

# Howard government backs US incarceration of second Australian in Camp X-Ray

**Richard Phillips**  
**13 May 2002**

Mamdouh Habib, a 46-year-old Australian citizen being held illegally and without charge by the US military in Afghanistan, was transferred on May 4 to the notorious Camp X-Ray prison at Guantanamo Bay, Cuba. The Howard government, in another display of its subservience to the Bush administration, immediately backed the Habib's relocation, with senior ministers making clear they had no intention of demanding Habib's release.

Attorney General Daryl Williams told ABC radio on May 6 that the US treatment of Habib was "appropriate" and that Australian Federal Police and the Australian Security Intelligence Organisation officials would interrogate him in the next few weeks. In a breath-taking display of bureaucratic doubletalk, Williams said no lawyer would be present during questioning, arguing that since any information gained during the interview could not be used in an Australian court of law Habib "was not being denied any of his rights."

Foreign Minister Alexander Downer told a National Press Club luncheon the following day that he had no sympathy for Habib and said the Australian government would do nothing to secure Habib's legal rights. Despite the fact that no evidence has been presented establishing any link between Habib and Al Qaeda, Downer declared, "People who muck about with organisations like Al Qaeda are bound to get themselves in trouble." Two weeks earlier Australian Foreign Affairs officials told the media and the Habib family that he would not be transferred to Cuba before being interviewed by Australian officials.

This is the third occasion in the last eight months that Habib has been illegally transferred by US authorities. Arrested by Pakistani police on October 5 during a visit to that country, he was questioned by US and Australian officials before being transported to an Egyptian jail. Held incommunicado and subjected to constant interrogation in Egypt for five months, he was transported to Afghanistan in April and placed in a US military prison before being moved to Cuba.

Habib is the second Australian citizen being held in contravention of his legal rights and the Geneva Conventions by the US military at Guantanamo Bay. David Hicks, a 26-year-old from Adelaide in South Australia, was arrested in Afghanistan in December, grilled by US and Australian

military and intelligence officers, and then moved to Camp X-Ray in January. The two Australians are among more than 300 jailed at the US military-run prison under conditions described as cruel and inhumane by international legal rights organisations. A recent letter from David Hicks to his father indicated that US authorities were constantly interrogating him.

Habib and Hicks have been denied all consular, legal and family access since their capture. They have not been charged with any offence or put on trial before any court. In fact, the deeply religious Habib was not even in Afghanistan when he was arrested. Concerned by a growing number of anti-Muslim attacks in Australia, he planned to relocate his family to Pakistan and was visiting that country in order to find an Islamic school for his children when Pakistani authorities, working in close collaboration with US intelligence, seized him.

In the last contact Habib made with his family—a telephone message left on the family's answering machine in early October, just before his arrest—he said he planned to return home to Australia within a few days. His family has received no letters from him in the past eight months and has no independent confirmation about his physical or mental state.

According to an April 22 *Sydney Morning Herald* article, US authorities are now considering a "new legal doctrine" that would allow them to bring the prisoners before military tribunals without specific evidence of war crimes. One unnamed US official told the newspaper that the changes were necessary because they had not been able to extract enough information from the prisoners to otherwise charge them.

Speaking to the *World Socialist Web Site*, Maha Habib denounced the kidnapping of her husband by US authorities. "I can't understand why they're doing this to him," she said. "He doesn't belong there [Camp X-Ray] at all. It's a prisoner-of-war camp and my husband hasn't been involved in any war.

"I'm worried and have had severe headaches over the last few days, but I am not going to break down and start begging this government. My husband has done nothing wrong and I know that justice will come in the end, unless they are going to try and frame him up."

Commenting on Foreign Minister Downer's remarks she said: "I'm really upset with Alexander Downer. I think he is a

hypocrite. He says that he has washed his hands of my husband but he hasn't done anything for him. All Foreign Affairs ever said to us was that they were trying to get access. But then they let the US move him to Cuba.

"The newspapers have written that my husband has travelled a lot, that he went to Egypt, Pakistan and America. This is true. But they don't explain that we went together as a family. The government knows all this—it's in our passports. The media ask, where did we get the money for this travel? My husband and I worked very hard to pay for these trips. Is it now a crime to travel overseas?"

"My husband has been kidnapped and yet the government of the country where he lived, worked and paid taxes refuses to do anything to secure his rights. If Australian people are confused by what they read in the newspapers about my husband, I'm not surprised. But they should realise this could happen to anyone travelling overseas, who the US government doesn't like," she said.

Habib family lawyer Stephen Hopper told the WWSW that the US military had "no jurisdiction" over Habib but the Australian government was "only prepared to kowtow to whatever the US does, rather than look at things with a critical eye and ensure that the rule of law is upheld."

Hopper said the Habib family would now join the habeas corpus legal action in the US by lawyers representing Terry Hicks, the father of David Hicks, and two British parents with sons imprisoned at Guantanamo Bay. (See: Australian, British and US lawyers challenge detention of Guantanamo Bay prisoners)

The refusal of the Howard government to lift a finger in defence of Habib and Hicks' basic democratic rights is in marked contrast to its response to the fate of other Australians imprisoned overseas in the recent period.

When Kerry Danes, a veteran of Australia's elite Special Air Service Regiment, and his 33-year-old wife Kay, were arrested in Laos in December 2000, the Howard government bent over backwards to secure their release. The Danes were accused of stealing sapphires from the country's largest gem mine. Kerry Danes, who was on extended leave from the army, was in charge of security at the mine. His wife was arrested trying to cross the border into Thailand carrying \$102,400 in cash. The couple were put on trial, fined \$1.2 million and sentenced to seven year's jail. But they were released in 2001 after a vigorous international campaign by the Australian media, Prime Minister Howard, Alexander Downer and senior embassy personnel. Newspaper articles called on the Howard government to threaten Laotian authorities with cuts in Australian aid unless the couple was released.

Likewise, no effort or resources were spared to force the Yugoslav government to free Steve Pratt and Peter Wallace who were accused of spying for NATO and arrested on March 31, 1999, shortly before US and allied warplanes began bombing that country. Employed by CARE Australia, an aid

agency, the two had advanced satellite communication equipment, computers and detailed information on the situation in Serbia and Kosovo. Their arrest sparked a diplomatic and media furor. The Australian press went into overdrive accusing the Yugoslav government of international lawlessness and "ghoulish" behaviour.

The Howard government dispatched former Prime Minister Malcolm Fraser to Yugoslavia to negotiate their release and Attorney General Daryl Williams authorised a special \$70,000 government grant to pay for Pratt and Wallace's legal costs. Prime Minister Howard, Governor General William Deane, UN Secretary-General Kofi Anan and countless others, including Britain's Queen Elizabeth, demanded they be freed.

Pratt and Wallace were found guilty of spying by the Yugoslav courts and sentenced to jail terms of eight years and one year respectively. Nevertheless the pair were released and returned to Australia in September 1999, after a deal was thrashed out with the Milosevic government in the aftermath of the NATO military bombardment of Yugoslavia. In contrast to those now being held by US authorities in Cuba, they had access to a lawyer and could communicate with their families and Australian authorities.

It later emerged that Pratt was a former Australian Army logistics expert and had worked as a logistics consultant in Yemen before joining CARE and travelling to northern Iraq and Rwanda. His mother told one newspaper that he had been involved in espionage activity in Iraq and forced to leave.

Pratt has the highest connections with the Howard government. In 1989 he took leave from the Australian Army to run as the Liberal Party candidate for Banks in Sydney in the 1990 federal election. He is aligned with the most right-wing faction of the party and is currently the Liberal Party's shadow education minister in the Australian Capital Territory Assembly.

A recent publication by Australia's Department of Foreign Affairs and Trade Ministry declares that consular officials are "committed to providing effective, prompt and courteous consular service" to all Australian citizens who may have been "arrested, assaulted or taken to hospital in a foreign country. "For these people and their families," it continues, "consular assistance... is available around the clock."

But as the Howard government has demonstrated during the past nine months, these soothing words are utterly meaningless if those involved happen to be Middle Eastern born Australian citizens, such as Mamdouh Habib, or, like, David Hicks find themselves in a situation that conflicts with the current foreign policy objectives of the US and/or Australian governments.



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