

# Australian rallies demand release of David Hicks from Guantánamo Bay

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Thousands rallied across Australia on December 9 to call for the release of David Hicks from the US prison camp in Guantánamo Bay. Hicks, an Australian citizen who cannot be charged with any criminal offence under Australian law, has now been held without trial by the Bush administration for five years. The Australian government of Prime Minister John Howard has fully supported his detention and has refused to make any demand for his return to Australia.

Hicks, a convert to Islam who was in Afghanistan at the time of the September 11 terrorist attacks on the US, was captured by pro-US Afghan forces on December 9, 2001, shortly after the American invasion of the country. While investigating his son's fate, David's father Terry discovered that he was sold to the US military as an alleged Al Qaeda member, in return for a bounty payment.

In early 2002, David Hicks was transferred to Guantánamo Bay, Cuba, where he has endured horrifying treatment. In 2004, he was charged with "aiding the enemy", "attempted murder" and "conspiracy to commit war crimes" and was slated to appear before the US military commissions created by the Bush administration. The charges were dropped after the commissions were ruled to be illegal and unconstitutional by the US Supreme Court.

Hicks, who has maintained his innocence despite hundreds of hours of interrogation, has been left in legal limbo. The Howard government continues to insist that the American military still try him because if he returns to Australia he would have to be immediately released. As the years have dragged on, the feeling in Australia over the outrageous abuse of Hick's democratic rights and his abandonment by the Australian government has steadily mounted.

Last Friday more than 300 judges, lawyers and other

legal professionals protested outside Melbourne's County Court demanding Hicks's freedom. Brian Walters, a leading lawyer and the spokesman for the civil rights group Liberty Victoria, told the assembly: "An accusation of crime calls for a genuine charge and a serious trial in front of a properly constituted court." Walters denounced the US military commissions, noting that every other country whose citizens had been held in Guantánamo had opposed their trial by a military kangaroo court. Walters declared: "There is only one country in the world that has supported the treatment of its citizens in this way, Australia."

The rallies on Saturday, which took place in every major Australian city, were the largest held in Hicks's support thus far. In Melbourne, an estimated 5,000 people demonstrated in Federation Square despite sweltering heat. In Adelaide, close to 500 people also rallied in blistering temperatures to hear Terry Hicks condemn the continuing imprisonment of his son. Protests of several hundred took place in Perth, Brisbane and outside the federal parliament in Canberra.

Some 3,000 people assembled at the Sydney Town Hall to hear speakers and later marched on the US consulate in the city. Dozens of people shopping in the city centre joined the march. Hundreds of participants wore the orange jumpsuits which have come to symbolise the fate of the US prisoners in Guantánamo. Many carried hand-made placards condemning the Bush administration and the Howard government—particularly Attorney-General Phillip Ruddock. One man carried a large sign stating, "None of us are free while Howard conspires with US terrorists to hold Hicks hostage".

One of the main speakers was Mamdouh Habib. Habib, an Australian citizen, also fell into US hands

after being arrested by Pakistan authorities in October 2001. He was rendered to Egypt, tortured and then transferred to Guantánamo Bay with the Howard government's support. He was held without trial until January 2005, when he was finally released without charge. Since returning to Australia, he has vocally campaigned for the release of Hicks and sought to raise public awareness of the far-reaching attacks on democratic rights taking place in the name of the "war on terror".

In an emotional speech, Habib accused the Howard government of conspiring with the US military to try and send Hicks insane, in order to leave him incapable of exposing the treatment he has suffered in Guantánamo. Habib declared that Howard was refusing to obtain Hicks's release because, "he's a good witness against the crimes of the government overseas".

Representatives of the opposition Australian Labor Party (ALP) took part in some of the pro-Hicks rallies for the first time. Sensing the broad sentiment in support of Hicks's immediate release, Labor has belatedly and cynically begun to criticise his imprisonment. Until recently, the ALP has called for Hicks to be tried by the US courts. While still refusing to call for his release, shadow health minister Nicola Roxon told the Melbourne rally that Howard could bring Hicks back to Australia and place him under a control order, which would severely curtail his basic democratic rights, including freedom of speech, movement and association.

Overall, the organisers of the various protests encouraged the illusion that a Labor victory at the next election would represent a step forward for democratic rights and bring justice for David Hicks. Greens leader Bob Brown hailed Labor's "involvement" in the rallies. Many ordinary people, however, expressed their disgust at Labor's years of collaboration with Howard when they heckled ALP shadow attorney-general Nicola Roxon as she spoke in Melbourne, shouting, "What has Labor done?"

Les Thomas, the brother of Australian man Jack Thomas who has been placed under a control order despite being acquitted on two terrorism charges, also addressed the protest in Melbourne. He received loud applause when he declared that "control orders have no place in a democratic society governed by the rule of

law".

WSWS correspondents conducted interviews with demonstrators at the Sydney and Melbourne protests.

Adrian, an education worker, articulated the widespread outrage over the Howard government's treatment of Hicks: "I don't believe the government should be above the law and be able to do what they like. By holding Hicks, Howard is trying to show that he is not weak on the 'war on terror'. Hicks should be brought home. It is disgraceful to see any human subjected to torture, whatever they have done."

Tom McDermid, a TAFE teacher, said: "I came today because I believe in justice for David Hicks. The Howard government is the worst government that Australia has ever had. They lie, they deceive, they don't respect the law. Even in Nauru, the Howard government is imprisoning refugees—there is an Iraqi man who has been held there for 4-5 years without charges. Howard is trying to divide and conquer through fear. He claims that the community agree with him but they don't.

"I'm not sure trying to pressure Howard will work. He is just a liar and a cheat. I definitely think he should be tried as a war criminal. My father spent five years in a German prisoner of war camp but he was never badly treated, hit or abused like David Hicks. The basis of the law is that you are innocent until proven guilty. It's been that way since the Magna Carta."

Sheldon McGrath, a British citizen in the process of migrating to Australia, said he thought "the government here is using David Hicks as some sort of political pawn. It's like David Hicks is being used as some sort of example, with the threat being if you do anything wrong the same will happen to you."

In response to the weekend's protests, the Howard government issued hasty statements on Sunday declaring that Hicks would still be put before a US military court. The Bush administration is attempting to introduce new legislation sanctioning military tribunals by January 17, 2007 and has said that Hicks would be among the first to be tried.



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