

Father of Australian Guantánamo prisoner speaks to the WSWS

Richard Phillips
25 August 2005

Terry Hicks, the father of Australian Guantánamo Bay prisoner David Hicks, recently spoke with the World Socialist Web Site. His son David, who was arrested by Northern Alliance militia in Afghanistan in December 2001 and then transferred to Guantánamo, has been incarcerated in the US military prison in violation of his basic legal rights for over three and a half years.

David, who turned 30 on August 7, is due to face a resumed Pentagon military tribunal hearing on charges of conspiracy, attempted murder and aiding the enemy. He is one of four prisoners facing trial on trumped-up charges. The tribunals initially began their hearings in August 2004 but were forced to stop following a US District Court decision that they violated American military law and the Geneva Conventions. This decision, however, was overturned last month by a US court of appeals in Washington and the military tribunals could resume in October.

Richard Phillips: You've spoken by telephone recently to David. Can you give an update on his health?

Terry Hicks: David is not in real good shape. This was confirmed by the phone call and comments from his new lawyer David McLeod, who saw him for the first time a couple of months back and told me that he got the shock of his life when he visited Guantánamo Bay.

It was a strange phone call and although we were supposed to have half an hour there were so many dropouts and fadeouts that it was only about 15 minutes. I don't know whether this was deliberate from their end or just a bad line.

David told me that he was OK but apparently his eyesight is not good. He said that he is having back trouble and the food situation is bad, even though it changes temporarily when the lawyers come. Although he's out of solitary and there are others around, he is still kept locked up for 23 hours a day. And even when they let him out for an hour he is still shackled.

Of course the Australian government sent me a letter saying they saw him in March and that he is coping really well. This is nothing new. They always start their letters to

me by saying David is in good shape but it's just their spin.

David has survived in Cuba for over three and a half years but no matter how strong in mind or body you are it's impossible to be in that situation and not have your health suffer. People eventually break and I think that David could go one way or the other.

RP: Since the last time we spoke, David has decided to appoint a new Australian lawyer. Why did that happen?

TH: As you probably heard, I wasn't very happy about it. I thought that Stephen Kenny was doing a great job but David was obviously coming under pressure.

He now has two Australian lawyers—Michael Griffin in Sydney and David McLeod in Adelaide—and they're both connected with the military. McLeod was involved in the Iraq war in 1991 and is a squadron leader in the air force reserves and Griffin is an officer in the army reserves.

I don't really understand the thinking behind this but I suppose David was persuaded that if he got lawyers that might be friendly towards the Howard government then things would improve.

This seems pretty naïve and naturally enough there's been no improvement. The first time David McLeod did a press conference and spoke out about David's unfair treatment and his health [Attorney-General] Ruddock responded by declaring that McLeod wasn't capable of making an assessment after one visit.

RP: You've now met with Mamdouh Habib, another Australian citizen who was detained. What was he able to tell you about David's situation?

TH: Yes, it was very good to meet and talk to him. He told me about his illegal treatment and torture in Pakistan, Egypt and Guantánamo. It's shocking what the US government is doing and the Australian government's support for this. He felt that David trusted the Australian officials too much because they'd made all sorts of promises to send him back home. These were all lies. Habib tried to warn him not to believe these people and explained how Australian officials allowed him to be sent to Egypt and tortured.

No matter what they tell David, Howard and Ruddock

don't want him back in the country until after he's faced an American military trial. He hasn't broken any laws in Australia or Afghanistan but all they're concerned about is getting him rushed through the military tribunal, which will guarantee a guilty verdict. They'll use this to try and justify their own illegal actions.

Howard claimed a few weeks back that the US had enough information to convict David but this so-called evidence would never stand up in a real court of law and is based on torture. How is David supposed to defend himself when he cannot call witnesses or challenge evidence that has been created through threats, torture or promises of freedom and with no lawyers present?

RP: What's your comment on the recent emails from the US military prosecutors denouncing the tribunals?

TH: No matter how the government twists and turns, these prosecutors said it right and they prove what we have been saying all along—that the trials have nothing to do with giving prisoners a fair hearing but were created to bring down guilty verdicts. Howard can say whatever he likes to try and discredit our campaign to get David released. When you have two military prosecutors blowing the whistle like this then it's obvious to everyone that something is very wrong.

RP: What's the next stage of the campaign?

TH: It is pretty hard at this point and to some extent the legal action in the US has come to a stalemate. Maybe the military commissions in the US will implode and David will be sent home, but that's a long shot. Even if that did happen I think the Howard government would do everything possible to stop him getting back because of what he might say about his treatment.

David told me on the phone that the US military gathers up every media comment I make and use it to make things hard for him. He seems to cop it whenever I speak out and so he asked me to sort of tone it down a bit.

I know this is difficult but what are we supposed to do? I explained that even if I rephrase things slightly and don't directly insult Howard, someone else will say it. How can I shut up when David has no rights and is being treated worse than an animal?

RP: How did he respond?

TH: It was tough but he was OK. He respects what I'm doing and realises that I'm fighting for his rights. Of course he is dying to get home. Whatever happens, my job is to keep up the public pressure and I think the government feels that.

Last weekend I was invited to attend the premiere of Chris Tugwell's play *Camp X-Ray*, which is based on David's letters from Guantánamo Bay and was on for a week at the Darwin arts festival. It was a very moving experience. The

place was packed out and I was able to speak at the end of the performance and told the audience that the play was not fiction but gave a true idea of what it is like when you're a prisoner in Guantánamo.

I'll be speaking a special function about foreign prisoners put on by a media club on the Gold Coast this week and I've also held a workshop on human rights and terrorism with Amnesty International for groups of high school students in Adelaide—something I'd never done before. Over the last two years I've had a lot of college and university students studying journalism contact me for interviews. When you get the younger generation starting to question these issues then it is a good sign.

I'm hoping that all this will generate more interest, not only in David's case but also in the violations of human rights that are going on all round the world.

As you know, I didn't take much interest in political issues before. I was one of those people that thought the world goes round and that I just went round with it. But when something like this happens in your own backyard then you have to change and it became obvious pretty quickly that David wasn't the only poor bugger trapped in Guantánamo Bay, there were hundreds. The wider issues started to make themselves felt.

It was tough at the start but you do what you have to do. The worst thing is to just sit on your backside and moan about it. Nothing will change if you do that. And although it isn't easy, you're forced to think more and more about what can be done and you begin to understand how the government manipulates public opinion.

This has been a difficult experience for David and all the family but when he eventually gets home I'm going to thank him because his situation forced me to take the blinkers off. If we hadn't taken up this challenge then I'd still be wandering around like lots of other people, not really knowing what goes in the world and how important it is to fight for your democratic rights.



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