

Howard government complicit in detention of Australian citizen by US military

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26 April 2002

After months of phone calls and written appeals to the Howard government, Maha Habib, the wife of Mamdouh Habib, a 46-year-old Australian citizen currently held illegally by the US military in Afghanistan, has made a public call for the release and repatriation of her husband. Maha Habib, who has four children, has not heard from her husband for over eight months. She spoke with the *World Socialist Web Site* this week accusing the Howard government of racism for refusing to take any action to secure her husband's release or uphold his basic legal rights.

Mamdouh Habib is the second Australian citizen to be imprisoned and held without charge by the US military in the last seven months. The other is 26-year-old David Hicks, who was captured during fighting in Afghanistan in early December, interrogated by US and Australian security officials and flown to Guantanamo Bay where he has been imprisoned since January.

Neither Hicks nor Habib have had any evidence officially presented against them, been charged with any offence or brought before a court of law. Both have been denied access to legal advice and to their families and have been subjected to repeated interrogation.

Habib, who is Egyptian-born, was not even in Afghanistan when he was detained and nor has he been accused of any involvement in fighting there. He left Sydney in late July with the aim of finding an Islamic school in Pakistan for his children, when he was detained and imprisoned on October 5 by Pakistani security forces. All the evidence points to the direct involvement of the US and Australian intelligence services in his arrest.

On September 20, nine days after the September 11 attacks, Australian Security Intelligence Organisation (ASIO) officers and Australian Federal Police (AFP) raided Habib's home where they conducted an eight-hour search, terrifying his wife and children and seizing scores of items. In all likelihood, the information garnered during the raid was relayed to US intelligence services, with whom ASIO has close relations, and then passed on to Pakistani authorities.

What happened to Habib after his arrest reveals the direct hand of the US military and intelligence services. Prevented from making contact with his family or securing legal representation, Habib was transferred to an Egyptian prison late last year and held incommunicado for five months. This month he was moved to a US military prison in Afghanistan. According to press reports, US authorities plan to transfer him to the notorious Camp X-Ray in Guantanamo Bay, where up to 300 war prisoners captured in Afghanistan are being held in contravention of Geneva Conventions.

A recent article in the *Washington Post* revealed that the CIA has long had a policy of "rendering" suspects to third countries, where methods that are illegal in the US can be used in interrogation—including torture and starvation. Cases were cited of suspects detained in Pakistan, Indonesia and Africa being dispatched to a number of countries, including specifically Egypt, which is notorious for brutal interrogation methods.

One sign that Habib was "rendered" to Egypt was the fact that, with the connivance of Pakistani authorities, normal extradition and legal proceedings were by-passed.

It is not even clear what Habib is being accused of. Media claims that Habib was detained attempting to cross into Afghanistan are spurious. Habib was arrested in Khuzdar, 100 kilometres from the Afghan border. If Habib had breached any Pakistani laws he should not have been transported to Egypt, but put on trial. Similarly, if he had committed an offence in Egypt he should have charged and tried there, not moved to an US military prison in Afghanistan. Why he is being held with prisoners of war has never been explained.

While Habib has been held since last October, two German nationals arrested together with him were quickly released and repatriated after the German government lodged a formal protest with Pakistani authorities. By contrast the Howard government has not taken any action to secure Habib's release or uphold his basic legal rights even though Australian authorities have been in regular contact with Pakistani, Egyptian and US intelligence operatives involved in Habib's detention.

Department of Foreign Affairs and Trade (DEFAT) lamely told Habib's wife that they had not been able to gain consular access to Habib either in Pakistan or Egypt, but later admitted in a telephone conversation that ASIO officers had interrogated him in Pakistan. Egyptian officials have publicly denied any knowledge of Habib's case despite numerous letters and phone calls to the Egyptian Embassy by Maha Habib.

Following Habib's transfer to Afghanistan and wider media publicity of his illegal detention and the plight of his family over the last two weeks, Foreign Affairs Minister Alexander Downer and Defence Minister Robert Hill issued statements claiming they would attempt to secure consular access to Habib in Afghanistan. This "consular access", however, has nothing to do with securing Habib's release or providing access to his lawyer and family but is aimed at obtaining permission from US authorities for ASIO officers to interrogate Habib again.

Maha Habib, who was born in Lebanon, immigrated to Australia with her family as a young girl in the mid-1970s during the Lebanese civil war. She married Mamdouh, who had immigrated to Australia in 1980, and the couple had four children—Ahmed (17-years-old), Mustafa (14), Maryam (9) and Hager (18 months). A devoted family man and well-known local businessman, Mamdouh ran a coffee shop in the Sydney suburb of Lakemba and later established a contract cleaning firm and a security company.

Last week, in an attempt to deflect attention from the blatantly undemocratic nature of Habib's detention, the Murdoch-owned *Daily Telegraph* in Sydney published a front-page feature containing unsubstantiated allegations that he was a terrorist and associated with Al Qaeda. Headlined "The amazing journey of a suburban terrorist", the story claimed that Habib led a double life and that beneath his "calm suburban veneer" was "an angry and often violent man whose actions were fuelled by his religious fanaticism."

Maha Habib began her interview with the WWSW by denouncing these reports: “The *Daily Telegraph* article is lies from start to finish. They call my husband a terrorist but he is an innocent family man.

“First of all people should know that my husband was looking for a school for our children in Pakistan. I don’t know why he was arrested, because there are no charges. Then the Egyptian authorities kidnapped him. Now it seems the Americans have kidnapped him. We have not committed any crime, a crime has been committed against us.

“Mamdouh and I spent all our spare time with our children and always believed that families should be together. To accuse my husband of being a terrorist is completely false. It has put a lot of pressure on the children. Of course the kids understand, but they are affected—the boys especially get very angry—and underneath they are unhappy about what has happened to their father.

“The newspaper talks about my husband having a gun, as if that is a crime. But my husband had a security company and because of that he had a gun and a license for it. This was turned upside down by the newspaper. It also tried to create a bad impression by talking about the AVO [Apprehended Violence Order] against my husband. I can’t go into all of it here, but we had a cleaning contract with the Defence Housing Authority.

“When you are in business some companies don’t want to pay for the work you do and you have to go to court to get a statement of claim to get your money. The Defence Housing Authority owed us money for work we did—about \$10,000—but they didn’t want to pay and they terminated our three-year contract. It was simply a case of discrimination. The *Telegraph* said there was an AVO order against my husband and the contract was terminated. This is not true. The contract was terminated when my husband began legal action to get what was owing to us. The Housing Authority issued an AVO order against him. My husband did nothing wrong here, but the newspaper has used this to try and stir things up against us.”

Maha recounted the ASIO raid on her home on September 20: “I came back from picking up my daughter from school. There were police cars waiting for me. There were 16 people involved in the raid and I was by myself with my kids and the house was full of men. It was really bad and very frightening for the children. They breached our privacy and our human rights. We are Australian citizens and yet we were treated as if we had no rights.

“They wanted to search the home and showed me a piece of paper. I was shocked but asked if I could photocopy the warrant. We have a photocopier at home. They agreed and I gave them the original back. I asked for 10 minutes to explain things to my children but they refused and started searching.

“Later, I went to get the photocopy and couldn’t find it. I asked my kids and they didn’t know so I asked the policeman in charge where it was and he admitted that he had taken it. I demanded to know why and asked them to get out of the house. He had a discussion with other men in the raid and they gave it back to me. I folded it up and put it in my bag. Towards the end, as the police were searching my daughter’s room, my son told me that he saw one of the men taking the photocopy from my bag. I checked and it was true. They had taken it. I was so angry.

“The raid went from 3.30 in the afternoon until 10.30 or 10.45 that night. They went through every single thing in the house. They took a laptop computer, my son’s mobile phone, my other son’s mobile and my mobile. They took tax returns and everything to do with my husband’s business, as well as passports, bank accounts—everything that you can think of—photos, videotapes. It was incredible. I have lodged an official complaint with the Inspector-General.

“They gave me a receipt for about 62 items and wanted me to sign it, but I refused because I would not give them permission to take anything from my house. The officer, who was not wearing a uniform, put his name

down as Rob and wouldn’t give me a surname or a phone number and said I could find their number in the Yellow Pages.”

Maha, who has lodged an official complaint about the operation with Australia’s Inspector-General, alleges that \$7,000 in cash disappeared during the raid and that another large amount disappeared from their home two weeks later in suspicious circumstances. Police have not returned her son’s mobile phone and she now faces a \$521 breach of contract bill from the phone company.

Friends and supporters are assisting the Habib family, which has been forced to move from their home for safety reasons. When asked to comment about the refusal of the Howard government to secure her husband’s release, Maha replied:

“I don’t know what to think about this. They should be trying their best to secure his release. In the beginning the Department of Foreign Affairs were in contact with me and then, after they told me that he had gone to Egypt, I have had to call them. I’m don’t want to say this but I think we are being treated this way because of our racial background. This is wrong. We should all be treated the same, no matter what our background.

“I’m also very disappointed in the Egyptian Embassy. I rang them and wrote letters, but they kept putting me off, telling me next week, tomorrow and so on. When someone from the media contacted them they claimed to know nothing about my husband. None of them care about human rights at all.”

Maha’s lawyer, Stephen Hopper told the WWSW that Habib’s incarceration was in contravention of basic human and legal rights. Hopper said the police raid on the Habib residence last year was one of at least six “search and seizure” operations carried out by ASIO in Sydney following the September 11 terrorist attack in the US.

“We have a number of concerns about the legality of these raids and the search warrants and are currently researching this. In one case it appears the warrant travelled from one address to another. In another operation, police entered premises with guns drawn. They had a gentleman held down on the floor with guns at his head while his wife was upstairs breast-feeding a young baby. She heard the commotion, got up and was met at the top of the stairs by federal police—a man and a woman. They both held guns at her head while she had the baby in her arms. This is a matter for real concern.”

“Mr Habib is an Australian citizen—he does not have dual citizenship as reported by the media. It is a matter of great concern that an Australian citizen can go into a country and if that regime decides they don’t like him all they have to do is throw up an allegation that he is a terrorist or a paedophile to detain him.

“There are reports claiming that he had links to Al Qaeda or may have been involved in military training in Pakistan. But what is this ‘may have been’? This is just not good enough. The man has been detained since October 5, but they still can’t show us what he is charged with or the evidence. There is no evidence to support claims that he is a terrorist and we want him brought back to Australia. Unfortunately it now appears that governments, Australian or foreign, can make allegations, and on this basis ignore their human rights, natural justice, due process of the law or other basic legal procedures. The rule of law now seems to be applied on an ad hoc, rather than a mandatory basis.”

On April 22, Hopper sent a letter to the Attorney-General demanding the Howard government intervene to prevent Habib’s transfer to Guantanamo Bay, to secure legal access and to “make the strongest possible representations” to the US government for “the immediate release of Mr Habib and his repatriation to Australia and his family.” Two days later Robert Cornwall, a spokesman for the Attorney-General’s Department, replied, refusing to comment on any charges against Habib and declaring that the “timing” of any access to Habib and “the composition of the visiting team will be determined by the US authorities.”

This chilling reply officially confirms that the Howard government has

completely abandoned any defence of the basic democratic rights of an Australian citizen detained without charge and shunted from country to country at the behest of the Bush administration and the US military.



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