

# US and Australian governments delay release of Guantánamo detainee

**Richard Phillips**  
**24 January 2005**

While Australian citizen Mamdouh Habib was officially informed early last week that he will be freed without charge from Guantánamo Bay, US and Australian authorities have been involved in a series of crude manoeuvres designed to delay his repatriation.

Habib has been incarcerated in Guantánamo Bay without access to an attorney or his family since May 4, 2002. His first contact with a lawyer was not until late November 2004, three years after Pakistani police first seized him in October 2001. He was interrogated at length by Pakistani police and US Special Forces and then “rendered” to Egypt, where he was tortured and abused for six months.

On the basis of statements extracted under torture, he was moved to a US military prison in Afghanistan and then transported to Guantánamo Bay. British detainees released from Guantánamo last year reported that Habib could not see or walk properly when he first arrived. One of the British detainees said he saw Habib being dragged around in chains and bashed by army guards. US interrogators also convinced him that his wife and children had been killed.

While Washington announced on January 11 that it would not press any charges against Habib, it still maintains that he is an “enemy combatant” and will not allow him to return to Australia via the US or to overfly American airspace. US State Department officials have also demanded that he be shackled for the journey because he still “posed a threat”.

Likewise, Australian government ministers claim that Habib is a “person of security interest” and too dangerous to return to Sydney on a standard commercial flight. They have insisted that he must travel in a specially chartered military or domestic aircraft. The estimated cost for the trip, for which the US government has taken no financial responsibility, is

\$A500,000.

Australian Attorney General Phillip Ruddock told the local media that although shackling Habib was “not part of the plan”, he did not rule it out. “I simply say any decision of that sort would be made involving the captain of the aircraft and would depend on the circumstances. I can’t dismiss the possibility,” he said.

Negotiations between Washington and Canberra over these “issues” have meant that no official date has been given for Habib’s release. Previous expectations that he would be home in days are now turning into weeks or even possibly months.

Lawyers for Habib have angrily denounced the delay and demanded his immediate freedom. Joseph Margulies, Habib’s US lawyer, told the *Washington Post* that the restrictions were “preposterous”. “If they believed he were dangerous they would not be sending him home. There is no risk. He should be home with his family right now,” he said.

Stephen Hopper, Habib’s Australian lawyer, told the *World Socialist Web Site* that the delays were another example of the ongoing violations of his basic democratic rights. “The delay and sly insinuations that Mamdouh is a safety threat are laughable. He is being released because neither the US nor the Australian government has an atom’s weight of evidence against him. If they had anything on him, he would not be freed,” he said.

“The Howard government is trying to stir up political opposition against Mamdouh and his family, but it is the guilty party,” Hopper said. “It has violated the basic rights of one of its own citizens and we plan to make this clear to as many people as we can.”

There are a number of reasons why the Howard government would like to delay Habib’s release and divert attention from its political significance.

Washington's announcement on January 11 was a severe embarrassment for the Australian government and punctured its claims to have a "special relationship" with the Bush administration.

Over the past three years, the US has assured senior Australian officials that Habib would be charged, put on trial before a military court and presumably given a lengthy jail term. Instead the US, apparently without consulting Canberra, decided to release Habib.

Australian officials were informed only a few hours before Washington's announcement. In fact, Ruddock had sent a letter to the Labor Party legal affairs spokeswoman earlier that day stating that Habib was about to be charged with terrorism crimes. A few hours later, he was forced to call an evening press conference to explain that Habib was going to be released.

More importantly, however, the Australian government is deeply concerned that Habib will not be silent. It is trying to deflect attention from its involvement in his illegal detention, torture and abuse, which are crimes under the Geneva Conventions and Australian law.

After Pakistani police seized Habib in October 2001, Australian Security Intelligence Organisation officers and Australian Federal Police were sent to interrogate him. Rather than demand Habib's release, the Howard government gave Pakistani and American authorities a blank cheque to do whatever they wanted to the Australian citizen.

As Habib's affidavit to a US court in November 2004 made clear, Australian officials watched while he was beaten and abused by US military forces in Pakistan before being sent to Egypt. It did nothing to secure his release from Egypt and then allowed his transfer, without charge or any access to a lawyer, to Guantánamo Bay.

The delay in Habib's release and continuing claims that he constitutes a security risk are designed to justify a new round of anti-democratic measures and provocations against the father of four. Despite the fact that he has been charged with no offence, the Howard government plans to make his life a misery.

Prime Minister Howard and Ruddock have categorically rejected any financial compensation for their involvement in his detention. Nor is it likely that he will receive any government medical assistance to help him recover from the physical and psychological

abuse he has suffered over the past three years.

Federal and state police agencies are currently discussing how they will maintain round-the-clock surveillance of Habib. The *Daily Telegraph*, Murdoch's Sydney tabloid, on January 17 interviewed the director of private security firm who suggested that they could maintain surveillance of Habib, using teams of agents and hidden cameras, for around \$30,000 a month.

Ruddock has made clear that Habib will be prevented from renewing his Australian passport and therefore permanently prevented from leaving the country. In an attempt to gag Habib, Ruddock has also hinted that he could be prosecuted under the Proceeds of Crime Act if he attempts to secure payment from the media for any interviews.

Foreign Minister Alexander Downer told the media that Habib faced no physical threat. "You know what Australians are like. They might dislike people, but they tend not to take to them physically, fortunately. We don't want to encourage that," he said. But with its ongoing insinuations that Habib is a terrorist and Al Qaeda member, the Howard government has established the political climate for just such a physical attack.

Canberra will no doubt continue its backroom manoeuvres to delay Habib's release over the next weeks. For all its claims about Habib, the real criminals in these shameful events are Howard and his ministers and their blatant violation of basic democratic rights.



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**