

Interview on case of Guantanamo Bay detainee: "A blatant disregard for human rights"

Richard Phillips
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Terry Hicks, the father of 26-year-old David Hicks currently being held by the US military in Cuba, has denounced the Howard government over its refusal to take any action to secure his son's release and accused it of "aiding and abetting" breaches of international law.

As he told one newspaper: "We've asked for information about David and want to make sure that he gets legal representation. The only reply we have received [from the Australian government]... confirmed [that] David is in Cuba, that he's fit and well and receiving three meals a day, but he's living like an animal in a cage. Regardless of what he's done he deserves to be treated humanely. We don't know what crimes he's accused of. He's an Australian citizen and we want him brought home if he is to face charges."

Hicks has authorised Adelaide solicitor, Stephen Kenny, to begin legal action in conjunction with US civil rights lawyers, to secure his son's repatriation. Kenny spoke with the *World Socialist Web Site* last week.

Stephen Kenny: David Hicks has been held for over a month but not been charged with any offence. This is highly questionable, if not illegal, and a blatant disregard of his human rights. The fact that the Australian government is silent on these issues, which are in breach of the Geneva Convention, is a serious matter.

He is being held under President Bush's November 13 military order and if ever there was a model for a dictatorship this is it. If this legislation were enacted in any other country there would be an outcry. Bush can certify non-US prisoners as members of al Qaeda or terrorists. They can be detained anywhere in the world

and put on trial by a military tribunal in which the normal rules of evidence don't apply and which can impose the death penalty.

It is very broad and wide-ranging and places the future of these people in the hands of George Bush, who has the right to review all decisions and personally impose a final decision. I understand that some habeas corpus rights were suspended during the American Civil War but the current military orders go much further than anything established at that time.

The Guantanamo Bay prisoners and others being held by the US military have no right of appeal in the US or anywhere else in the world.

Richard Phillips: Can you comment on the Howard government's denial of consular and legal access to Hicks. Has this ever taken place in Australian political and legal history?

SK: I am not aware of any Australian government ever completely ignoring the rights of an Australian citizen in trouble or detained overseas and we are very concerned about this. There are many cases of Australians having committed horrendous things in other countries but to the best of my knowledge the government has always assisted by contacting local authorities, arranging legal assistance and arranging contact with people in Australia.

RP: Amnesty International, the Red Cross and various European governments have spoken out against the refusal of the US administration to classify the detainees as prisoners of war. Why has the Australian government refused to speak out on this issue?

SK: This is a good question and I'm not sure I can answer it adequately. Obviously there are all sorts of political reasons but this is a basic issue and should be

of concern to everybody. If David Hicks had been interned in these circumstances in any other country I believe the Australian government would be making every effort to have him released.

RP: Daryl Williams, the attorney general, claims the issue is rather complicated and should be left in the hands of the US government. What do you make of this?

SK: Daryl Williams has had over a month and all the resources of his department and the Australian government behind him to consider Hicks's position. If he cannot make any sense of it in a month and oppose what has taken place then he should get someone else to consider the matter.

RP: Can you comment on the government attempts to demonise David Hicks?

SK: Senator Robert Hill recently made a statement claiming that David Hicks was one of the most dangerous people in the world today. These comments are uncalled for and potentially prejudicial. The government could be prosecuting him in Australia but how is he expected to get a fair trial when government officials make these sorts of statements.

The government has not taken any action to secure David Hicks' release and yet US politicians are being taken on tours through the prison and are able make all sorts of comments. All this is going on and yet the detainees have not been told what they are being charged with and are not being allowed to have legal representation or any contact with their families. This is what should be the priority, not arranging trips by people who do not have a direct interest in the matter.

One of my most serious concerns is that if we allow an ally of Australia to behaviour like this towards prisoners of war they have detained, then what will be the fate of Australians or others detained by any country we are in conflict with. The answer is obvious, it means that if they are detained in circumstances we consider inappropriate then we don't have any right of complaint. We have allowed our own allies to behave in what we consider to be an unreasonable manner and not said a word about it.

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