

Terry Hicks speaks with WSW

Father of Australian Guantanamo Bay prisoner denounces Howard government

Richard Phillips
14 September 2004

In late August, Terry and Beverly Hicks, the parents of 29-year-old Australian citizen David Hicks, who was captured in Afghanistan and has remained incarcerated in Guantanamo Bay for more than two and half years, were allowed two brief meetings with their son at the infamous prison camp. They also attended the hearing where David was arraigned before a Pentagon military commission on charges of conspiracy to commit war crimes, aiding the enemy and attempting to murder US and coalition forces in Afghanistan. He could face a lifetime jail sentence if found guilty of these trumped-up charges.

The commissions, which were established by the Bush administration as part of its so-called “war on terror”, allow statements extracted under torture, permit hearsay evidence and deny the accused any right of appeal. They have been rightly condemned as “kangaroo courts” by human and legal rights organisations internationally and within America.

Last week, Australia’s Howard government, the only administration in the world not to have called for the release of its citizens from Guantanamo Bay, announced that it would be raising some “concerns” with the US about the tribunals, but refused to provide any details. When asked by the media to elaborate, Foreign Minister Alexander Downer said the government wanted to discuss “improvements” in “procedural aspects” of the trials.

This sudden “concern” is entirely cynical and has nothing to do with defending democratic rights. Rather, it is motivated by fears that domestic opposition to Canberra’s collaboration with the Bush administration in the detention of Hicks, fellow Australian Mamdouh Habib and hundreds of other prisoners in Guantanamo Bay in violation of the Geneva Conventions will have a detrimental impact on Howard’s election campaign.

Prime Minister John Howard and senior government ministers, who have publicly slandered Hicks and Habib as “terrorists”, violating “presumption of innocence” principles on numerous occasions, are increasingly regarded as pariahs by human rights organisations around the world.

On September 7, Clive Stafford-Smith, who represented two British prisoners—Shafiq Rasul and Asif Iqbal—released this year from Guantanamo Bay, told BBC television that Howard was primarily responsible for Hicks being the first prisoner brought before a military tribunal. After denouncing the tribunals as a legal travesty, Stafford-Smith said: “The reason they are going to prosecute [Hicks] first is that the most craven politician in the world right now is John Howard.”

A day later, Amnesty International secretary-general chief Irene Khan slammed the Howard government over its human rights record. Delivering a public lecture in South Australia, Khan said Hicks was facing a “blatantly unfair trial” and that the Australian government had “betrayed” its own citizens by sanctioning the military trials. She said that human

rights and international law were confronting the most sustained assault in 50 years but the Howard government, “far from resisting those attacks, is contributing to them”.

Terry Hicks spoke last week with the *World Socialist Web Site* following his return from Guantanamo Bay and commented on the meeting with his son, the nature of the military tribunals and the Howard government.

Richard Phillips: Could you give readers an overview of the hearing and your meetings with David?

Terry Hicks: It was really difficult. Beverly and I were absolutely exhausted from the 30-hour trip, the weather was very hot and all sorts of feelings were racing through my mind. Obviously it was a great relief to know we were finally going to see David, but at the same time I was apprehensive about how the meeting would go.

The first meeting with David was a bit rushed. We had to walk down a long corridor and they had armed guards the full length of it and five military blokes ushered us in. I’d never seen so many soldiers guarding one person.

We were told we had 10 minutes but got another five and most of that was spent telling him about the family—how everyone was—and explaining the support he has, not only in Australia, but around the world. He was overcome with emotion because even though Major Mori and Steve Kenny [David’s military and civilian lawyers] have told him, it’s different when your own family can explain it. I told him he had to realise that although there were a lot of people that didn’t like him, there were many more that were very concerned about what was happening to him.

He was manacled to the floor via his leg irons. These were removed before he was taken into the hearing—they didn’t want to show that to the media. I coped with that all right, because I knew what to expect, but Bev was a bit upset.

The military then took us into the hearing, which was very interesting. Each panel member had to fill out a questionnaire—30 questions—and I was shocked by what came out.

One panel member was a friend of the judge who appointed him—he’d been at his wedding, at family barbecues and his wife worked at his office. It was incredible. We could probably call one of the panel members as a witness because he was involved in logistics in Afghanistan and the transport of David to Guantanamo Bay. Another had a close friend who died in the Twin Towers but he claimed that he would not be emotionally involved in the trials. How can you believe that? If you think the people you are trying were involved in some way in the World Trade Center attack, then how can you be unbiased?

Even the judge, who had retired from the military, was brought back to serve on the hearing and because of that he gets an extra 20 percent superannuation payment. How can these people not be biased?

All sorts of thoughts were racing through my mind. It's obvious that the tribunal has nothing to do with normal legal procedures, but is geared up for the military. The defence raised 19 points of objection, which will be ruled on in November, and it was good when David stood and said not guilty to all the charges.

RP: This was important and courageous.

TH: That's right because they've done some terrible things to him and put him under a lot of pressure. By the same token, I've told him, "For Christ's sake don't buckle under and plead guilty to anything".

At one stage I think he might have considered pleading guilty, in the hope that he would get back to Australia. When the Australian contingent met him in 2002 they told him, "Tell them everything and you'll get home". But, as David said to me, "I'm still waiting".

Although he still has his sense of humour and joked about being the first prisoner to get a visit from his family, he is not coping very well. He said it was really tough in solitary. At one stage he would see his guards every day, but now he is in total isolation. They have a camera watching him 24 hours a day, whether he is at the toilet or whatever, and no privacy whatsoever.

RP: How did you get there?

TH: The government gave us nothing so we had to get there on our own resources. We were very fortunate though, because a very kind person in Sydney raised the money for us. We couldn't have made it otherwise, or at least we would have had to borrow the money to get there. This trip really knocked me around, physically and mentally, but I'll be taking time off work to attend the trial in January.

RP: You had a second meeting with David.

TH: Yes, after the hearing, and he just opened up. He told us that he had endured two 10-hour beatings in Afghanistan and was also subjected to some pretty horrific and very demented things. He was very stressed about it and kept having flashbacks, but had to tell someone he could trust.

RP: Were the beatings like the torture in Abu Ghraib?

TH: Yes, similar. I can't elaborate on this, though, for legal reasons, but it will all come out in due course.

Even though I was geared up to expect the worst, it was terrible to hear all this from your own son. It wasn't very pleasant at all. David said that he had seen some terrible things happen to others, which were very unsettling, and that he had some very down periods. He did say that having us there had boosted him and would help to keep his morale up.

I told the media that the report by the released British prisoners was very close to what David had described. Of course, the Howard government tried to downplay that report and said it was biased, but they're in a bind because they've told so many lies. They have to keep the cover-up going, but as they continue lying they're digging themselves into a bigger hole. As I explained to the press, how the hell would David know what the British blokes had written?

One smart-Alec from the media mentioned the torture and abuse and asked: "What do you think of the military and the Americans?" I told them I've got nothing against the military or the American people; my differences are with those sending the messages from the top. I even had a couple of American soldiers tell me while I was there that they agreed with me. I don't blame them for the situation. These people are under pressure and if they're thrown out of the services, there is nothing—unemployment is high in the US and there's no welfare or anything like that.

RP: What's your comment on the Howard government's claims today that it has some concerns about the trials?

TH: These statements are absolutely ridiculous. I thought the Olympic Games had finished but I guess Downer and [Attorney-General Philip] Ruddock wanted to show their skill doing back-flips.

We've been hounding these characters for months, explaining that the trials are unfair. They've always responded by insisting there would be

proper legal procedures and that we should trust the Americans. Suddenly they've discovered problems.

Why didn't they speak up months and months ago? And what about their legal obligations as a government to defend Australian citizens? The trial procedures were not a secret and you don't have to be a genius to figure out that the prisoners have no rights. They have no legal representation or independent witnesses during interrogations or anything. I'm not a bloody lawyer, but it's obvious that this is not right.

Downer is past his use-by date and so is Ruddock. They've previously said that David deserved to stay in Guantanamo Bay and that they didn't want him back in Australia. Now Ruddock says he wants him to have a fair trial—this is not a response from a man, but a snake in the grass.

Ruddock and Downer are saying this because there is an election on and they're trying to save their own skins by pretending that they care. But I don't think the Australian people are stupid enough to fall for this and there are a lot of people out there angry about this whole business.

The other reason is that the Law Society sent an independent observer to the hearings and he's written a report. Our guess is that the government has seen part of this, or knows what he thinks, and is trying to pre-empt it by pretending to be concerned.

David wrote a two-page report in early 2002 and gave it to the Australian Federal Police when they visited him in Guantanamo Bay. But where is it? The government claims to know nothing about it, but David personally told me about it, as well as a few other things that Australian officials claim to know nothing about.

They're sitting on this and a lot of other things, but have done everything possible to stop us getting this information. One newspaper has gone to court twice, unsuccessfully, to get Freedom of Information access and been blocked. This government has got a lot to answer for, not just to our family, but to all Australians. They've got a lot of explaining to do.

I've said from the beginning that whatever David has done he must be given due process—the entire legal system rests on this principle. If you pull the rug out on this, then you have no rights. The Geneva Convention was drawn up to protect prisoners captured in war and so those who breach its laws, like the Nazis did, can be taken to task. And this is exactly what should happen to John Howard and company. David and Mamdouh Habib have endured beatings and all sorts of illegal acts because of what the Howard government has done.



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