

# New details of Australian involvement in the torture of Mamdouh Habib

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Australian citizen Mamdouh Habib, who was freed without charge from Guantánamo Bay on January 28, has provided further information implicating the Howard government and Australian intelligence officers in his illegal detention and extraordinary rendition (the transfer of detainees to other countries for torture). He made the allegations on SBS television's "Dateline" program on March 9.

Habib was arrested by Pakistani police on October 5, 2001, and, under the direction of the US military, transferred to Egypt, Afghanistan and on May 4, 2002, to Guantánamo Bay. Held without charge, he was subjected to varying degrees physical and psychological torture during his three-and-a-half-year imprisonment in these locations (See "Mamdouh Habib indicts Australian government").

While the Howard government has denied any involvement in or knowledge about his rendition to Egypt, the new revelations and comments by others interviewed on "Dateline" undermine Canberra's claims. During his detention the Howard government denounced Habib as a member of Al Qaeda. Leading ministers made unsubstantiated allegations that he was a hardened terrorist and a judo expert who had trained the September 11 hijackers.

During six months of brutal interrogation in Egypt, including the use of water torture, electric shocks and other illegal methods, Habib was questioned about telephone numbers and told that unless he provided names and addresses for the numbers he would not be released. Habib told "Dateline" that the numbers were taken from a SIM card he left in Australia before leaving for Pakistan in July 2001.

Egyptian authorities could only have been received this information from Australian intelligence sources. In fact, the Australian Security and Intelligence Organisation (ASIO) raided Habib's family home in September 20, 2001, and confiscated mobile phones, a computer and other items.

Still traumatised by his illegal detention, the 49-year-old father of four told "Dateline" that there was an Australian

official present during some of the interrogations in Egypt and that ASIO officers menaced him during questioning in Guantánamo.

"They threaten[ed] me and my family not once but so many times," he said. "They tell me they're going to send me back to Egypt and they tell me [that] they [would] cancel my citizenship and tell me you're not an Australian anymore."

One of the ASIO officers told Habib that his wife was in jail and his children under the custody of the government. He also explained that ASIO had attempted to recruit him as an informer on several occasions during the late 1990s. He refused, telling them, "I'm not going to work for you, or nobody. That's not my way of life. I can't be two faces."

He told "Dateline" that he was still being harassed by ASIO officers and still feared for the safety of his family. Habib's home in Sydney's western suburbs has been burgled twice since he was repatriated to Australia. No valuables were taken but the break-ins appeared to be aimed at seizing any evidence that could be used in any future legal action against ASIO or the Howard government.

Joseph Margulies, Habib's American attorney, told "Dateline" there were two reasons why Habib was released. Firstly, the Bush administration, despite more than three years of interrogations, found no evidence to charge, let alone convict him of any crime. Secondly, Washington was anxious to circumvent pending legal action in a US District Court over his rendition and illegal treatment.

If the case had proceeded, the civil rights attorney said, it would have uncovered, through the process of legal discovery, vital information about rendition and those involved in this illegal activity, including "who they worked for [and] whose authority they were acting under."

"Once it became apparent they were going to be called upon to justify the detention in a US courtroom, they made the decision to release him. They would rather release someone than disclose the nature of their detention practices," Margulies added.

Margulies said that Washington would have obtained

information about Habib from the Howard government, one of their closest allies, and that Australian intelligence officers would have “participated or at least been present” during some of the interrogations.

“Dateline” questioned Australian Attorney General Phillip Ruddock. He claimed again that the Australian government had “no knowledge” of Habib’s rendition. “[W]e were seeking access to him, if he was there,” he said, but “it was never obtained.... We have no knowledge of him being there. We formed a view that he was there.” Ruddock refused to elaborate on how the government “formed” this view.

Questioned by “Dateline” as to why he had not asked Washington whether it had rendered Habib, Ruddock stonewalled with various of legalistic evasions and finally declared: “Well, I ask questions to which I realistically expect to get an answer and I don’t think I’d get an answer.”

In other words, the Bush administration can illegally detain and torture, in fact, do whatever it likes to an Australian citizen, and the Howard government will not even ask a question, let alone lodge a formal complaint.

Ruddock’s contention that he did not know whether Habib was rendered to Egypt, is bogus and contradicts a fax sent to the Habib family in November 2001 by the Department of Foreign Affairs and Trade. The letter assured the family that Habib was in Egypt, where the government department claimed he was “well and being treated well.”

US lawyer and former legal counsel for the CIA, John Radsan was also interviewed by “Dateline.” He rejected Ruddock’s claims and said there was little doubt that Australian intelligence officials would have provided information to the US about Habib. Apart from intelligence sharing, Radsan said, another reason for close cooperation between the Australian and American governments was to make sure there was no “diplomatic incident” over the case.

Although Radsan said he did not know whether Habib had been rendered to Egypt, he added: “But I think it is a reasonable hypothesis that if we’re going to move an Australian from our jurisdiction somewhere else and we’d been in touch with Australian authorities, that we would keep the Australians apprised of these developments.” He stressed that if Habib had been tortured in Egypt, then Australia was “also responsible” for the legal violations.

These comments and other facts presented on “Dateline” add to the growing body of evidence that the Howard government was intimately involved in Habib’s illegal treatment, which violated the Geneva Conventions, international law and constitutes war crimes.

While the Howard government has a majority in the House of Representatives, it does not take control of the Senate until June this year. Until then a combined vote of Labor,

Greens and the Australian Democrats representatives can hold up government legislation and initiate Senate inquiries on any issue. Labor, however, made sure there would be no opportunity to use the parliament to investigate Habib’s treatment or any other war crimes committed by the Howard government.

On March 10, a day after the latest revelations were broadcast by SBS national network, Australian Labor Party senators blocked with the government to vote down a resolution from the Greens calling for a special Senate investigation into whether any Australian was involved in or had knowledge of rendition and overseas torture. Labor Senator Bill Ludwig, a former Australian Workers Union official, told the Senate on March 10 that a parliamentary inquiry was “not appropriate” and would “serve no purpose.”

Ludwig’s comments echo those of Labor leader Kim Beazley, who declared last month that he was “not in the business of making this bloke [Habib] a hero.” Habib, he continued, “shouldn’t have the opportunity to give evidence to a Senate committee and we shouldn’t waste a minute on him.”

Beazley’s remarks and the Senate vote are consistent with Labor’s steadfast support for the so-called “war on terror.” From the outset, Labor has been an unwavering accomplice to the Howard government, providing tactical advice, parliamentary amendments and other measures designed to deflect attention from Canberra’s war crimes and assist it in pushing through the most serious attacks on democratic rights in the past 50 years.



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