

# Australia: Control order to be lifted on David Hicks

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When the Australian Federal Police (AFP) announced last week that it would not attempt to extend the control order on former Guantánamo Bay prisoner David Hicks after its expiry on December 21, the 33-year-old Australian issued a short press release declaring it was "a great relief" and would allow him "to move on" with his life.

The AFP's statement came a few hours after Hicks made a YouTube appeal for an end to the control order, the first time he had spoken publicly in the past seven years. His hesitant speech indicated that he was still recovering from the trauma of Guantánamo.

Hicks, who committed no crime under existing Australian or international law when he was captured in Afghanistan by the Northern Alliance in late 2001, has been receiving extensive psychiatric counselling since his release. Under the current control order he is subjected to a midnight to 6 a.m. police curfew, forced to report in person to a police station three times a week, and is only allowed to use an AFP-issued mobile phone SIM card.

Hicks was sold by Afghanistan's Northern Alliance to the US military in December 2001 for \$US1,000. He was transferred to Guantánamo in January 2002 and spent more than five and a half years there, subjected to torture and protracted periods of solitary confinement. The former Howard government falsely claimed that Hicks was a "terrorist" and maintained a constant stream of lies and innuendo against the Australian citizen in order to justify its involvement in the Bush administration's so-called "war on terror".

Hicks's eventual repatriation to Yatala Labour Prison in South Australia in May 2007 was organised by Vice President Dick Cheney. In an attempt to dissipate escalating public hostility towards the Howard government over its violation of the Australian citizen's basic rights, a deal was concocted in Canberra and Washington. The hope was that this would help prevent Howard's defeat in the November 2007 federal elections.

Hicks was given an ultimatum—either accept a plea-bargain deal on trumped up "aiding terrorism" charges and spend nine months in an Australian prison or remain in the Guantánamo hell hole. One of the conditions of his repatriation was that he could not

make any statement to the press about his detention until the elections were over.

## **Ruddock claims Hicks "treated fairly"**

One of the more chilling responses to last week's AFP statement came from Philip Ruddock, attorney-general in the former Howard government and a key figure in Hicks's Guantánamo incarceration.

Ruddock told the media that Hicks had been "treated fairly" in Guantánamo and that "the law has operated as I believe it was intended." He later told SkyNews: "I'd have no problem with him living in my street." Ruddock provided no explanation as to why he no longer regarded Hicks as a dangerous "Islamic terrorist" and "threat to Australian society"—characterisations the former attorney general repeatedly made about the young man throughout his detention.

The former attorney-general's comments are nothing short of an outrage. Guantánamo was, and remains, a blatant violation of habeas corpus, the Geneva Conventions, the US Constitution and of other basic democratic rights, as established by scores of legal experts and human rights organisations over the past seven years.

When Hicks was sold to the US military, Ruddock, along with then Prime Minister John Howard and foreign minister Alexander Downer, told the Bush administration it could do whatever it liked with the Australian.

Ruddock uttered not a word of protest when Hicks was denied access to a lawyer and family contact for almost two years, attempting to justify this treatment by ramping up terrorist allegations against him. In November 2003, Ruddock even issued a special ministerial statement hailing the Guantánamo military commissions and claiming that they respected the "basic principles of our criminal justice system" and would deliver a "just outcome".

In 2006, when the US Supreme Court ruled that the Guantánamo

military commissions violated the US Constitution, Ruddock did not bat an eyelid, but urged Washington not to release Hicks and to instead modify legislation so that the detention and frame-up of Guantánamo prisoners could continue.

While Australian officials were suppressing Hicks's complaints about abuse and torture at the hands of US interrogators, Ruddock initiated legal action to prevent Freedom of Information access to government correspondence with Washington about him. And in the face of overwhelming evidence of physical and psychological abuse of prisoners, Ruddock told the media that sleep deprivation, to which Hicks had been subjected on a regular basis, did not constitute torture.

These and other violations of Hicks's rights are war crimes by any legal measure and clearly breach the Australian Crimes Act. This fact was noted by Queens Counsel Robert Richter and several senior Australian lawyers and former High Court judges when they issued a statement in February last year calling for war crime prosecutions against Howard government ministers over Hicks's treatment.

How is it, then, that Ruddock is able to arrogantly maintain that Hicks was "treated fairly"?

The answer lies in the fact that the former attorney general knows that his comments will not be challenged by the corporate media or the Rudd Labor government, which fully endorses the bogus "war on terror" and its associated assault on basic rights. Ruddock feels politically comfortable because he knows that the Labor government will never accuse the former attorney general or other leading members of the Howard government of war crimes, let alone prosecute them.

From the outset Labor leaders, state and federal, provided unwavering bi-partisan support to the Howard government and only began voicing mild criticism of Hicks's ongoing detention with the emergence in 2006 of a broad-based mass movement in Australia calling for his repatriation.

The South Australian (SA) Labor government of Premier Mike Rann and later the Rudd Labor government, following its election in late November 2007, expressed no fundamental differences with the Howard government over Hicks's treatment.

In fact, Hicks could never have been transferred from Guantánamo to the high security wing at Yatala jail without Rann's close collaboration and support.

The Labor premier insisted on a control order on Hicks, ludicrously claiming it would "guarantee public security". He then orchestrated a special law barring Hicks from receiving any money for media interviews or book publishing deals about his treatment in Guantánamo and by the Australian authorities. And when Hicks was eventually released from Yatala, Rann demanded that the former Guantánamo inmate "publicly apologise to the people of

Australia" and threatened that until he did so "the media circus [against Hicks] will continue".

The Rudd government's Attorney General Robert McClelland, moreover, refused last December to oppose the AFP's control order application. McClelland publicly rejected any challenge to the exaggerated AFP claims that a control order was needed because "aspirant and current extremists" could "seek out [Hicks's] skills and experiences to guide them in achieving their potentially extremist objectives."

Last week, following the AFP announcement that it would not apply for another control order, Attorney General McClelland swinishly declared that Hicks was now "entitled to his privacy and should be allowed to get on with his life". He, too, provided no explanation as to why he had changed his mind.

David Hicks, his parents and all those who fought for his release are no doubt relieved that the 33-year-old father of two will no longer be under constant police control. Hicks has not been compensated for his false imprisonment and none of the countless crimes committed against him have been investigated.

While Labor and the corporate media have decided to leave Hicks alone at this point, this could rapidly change if it suits their political purposes. Hicks has extensive information about the torture and abuse in Guantánamo and Canberra's collaboration in these illegal practises. In fact, his treatment over the past seven years is symbolic of the entire so-called "war on terror".



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