

# Australia: Political vendetta resumes as David Hicks leaves prison

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Former Guantánamo prisoner David Hicks was finally released from South Australia's Yatala prison on December 29, more than six years after he was sold by Afghanistan's Northern Alliance to the US military for a \$1,000 bounty. But the 32-year-old father of two has now become the subject of a new harassment campaign by the Murdoch media and Australia's political elite—Labor and Liberal alike.

Hicks has committed no crime under Australian or international law. He has, however, detailed information on torture and abuse by US authorities at Guantánamo Bay—where he spent more than five and a half years, most of it in solitary confinement—and on Canberra's collaboration in the violation of his basic democratic rights.

While the Howard government was prepared to let Hicks rot in Guantánamo indefinitely, it was forced to change tack in the face of last year's federal election and the massive groundswell of public sentiment demanding his release.

In early 2007, in an effort to dissipate growing anger over Hicks's detention, the Howard government organised a deal with US Vice President Dick Cheney to secure his repatriation. Under the arrangement, Hicks was bullied into pleading guilty on "aiding terrorism" charges and transferred to a South Australian prison to serve out the remaining nine of months of a seven-year suspended sentence.

Hicks was to remain in the Australian prison until December 29 and gagged from speaking to the media. But the gag will expire at the end of March, when he will be able to detail exactly what happened to him in Afghanistan and Guantánamo. With senior Howard government ministers and Australian Federal Police and security services officials deeply implicated in Hicks's illegal detention, the media vendetta is aimed at discrediting him before that occurs.

In February 2007 Queens Counsel Robert Richter and a former chairman of the Criminal Bar Association, together with six other highly-qualified lawyers pointed out that Canberra had violated Australian law over its treatment of Hicks. The lawyers called for war crime prosecutions of Howard and other senior government ministers.

The campaign against Hicks follows the one conducted against Mamdouh Habib, who was released from Guantánamo without charge and returned to Australia in early 2005. Habib had his passport cancelled and became the subject of ongoing harassment by the Howard government and the Murdoch media. His home was

burgled on several occasions and he was assaulted by three unknown men, suffering a knife wound late one night near his home. These incidents were reported to police but there have been no investigations and no one has been charged. Habib is currently suing Murdoch's *Daily Telegraph* for its claims that he was not tortured.

As Hicks's December 29 release approached, the Rudd Labor government imposed a 12-month control order on him and the Murdoch press stepped up its invective, demanding he issue a public apology. South Australian Labor premier Mike Rann followed suit, having already made great play of demanding a control order on Hicks—even before he had been repatriated. Federal Liberal Party leader Brendan Nelson chimed in as well.

Rann referred to the assassination of Benazir Bhutto, implying that Hicks was a dangerous terrorist. He told the media that Hicks should apologise to survivors of the Bali terror attack in 2002 and the families of all Australian soldiers killed in Afghanistan.

Ray Chesterton writing the *Daily Telegraph*, Murdoch's Sydney tabloid, insisted that Hicks should have been "jailed for life" and denounced the former Howard government as "spineless" for allowing itself, "to be manipulated into setting him free."

When Hicks was eventually released on Saturday morning more than 70 media representatives jostled each other outside the South Australian prison, with the event given live-to-air national television coverage. But the young man, who requires extensive medical help to recover from his incarceration, did not directly address the media. He quickly left in a car, waving briefly to a small group of supporters holding signs protesting the 12-month control order.

In a short statement read by his lawyer David McLeod, Hicks said that he was not well enough to speak and had agreed, as part of his release from Guantánamo, not to talk to the media before the end of March. "It's my intention to honour this agreement as I don't want to do anything that might result in my return there [to Guantánamo]," he said.

Hicks thanked his family and a range of people who had campaigned for his release: "I would like to recognise the huge debt of gratitude that I owe the Australian public for getting me home. I will not forget, or let you down." He said that he wanted "some quiet time with my wonderful Dad, my family and friends" and requested that the media leave him alone.

"I ask that you respect my privacy as I will need time to readjust to society and to obtain medical care for the consequences of five

and a half years at Guantánamo Bay,” his statement said. “I have been told that my readjustment will be a slow process and should involve a gentle transition away from the media spotlight. Thank you for respecting my privacy and allowing me some breathing space to get on with my life.”

Hicks’s dignified appeal, however, was ignored. When Terry Hicks told the media that no apology was necessary because his son had “done five and a half years pretty tough” and that none of the allegations against him had been proven in a proper court of law—the Murdoch press and their political supporters went into overdrive.

The *Adelaide Advertiser* editorialised that Hicks’s future was bound up with a “statement of regret” and launched an online poll to back its line. It called on readers to notify the newspaper if they saw Hicks or were able to track down where he was living.

Murdoch journalists also contacted one of the survivors of the 2002 Bali bombing and the brother of an Australian killed in the 9/11 terror attack in New York to back the media outlet’s calls for an apology.

Not to be outdone, George Newhouse, a legal academic and unsuccessful Labor candidate in the recent federal election, provocatively declared that Hicks should “reassure Australian Jews that he no longer wants to rob or kill them.” Former Foreign Minister Alexander Downer was even wheeled out to denounce Hicks as “evil”.

Newhouse and Downer are well aware that Hicks committed no crime under Australian or international law, and that he long ago renounced his previous backing of radical Islam and its reactionary outlook. In May 2003, Hicks made clear in an interview in Guantánamo with the Australian Federal Police that he opposed the 9/11 attack on the US and other terror attacks. The interview was suppressed by the Howard government.

Human rights lawyer Stephen Kenny, told the *Sunday Age* last week that Hicks was forced into accepting an “offer he couldn’t refuse” to get out of Guantánamo. Kenny, who previously represented Hicks, said that he would not have been convicted of any terrorism related charges by any fair court.

Kenny said that he would have liked to test the charges against Hicks in Australia because there was “no evidence that he had actually committed any crime... I was quite convinced that no Australian court would ever convict him—I don’t believe that in a fair court he would have been convicted of anything.”

In the six days since Hicks’s release, the campaign for an apology has rolled on. Premier Rann even declared that “the media circus will continue” until Hicks issued an official apology.

Notwithstanding these efforts by the political and media establishment, support for Hicks among ordinary people has only grown.

On January 1, *Advertiser* journalists found out where Hicks was staying and attempted to stir up anger amongst his neighbours. But they were quickly rebuffed. One neighbour declared he wanted to invite Hicks over for a barbecue. Others quoted by the newspaper said they were “happy to have Hicks in the area.” “‘It doesn’t worry me at all,’ said one. ‘We don’t know really what he did. I’m happy to have him in my neighbourhood. I don’t have a problem with (him) at all,’ said another.”

*Advertiser*’s online “~~More apology~~” poll that attracted support. Instead, hundreds of outraged emails were sent to the newspaper denouncing its campaign.

One letter stated: “Why should David Hicks apologise, he’s done his time in prison and now he’ll take the next step in his new life here in Adelaide or wherever....BUSH, BLAIR and HOWARD are the ones who have to apologise as they were the ones who first went in and started the bloody wars in the 1st place. They have sent troops to Afghanistan and Iraq and for what... ah, that stuff that runs the world, ‘OIL’ ....”

Other readers directly attacked the Murdoch press: “Your front page today is a disgrace. Your paper is a disgrace. You, Mr. editor, are a disgrace!” Another letter declared: “What trash the Murdoch press is. The Brits have got rid of Blair, we have got rid of Howard and Bush is politically dead (lost the House and the Senate). Get the message, Mr. Murdoch? We do not want your world...”

Another wrote: “The suggestion I saw on one online *Advertiser* article early yesterday that we phone up if we spot Hicks was nothing short of reprehensible; the ‘just say sorry’ headline in the *Sunday Mail* was part of the witch-hunting, prurient, self serving, sensationalist ‘journalism’ we have to endure.”

Some letters called for the federal Labor government to make an official apology to Hicks, while others condemned the state Labor government: “David is owed an apology for being kidnapped and handed over to brutal terrorists far more than he owes anyone an apology. There is not even the slightest allegation he has actually brought harm to anyone in Afghanistan. Remember he went there to support the then recognised government. What it is alleged he has done is train, like any army reservist.”

Another pointed out: “David Hicks has paid a huge price and continues to do so. Before people latch on to the ‘self confessed terrorism supporter’ aspect of Hicks, they should ask themselves what they would confess to get out of five years in a concentration camp like Guantánamo, and the interrogations and torture that goes with it. .... As for Premier Mike Rann, I suspect he would have more value shutting his cake hole on this and pondering why an Australian was left to rot in Guantánamo for five years without trial or justice.”



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