

Australian prisoners in Guantanamo Bay send letters exposing their illegal detention

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Letters received last week by the families of two Australian citizens currently jailed in Guantanamo Bay, Cuba, further expose the inhumane and illegal nature of their arrest and detention. Written by 26-year-old David Hicks and 43-year-old Mamdouh Habib, the letters provide further evidence that US military authorities have contravened basic legal conventions and human rights since the two men were captured last year.

Hicks, from Adelaide in South Australia, was seized by Northern Alliance forces in Afghanistan last December and handed over to the US military. He was grilled for weeks and then flown, bound, blindfolded and gagged to Camp X-Ray in Cuba. Habib, a former contract cleaner from Sydney and the father of four children, was arrested in Pakistan in October and transported to Egypt where he was held incommunicado and interrogated for five months. He was shifted to a US military prison in Afghanistan in April and then relocated to Camp X-Ray in early May. Like the other 363 prisoners from 34 different countries jailed in Guantanamo Bay, the men have not been charged with any offence.

Hicks wrote to his father Terry following a recent interrogation by Australian consular officials, federal police and Australian Security Intelligence Organisation (ASIO) agents in Cuba. The letter explained that he spent “all day stuck in a small cage with no daily program” and was “desperate to get home”. Hicks said he was informed that he would not be given access to a lawyer but that “if you tell us everything you know, you’ll get back to Australia quicker”.

This bribe constitutes a clear breach of the Geneva Conventions and is in contravention of basic legal procedures and principles. As Stephen Kenny, the Hicks family lawyer, told the WSWS: “Telling someone who has been held for over five months that he is not entitled to have a lawyer but that if he cooperates he will be sent home sooner, is illegal and would be condemned by courts in any civilised country.

“We maintain that David is completely innocent and that the Australian government, as an ally with the US in the so-

called fight against terrorism, could and should play a significant role in securing Hicks and Habib’s release. The Australian government, instead of demanding the release of its citizens, as they have done for others imprisoned overseas, has refused to lift a finger or make a single protest. Their attitude is that the American government has Habib and Hicks and there is nothing they can do.”

Maha Habib, Mamdouh’s wife, last week received three letters, two dated April 23 and written from a US military prison in Afghanistan, and another from Cuba. It was the first contact from her husband since he left Australia in late July, almost 10 months ago. The April 23 letters, which were sent through the International Red Cross, confirm that, contrary to government claims, Australian officials visited Habib after his arrest by Pakistani authorities in October but took no action to prevent his illegal transfer to an Egyptian prison. They also contradict official statements that he had both Australian and Egyptian citizenship.

Protesting his innocence, Habib told his wife in faltering English that he was captured by Pakistani authorities on his way to Karachi airport and did not know why he had been “kidnapped”. In one of the April 23 letters Habib asked his wife to get a lawyer and explained that Egyptian officials attempted to pressure him into becoming an Egyptian citizen:

“[T]hey take me to Egypt and try to make me change citizenship to Egyptian [and]... tried to force me to bring you and the kids to Egypt and I refused. ... And I was suffering to no[t] let these people bring you in Egypt, and I hope you are still in Australia,” he wrote.

In the second April 23 letter, Habib told his wife: “They kidnapped me and put me in jail in Pakistan. After this, they took me to Egypt. The Australian consul promised to send me home and I never saw him after this... If you can ask for a lawyer because I’ve not involved with anything... Take care of the kids—I love everybody. I cannot stay without, and anyone of the kids. Kiss them for me.”

In the third letter, which was sent with an official letter from Australia’s Department of Foreign Affairs claiming

Habib was in good health, Habib explained once again the pressure put on him to become an Egyptian citizen. He asked his wife to pray for him and to tell Ahmed, his oldest son, to “take care of himself” because “there is no freedom anymore”. In a clear indication that the barbaric conditions and constant interrogations have disoriented him, Habib wrote: “I’ve been in too many different places—I never know where I am.”

Toward the end of the letter he stated: “I’ve been blindfolded for eight months—I never see the sun but I see you and your kids every minute. I never forget you or forget my children.”

These letters follow additional information from Ibrahim D., one of two German nationals seized in Pakistan with Habib last year. Ibrahim D., whose full name has not been released for legal reasons, phoned Stephen Hopper, the Habib family lawyer, in mid-May and explained that the three men were travelling on a bus between Quetta and Karachi when they were arrested. Habib was planning to fly to Australia from Karachi. This information, the first from an independent eyewitness, undermines Australian government and media claims that Habib was caught attempting to cross into Afghanistan.

According to Ibrahim, non-uniformed Pakistani authorities carrying guns stopped the bus and arrested the men. They were blindfolded and imprisoned in Quetta jail for four days, before being transported to another prison in Islamabad. The Germans were later freed and repatriated after their government lodged a formal protest with the Pakistan regime.

Ibrahim also confirmed that Australian officials had visited Habib. Habib told Ibrahim that the Australian authorities seemed unwilling to help and had mocked him. Knowing full well that his wife and children were in Australia, the official asked whether he wanted to go to Egypt or Australia. Ibrahim said Habib was ill but had been prevented from taking prescribed medication and was not given any medical treatment. Ibrahim’s account further establishes the illegal character of Habib’s detention.

In contrast to mounting protests from civil rights lawyers around the world, as well as Amnesty International and Human Rights Watch, the Howard government has fully backed the Bush administration’s treatment of the prisoners. It has ignored the blatant breaches of the Geneva Convention and the International Covenant on Civil and Political Rights and rejected appeals for legal and family access.

Moreover, senior government officials, in contravention of the principle of presumption of innocence and without producing a shred of evidence, have publicly declared that Hicks and Habib are terrorists and/or connected with Al Qaeda.

Attorney General Daryl Williams and Foreign Minister Alexander Downer recently visited Guantanamo Bay, the first visit by any Australian officials to the infamous US prison camp, where they issued a joint statement claiming that the inmates were being detained in “safe and humane conditions”.

Williams later admitted, however, that Australian and US authorities were “no closer to finalising their inquiries” and that he had no idea, nor could he determine “when detention will cease”. The US military, he said, was “not in a position to make a decision about whether there will be prosecutions or whether it can be properly alleged that offences have been committed. The men are in US military custody and the investigations that are in train have to take that fact into account.” No one should expect “an instant outcome,” he added.

Yet, Hicks and Habib have been interrogated on a daily basis—in Habib’s case by police and military personnel from Pakistan, Egypt, Australia and the US. According to legal experts they cannot be charged with any offence under Australian law. Nor, as Williams freely admits, is it clear whether any charges will be laid against them in the US or if they will ever be released. They have no access to a lawyer, which means that even if they admitted any criminal offence, such evidence would not be admissible in a properly constituted court of law.

Speaking with the WSWS, Stephen Hopper said the Howard government’s refusal to take any action to secure Habib’s release was an outrage and would come unstuck. “We will be launching legal action in the US through the Centre for Constitutional Rights for a writ of habeas corpus to secure his release and more information will come out on this. The truth is coming down the road like a freight train and the Australian government should know that we are not going to back off.

“There has been a lot of rhetoric about the Taliban during this so-called war against terrorism, but it should be remembered that when the Taliban detained some Christians for distributing bibles in Afghanistan last year they had sufficient respect for the notions of law and justice to grant these people access and representation by a lawyer. It appears that the US is not just severely lacking in this area of human rights, but is behaving worse than the Taliban on this point.”



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