

Guantánamo dossiers confirm Australian government criminality

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The release by WikiLeaks of the classified US military files on Mamdouh Habib and David Hicks, the two Australian citizens detained for years in the Guantánamo Bay prison camp, confirms the brazen criminality of successive Australian governments in their treatment of the men.

Former Liberal Party Prime Minister John Howard and his senior ministers not only aided and abetted the American government to imprison two innocent Australian citizens without trial, they endorsed the validity of false confessions extracted through torture, and vilified Habib and Hicks as “terrorists”.

The Labor government has continued the persecution since coming to office in 2007. Labor has refused to publicly acknowledge Habib and Hicks’s mistreatment, has launched no investigations into the conduct of the Howard government, and issued no demand for the prosecution of those American political and military figures responsible for the crimes against the two men.

As is the case with most of the Guantánamo detainees, the files on Habib and Hicks are full of mistakes, speculation, distortions and evidence of outright illegality on the part of the American government and military.

The file on Habib, dated August 6, 2004, acknowledged that he was classified as an “enemy combatant” and imprisoned without trial because of statements he made in Egypt while “under extreme duress”—that is, torture.

Habib was detained in Pakistan on October 5, 2001. He was then “renditioned” to Egypt by men with American accents, after brutal interrogations by Pakistani authorities.

During Egyptian interrogations that involved severe beatings, water-boarding, being burned with cigarettes and having his fingernails ripped out, Habib “confessed” to training September 11 hijackers in martial arts, having prior knowledge of the attacks, being in Pakistan to hijack an Australian plane, knowing of a plot to hijack planes in

Thailand, planning to poison an American river, and fighting with Islamic fundamentalists in Bosnia, Chechnya and Afghanistan.

Not a shred of evidence supported any of these outlandish and false claims. Habib was nevertheless transferred to Guantánamo Bay on May 5, 2002. More than two years later, the US military recommended his ongoing imprisonment with fanciful speculation about the motives for Habib’s presence in Pakistan and unsubstantiated claims he was in contact with Al Qaeda figures in Afghanistan in late 2001.

At no point did the Australian government demand Habib’s release. He was only released from indefinite detention in January 2005 because of the Bush administration’s damage control response to the public release of Habib’s sworn statement detailing his rendition and horrific torture. Habib arrived back in Sydney on January 25, 2005, after nearly three years in Guantánamo Bay.

The Bush administration and Australia’s Howard government refused to acknowledge that Habib had been tortured or that he was innocent of any terrorist links or offences. Instead, the Howard government stripped him of his passport on “suspicion” of Al Qaeda connections, placed him under intense state surveillance and publicly defamed him as dangerous.

The Labor government has continued to deny Habib a passport. Last December, it exploited his financial circumstances to settle a compensation case out-of-court. In exchange for an undisclosed payment, Habib absolved all Australian authorities from liability for any torture or abuse he suffered.

David Hicks

The file on David Hicks is an equally lurid and distorted document, aimed at justifying his false imprisonment and prosecution by a secret US military commission.

Dated September 17, 2004, nearly three years after Hicks was first detained in Guantánamo, the file misspells both his middle name and the American warship he was transferred to from Afghanistan, and falsely claimed he was in East Timor in 1999. It did not even correctly identify the town in Afghanistan where he was seized by pro-US Afghan forces in December 2001, stating he was captured in Bagram when in fact he was taken in the neighbouring province of Baghlan.

In 1999, Hicks travelled to Albania to join the Kosovo Liberation Army, which was being portrayed throughout the west as a heroic organisation fighting the oppression of the Muslim-Albanian population in Yugoslavia. By the time he had completed some rudimentary military training in Albania—under the direction of NATO officers—the conflict was over.

Hicks returned to Australia and then travelled to Pakistan with vague intentions of taking part in the struggle to “liberate” Muslim Kashmir from Indian control. He then travelled to Afghanistan in late 2000 and joined the significant number of non-Afghan Muslims who enlisted in various militias of the Taliban-led government.

Hicks, aged 26 at the time, was in Pakistan on September 11, 2001. He returned to Afghanistan to collect his passport and has insisted that he never took part in any combat. Hicks was seized, unarmed, by pro-US Northern Alliance militiamen while trying to get to Kabul and back to Australia. He was sold to the US military as an “Al Qaeda” fighter. He arrived at Guantánamo as an “enemy combatant” on January 11, 2002.

The US military dossier used Hicks’s various travels and activities to label him as “highly trained, experienced, and combat-hardened, which makes him a valued member and possible leader for any extremist organisation”. It alleged he confessed to being a member of Al Qaeda and was “highly influential among Guantánamo Bay detainees” and would “often lead in prayer, conducted speeches and organised disturbances.”

In reply, a statement issued on his behalf on Tuesday noted that Hicks cannot speak Arabic, that any statements had been made under torture and that he had always maintained his innocence of any terrorist activity. No evidence, apart from a torture-extracted statement, has ever been presented that he was a member or supporter of the Al Qaeda network.

Despite the absurdities of how he was portrayed, and the absence of any evidence to support it, the Howard government enthusiastically endorsed both his imprisonment and his trial by a military court. Not one intervention was made to secure his release. Instead, in the lead-up to the 2007 Australian election, and amidst growing opposition in Australia to Hicks’s treatment, the Howard government pressured the Bush administration to speed up his sham prosecution, which had been under way since August 2004.

The Australian government collaborated with Washington in issuing Hicks with an impossible ultimatum—continued indefinite imprisonment or a guilty plea rewarded with a relatively minor charge and transfer to Australia to serve any sentence.

After pleading guilty, on March 31, 2007, Hicks was the first Guantánamo detainee convicted by a military court. He was sentenced, with time served, to seven years imprisonment for “providing material support for terrorism.” He was compelled to withdraw all allegations against the US military, and agree to take no legal action against the US and to not speak to the media for a year. He was then transferred to an Australian prison in Adelaide to serve the remaining nine months of his sentence.

Upon Hicks’s release from prison in December 2007, the newly elected Labor government of Prime Minister Kevin Rudd vindictively allowed the Australian Federal Police to put him on a “control order” which limited his movements and required regular appearances at police stations for twelve months.

The WikiLeaks dossiers add weight to the demand for the prosecution of senior members of the Howard government for their collaboration with the illegal imprisonment and torture of Australian citizens.

No such action will be taken by the Labor government, however, or achieved by appeals and protests to it. As is again being demonstrated in the vendetta against WikiLeaks’s editor Julian Assange, both the Labor and Liberal parties are united behind the strategic and military alliance with US imperialism, and are willing to collaborate in the abuse and torture of Australian citizens whenever this is deemed necessary.



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