

Terry Hicks, father of Australian Guantánamo prisoner, speaks with the WSWS

Richard Phillips
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Terry Hicks, the father of Australian Guantánamo Bay prisoner David Hicks, spoke with the World Socialist Web Site last week about US Vice President Dick Cheney's by-passing of military prosecutors to organise a plea bargain deal for the repatriation of the Australian citizen. The arrangement was a "political fix" to assist the Howard government, prior to the federal election, and aimed at dissipating the broad-based movement in Australia demanding the immediate release of Hicks, who had been incarcerated in Guantánamo for more than five and a half years.

Hicks was bullied into accepting a guilty plea in exchange for transfer to an Australian prison where he is currently serving a nine-month sentence. He was forced to waive his legal right to challenge his incarceration in Guantánamo and banned from speaking to the media for 12 months. He will not be released from jail in Australia until December 30, conveniently after the federal elections.

Richard Phillips: What's your comment on Cheney's role in the plea-deal? Were you surprised?

Terry Hicks: Yes and no. It wasn't news to me of course—I went to Guantánamo for the trial—but I certainly didn't expect the truth about this would come out as quickly as it has. These sorts of things usually don't come out until years after the event. But it does prove what I've always said, that the military commissions were always politically controlled.

The trial was a huge charade and the military commissioner sacked most of David's defence team. It was so bad that at one point David told the judge—'It looks like I'll be defending myself.' In any case, the deal was already organised before the commission had even begun.

David is the only one who has been prosecuted and now

you have the entire Guantánamo trial system on hold. It looks like what David did, in accepting the plea-deal was probably in his best interests at the time, otherwise he would still be in there.

RP: What's your response to statements by Howard and Downer that they had nothing to do with the deal and always wanted to bring David home?

TH: This is rubbish. While he was in Guantánamo they kept saying that he was going to get a fair trial and that there would be justice in the military commissions. It was ridiculous, but in some ways it's like government's promises with the housing interest rates during the 2004 election. You can't really believe John Howard on anything.

Howard denies he had anything to do with the deal and Mr Downer got quite upset about it all, but they can't hide the truth. There was a deal and it was done without going through proper legal procedure or the prosecutors knowing anything about it.

The charge of supporting terrorism, which David had to plead guilty to, was created in October 2006. It was a retrospective law. Howard said nothing about this at the time, even though he had claimed that his government couldn't pass retrospective laws to bring David back home. The real truth, which everyone knows, is they didn't want David brought back to Australia without a guilty plea and they wanted this in order to justify everything they'd previously done to him.

Howard knew that after more than five years in Guantánamo David was pretty close to breaking. David probably had three choices: plead guilty, go to trial and face a possible sentence of 25 years; plead not guilty and probably still be in Guantánamo, because even if he won the case they could keep him there; or accept the plea-bargain deal for seven years, which they then broke down

to nine months. That's the sort of sentence you can get on drink driving charges and yet he was supposed to be a dangerous terrorist.

RP: Canberra obviously wanted David blocked from talking to the media and kept in jail until the elections are over.

TH: Yes, they plotted it out pretty well, which is obvious when you see all the fortunate political coincidences for the government. But this has come a bit unstuck after [US chief military prosecutor] Mo Davis made his statement about political interference and it looks like Howard has been shot in the foot again.

RP: Davis's statements certainly show how politically controlled the military commissions are.

TH: That's right. Davis was all gung ho for the trials and claimed that this was the best way to go and that nothing could beat the military commission system. When he admits that there was political interference then it shows that something is drastically wrong. And if people like Davis are speaking out then it probably means that the Bush administration is finished.

All we were trying to do was to keep the pressure on the government, and eventually the public started to wake up and understand that something was not right—that it wasn't just about David Hicks but about everybody's basic rights.

I've had so many people come up to me and say that what the government did to David was absolutely disgraceful. You could see real changes in people and some of it was quite drastic. Some went from wanting to hang, draw and quarter David in the beginning, to start speaking out about the violation of his human rights. The "fair go" issue kicked in.

My argument has always been that everyone should have the right to proper legal procedure, whoever they are and whatever they have supposed to have done. Evidence has to be tested—and that's supposed to be the law—but this never happened with David. He was forced to sign paperwork saying that he was well looked after in Guantánamo but everyone knows that this wasn't true. There is the question of his affidavit to the British courts, where he explained the beatings and torture. And what about the statements from British prisoners and others who were released, about how they were treated in Guantánamo. No one believes what the government says about this and this distrust has been building up over time.

RP: What's your reaction to the South Australian Labor government's new proceeds-of-crimes laws against David?

TH: These laws are ridiculous and should be overturned. Under the new law relatives, friends and acquaintances can't even write a book about David and give him the money. He is not even allowed to make money from writing poetry or children's stories.

What's the crime that David is supposed to have committed? He was not subjected to any real court hearing. Everyone knows that the law he was charged under was retrospective and would not be accepted in a proper court. People like [ABC journalist] Leigh Sales can write a book about David—she's allowed to make money writing about David's imprisonment in Guantánamo.

RP: And your comment on calls for David to be subjected to a control order after he's released?

TH: I don't like this idea at all. David has done some hard yards over the past five and a half years and yet the politicians still want to control his life. We don't know what sort of control order they are planning but this could destroy his life forever. How is he going to get or hold down a job if he has to report to the government or the police all the time? It means they are still fettering someone who has done their time.

We now have trial by politicians and the media of ordinary people all the time, just look at the Dr Haneef case. This was disgusting and outrageous. The government incriminated someone on the basis of totally false evidence and now it has come out that the AFP [Australian Federal Police] didn't agree with what was done.

The government campaign against Haneef fell apart because people remembered what the government had done to David. Howard, Downer and Ruddock gloat about David being guilty and the Labor Party, which are on side with them on this, is not going to mention this during the elections. They want to bury this issue but it isn't going to go away—people won't forget—and other things will pop up out of the woodwork.

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