

Guantanamo Bay detainee's family speaks with WSWS

“Why isn't the US military up on trial for terrorism?”

Richard Phillips
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Terry and Beverly Hicks are maintaining their struggle to secure the release of their 28-year-old son David, who has been detained by the US government at Guantanamo Bay for almost two years without charge and in violation of his basic democratic and legal rights. Terry Hicks recently visited Pakistan, Afghanistan and the US to gather evidence about David's arrest and detention and to meet with American lawyers.

Last month Terry and Beverly travelled from their home in South Australia to Sydney to participate in a public meeting called to discuss the plight of their son and Mamdouh Habib, the second Australian citizen held in the US military prison in Cuba. Maha Habib, Mamdouh's wife, and lawyer Stephen Hopper were among the speakers who joined Terry Hicks in addressing the meeting. It was the first joint public appearance by the Hicks and Habib families. (See: Families of Guantanamo Bay detainees address public forum in Sydney.)

Terry and Beverly Hicks spoke with Richard Phillips before the public meeting.

Richard Phillips: You told me on the phone last week that democracy has been destroyed in Australia. Could you explain?

Terry Hicks: To me you have democracy when it's possible to approach politicians and freely discuss issues and problems with them. But people like Howard and Downer [Australian foreign minister] have totally ignored us and the “Fair Go for David” support group. Downer lives in Mt Barker, not far from us, and we've made countless overtures to set up a meeting. The answer is always the same—he is too busy, or is in Canberra, overseas, even when we know he isn't.

In fact, we haven't been able to have a face-to-face meeting with any of the government politicians. And I'm probably not the only one that has been treated this way. So as far as I'm concerned, this shows that democracy has gone.

RP: And the new ASIO [Australian Security Intelligence Organisation] terrorism legislation?

TH: Yes, I believe so. Under these laws, ASIO can arrest anyone it believes is suspicious. If someone sees a couple of people talking on the street and thinks there is something wrong, they can contact the police and have them arrested. There is no argument. ASIO can lock them up on suspicion of terrorism and no one will know because they have no right to contact anyone.

Under law, they are supposed to let people out within a specified period but they can be re-arrested on the basis of having more information that ASIO wants. People can be thrown into a legal void, just like David. This is serious because it means people cannot discuss things others regard as suspicious in a hotel, in the street, or anywhere. This is a far cry from what it used to be.

RP: When did you start to realise that your efforts to secure David's release involved bigger political questions?

TH: I suppose when we went to Canberra earlier this year. We were in the parliamentary gallery and Howard was down below in the chambers. He acknowledged the fact that I was there but made no eye contact—he refused to look at me. One MP asked him a question about David and he replied in some roundabout way that no one could understand.

I thought to myself, this bloke is a gutless individual and will leave everything to his whipping boys—Downer, Williams [then attorney-general] and these types. It suddenly hit me that the government didn't care in the slightest about David and this was its attitude to the democratic rights of other Australians.

When news first came through that David had been arrested I thought that they'd eventually charge him with something. But it just went on and on—five months, six months, nine months and now almost two years—and still no charge. This can only mean that they have nothing and are trying to force him to admit to all sorts of trumped-up issues.

Beverly Hicks: The most frightening thing about the

military courts is we can't present any evidence showing that David didn't commit any crime against America. There is no avenue for us to do this. Howard says David will get a fair trial but how can it be fair if we can't present any evidence?

TH: They have classified the detainees as "unlawful combatants" so they can bring them before a military tribunal. The only information they're going to accept though is from the US military in Afghanistan and what they've gathered in Guantanamo Bay.

BH: Stephen Kenny, our lawyer, made an application for transcripts of the ASIO and federal police interviews conducted with David when he was held on a US navy ship and before he was flown to Guantanamo Bay. The government has refused, saying it would jeopardise Australian security. But what about David's rights? We don't know what they are doing to him. David was simply in the wrong place at the wrong time.

TH: It's a farce. Any evidence we've uncovered in the last two years about what David was doing, and when and how he was captured, won't be allowed. If the tribunals go ahead, any civilian lawyer for David has to be approved by the US military. And even if Stephen Kenny is allowed to attend, he can only act in advisory capacity.

This sort of thing has happened before and is portrayed in the movie *Breaker Morant*. No one ever proved whether Morant [an Australian soldier court-martialed by the British during the Boer War] was innocent or guilty. He was tried in a military court and executed because it suited the British military at that time and the Australian government went along with it. Regardless of whether he was guilty or innocent, the military had the last say and they just took him out and shot him.

Today, years later, we have a situation where Bush determines the fate of everyone in Guantanamo Bay. It doesn't matter if six out of seven military judges say David is innocent; Bush has the final word on his fate.

RP: It's clear that the Bush administration is detaining David, Mamdouh Habib and others to justify the so-called "war against terrorism".

TH: That's right and they've told so many lies. No weapons of mass destruction have been found in Iraq and Bush has now admitted that there was no connection between Saddam Hussein and September 11 or Osama bin Laden. Bin Laden was CIA trained and the US government talks about chemical weapons but they were flogging the stuff to Hussein back in the 1980s.

So many questions haven't been answered. I've thought about this a lot and come to the conclusion that the CIA was probably involved in September 11. I think the US government wanted a terrorist attack or at least used the

opportunity to justify their existing plans to attack Afghanistan and Iraq.

Bush and Howard talk about the war against terrorism but why isn't the American military being brought up on charges over the civilian atrocities they've committed in Afghanistan and Iraq? Women and children are being killed every day and last week US soldiers shot down a young girl at a wedding in Iraq. This is real terrorism.

BH: When the police first came to our house, after David was captured and ASIO and the federal police had interrogated him, they asked us if there was anything he could be charged with to bring him back to Australia.

TH: I said no worries. Go to the South Australian police and you'll find that he was charged with starting up a car that was not registered. This is the only thing he's ever been charged with. But even if we told them that he had committed three murders in Australia and should be extradited this would be overruled by Bush. David is in Guantanamo Bay because it suits Howard and Bush and their so-called war against terrorism.

RP: How do you see the campaign to secure David's released being advanced?

TH: The only way is to get the public aware of David's case so they understand that it's an important issue for everybody. I'm a normal working man and don't know much about politics but I have to keep plugging away. If I don't, who will?

It's very hard for us to be hopping all round the country. We rely on sympathetic people—the support group, those who called tonight's meeting, your organisation and others—to get the truth out. The population must become aware of the true story, where this is all heading, and wake up.

I believe this is happening. I get letters and paper work offering assistance and support emailed to me from all over the place and from people I've never heard of. This shows they are beginning to understand that if Bush and the Howard can tear up the rights of David, Mamdouh Habib and others, they can do it to anyone.



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