MINISTER HOWARD:

Thank you.

[ends]

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- The Australian Government has emphasised to the US administration the need for Mr Hicks' case to be resolved expeditiously
 - Government unhappy that it has taken so long for Mr Hicks to be charged again.
 - Have conveyed to the US our view that Hicks should be charged by the middle of February.

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If asked whether PM raised Hicks' case directly with US President Bush

- PM has raised on numerous occasions, including in margins of APEC 2006 meeting (Vietnam) on 17 November 2006; and in telephone conversation with President Bush on 10 January 2007.

If asked whether PM raised Hicks' case during May 2006 visit to the US

- Yes.

If asked what the Government is doing to speed up Mr Hicks' trial

- Our Ambassador to the US conveyed the government's view that he should be charged by the middle of February.
 - [Mr Downer called Mr Richardson on 22 January (Australian time) and asked him to convey the government's view. He did that on 22 January (Washington time) to NSC and State, Defense and Justice Departments]

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If asked what will happen if the US Government does not meet the mid-February deadline?

- US Attorney-General Alberto Gonzales has assured the Attorney General that Mr Hicks would be charged soon after the proclamation of the military commission regulations.
- *[If pressed]* Should the US fail to charge Hicks by mid-February then ministers will consider Australia's response at that time.

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The Prime Minister said in a press conference on 23 January 2007 that "we are unhappy that it has taken so long for him to be charged again....at my request and that of the Foreign Minister we have indicated to the Americans in the past 24 hours that we want him charged by the middle of February." Mr Downer called the Australian Ambassador to the US, Dennis Richardson, on 22 January and asked him to convey the government's view that Hicks should be charged by the middle of February. Ambassador Richardson conveyed the government's view on 22 January to the NSC and the State, Justice and Defense departments. In answer to a question during the 23 January press conference about what he would do should charges not be laid by February, the Prime Minister responded "well let's deal with that issue if the eventuality arises."

The Prime Minister said in a radio interview on 29 January that "there was the delay of some 22 months because of the appeal against the whole [military commissions] process and the original charges against Hicks fell away because the American Supreme Court said there had to be another military commission." The cumulative effect of actions taken by defence counsels on behalf of detainees at Guantanamo Bay – including actions directly taken by Hicks' defence counsel – has been to delay Military Commission proceedings for about 22 months.

The Prime Minister raised Mr Hicks' case directly with US President Bush on 17 November 2006 on the margins of the APEC summit in Vietnam. President Bush said in a joint press conference following the discussion that he believed "Hicks deserves a trial and is going to get it" and that he hoped that "Hicks is one of the early people that will have a day in court." The Prime Minister was quoted in the *Sunday Age* on 31 December saying that "I am not happy about how long it is taken and we will be putting increasing pressure on the Americans to stick to the timetable they have given us." And, "The acceptability of him being kept in custody diminishes by the day."

On 7 December 2006, Mr Ruddock received assurances in his telephone conversation with US Attorney-General Gonzales that Mr Hicks will be charged 'soon after' the promulgation of the regulations. Mr Ruddock has held several discussions with US Attorney-General Gonzales, most recently on 29 September 2006. In these meetings, Mr Ruddock emphasised the Australian Government's desire to see Mr Hicks' case dealt with as soon as possible. Mr Ruddock also received assurances that safeguards previously negotiated for Mr Hicks' trial will be honoured, including not seeking the death penalty, a prisoner transfer agreement (now in place), not relying on evidence in the case-in-chief requiring closed hearings from which Hicks would be excluded, and the presence of an independent legal expert sanctioned by the Australian Government.

Mr Downer and Dr Nelson discussed Hicks' situation with US authorities during the annual AUSMIN talks between Australia and the US on 12 December 2006.