Australia: Thousands hear US military lawyer for David Hicks

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A recent lecture tour by Major Michael Mori struck a chord with ordinary Australians who turned out in thousands in Sydney, Canberra, Hobart and Adelaide to hear the American military lawyer for Guantánamo prisoner David Hicks.

Mori's simple message—that the almost five-year incarceration of Hicks is a legal travesty and that the 31-year-old father of two is still in Guantánamo because Canberra refuses to demand his release—powerfully exposed Australia's political elite. Since late 2001, when Hicks was arrested in Afghanistan, the Howard government and the so-called opposition Labor Party have cynically and callously used the Australian citizen to demonstrate their slavish support for the US-led "war on terror".

On August 14, a few days after arriving in Sydney, Mori was invited to appear on the Australian Broadcasting Corporation's "Enough Rope", one of the country's highest-rating television talk shows.

In an interview that extended for almost 30 minutes, Mori, who claims to be apolitical, explained the brutal, arbitrary and illegal treatment of Hicks and made clear that his opposition to Washington and Canberra was grounded in basic legal principles.

"I see myself as being very close to the middle where everything is supposed to be—equality, due process," he said. "I just think the administration and the other side have departed so far to the extreme away from our basic values. I don't think anything I'm saying—to give someone a fair trial—is some novel or radical idea."

The next day Mori began a round of meetings and lectures that continued throughout the week. He was regularly hailed as a "hero" and "role model" who should "run for US president".

The military defence lawyer addressed students at the University of New South Wales and later spoke to a standing-room only gathering of over 400 members of Sydney's legal profession, organised by the New South Wales Bar Association and the Law Society of New South Wales. Twenty-four hours later he travelled to Canberra where he lectured to a capacity audience of 500 at the Australian National University and the next day addressed an 800-strong public meeting in Hobart, a substantial audience for the Tasmanian city.

On August 23, Mori and Terry Hicks, David's father, addressed a rally of 2,000 in Adelaide and then led a march to Foreign Minister Alexander Downer's electoral office, where they attempted to present a petition signed by 50,000 people demanding Hicks's immediate repatriation and release.

Mori's tour concluded on August 25 with a public meeting of over 1,200 people at Angel Place in Sydney, where he was introduced by John Dowd, a former NSW Attorney-General and state Liberal Party leader. Dowd told the crowd the Howard government had become "an international embarrassment" over its unconditional support for the US-led "war on terror".

Mori, who received a sustained standing ovation, gave a power-point presentation detailing the violations of Hicks's basic democratic rights and the illegal nature of the US military tribunals. He pointed out that while Hicks was incarcerated in Guantánamo, the Bush administration had released and repatriated over 200 prisoners, including Afghan Taliban members. Mori said Sayed Rahmatullah Hashemi, a former ambassador-at-large for the Taliban, was, in fact, now studying at Yale on a US student visa.

Hicks's detention, he said, was continuing because the Australian citizen "had not violated any international law, but because the US had to invent charges and then create an unfair system that would rubber stamp the charges without question".

"Every time the Australian government says 'we cannot charge Hicks'," he continued, "they are admitting that David has not violated any law. But instead of demanding

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his immediate return, they use this as a reason to abandon him."

Mori punctured ongoing government assertions that his client was an Islamic terrorist and accused the Australian government of "blindly following" the US Defense Department and "deliberately rejecting overwhelming evidence that the military tribunal system was illegal". He warned that the new system being prepared in Washington to try Guantánamo prisoners would not be any fairer and would not even begin hearings for at least another 12 months.

Isolated and deeply concerned by the popular response to Mori's tour, senior government ministers, who have collaborated with Washington in denying the physical and psychological torture and other crimes being committed in Guantánamo, categorically refused to meet him. Instead, an ashen-faced Attorney General Philip Ruddock told the media that Hicks should be compared to a gang rapist and desperately claimed that he had been afforded fair legal treatment by the US military. Ruddock's comments produced a rash of angry letters to the press denouncing both the attorney general and the government.

Mori's tour has served to underscore the yawning chasm between the Howard government's embrace of the so-called "war on terror" and the most elementary legal principles. This divergence has increasingly brought Canberra into conflict with key sections of the local legal establishment.

Every state and federal lawyers' body in the country, including the Law Council of Australia, has denounced the Guantánamo military concentration camp and the now illegal military tribunals. Former high court judges and other senior members of the judiciary concerned about the long-term legal implications of the Howard government's refusal to defend Hicks's basic rights have spoken out and demanded the Australian's immediate release.

In the midst of Mori's tour, Geoffrey Robertson, QC, Australia's highest-profile human rights lawyer, delivered a special address to the National Library of Australia in Canberra, in which he warned the Howard government it could face war crime charges for "wilfully depriving a prisoner of war or other protected person of the right of fair and regular trial". Robertson is a leading figure in international legal circles and has worked for the European Court of Human Rights and as a UN war crimes judge.

"The Supreme Court has now declared Hicks to be a person to be protected by the Geneva Convention," Robertson said, "and there must come a point at which Australian law officers who wilfully authorise or approve an unfair and irregular trial of an Australian citizen become complicit in a grave breach of international law."

"No doubt Australia's Attorney General, Philip Ruddock... has merely accepted the advice of US Government lawyers that Guantánamo proceedings were lawful. From now on, that excuse will be unavailing," Robertson told his audience. Needless to say, there was no response from the Howard government, and the corporate media virtually ignored Robertson's speech, with only one daily newspaper reporting it.

The popular response to Mori's visit also exposed the venal role of the Labor Party. That Mori, a member of the US Marine Corp, America's military elite, has been able to reach tens of thousands of people through his powerful defence of Hicks's basic legal rights highlights the party's cowardly nature.

Ever since Hicks's arrest in December 2001, the Labor leadership has marched in lock step with the Howard government, refusing to call for Hicks's repatriation and attempting to present itself as an even more militant advocate of the "war on terror". More recently and in line with Howard, Labor leader Kim Beazley responded to the US Supreme Court ruling against the military commission tribunals by demanding that Hicks be put on trial in an American civilian court.

None of the "opposition" parties—Labor, Democrats or Greens—have raised any suggestion that Howard, Ruddock and Downer be indicted for war crimes under the Geneva Conventions.

No doubt the Howard government will respond to the growing demands for Hicks's immediate release in the only way it knows—with more slander and innuendo. But as the popular response to Mori's public meetings and lectures makes clear, a definite shift has taken place in public sentiment that will only deepen in the coming period.

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