

Bush's Guantanamo Bay torture centre: Free David Hicks!

Thursday 22 June 2006, by [HINMAN Pip](#), [McCOY Alfred](#) (Date first published: 21 June 2006).

Alfred McCoy, an expert on the CIA and its history of torture and a professor of history at the University of Wisconsin, slammed foreign minister Alexander Downer on the ABC's June 13 Lateline program for claiming that Australian prisoner David Hicks was being treated humanely at the US prison camp in Guantanamo Bay.

"Guantanamo is not a conventional military prison. It's an ad hoc laboratory for the perfection of the CIA psychological torture", McCoy said. Asked by the ABC's Tony Jones to comment on the suicides of the three prisoners on June 10, McCoy said that the prison was designed to "break down every detainee" and "produce a state of hopelessness and despair that leads, tragically, sadly in this case to suicide".

Downer was asked by the ABC whether he was concerned that Hicks may attempt suicide. Downer's deadpan response: "I'm satisfied that his health and welfare are fine." The only complaint the minister said he had heard of was that Hicks had a sore back.

"To say that David Hicks has not been tortured ... represents an ignorance of what torture is, particularly what psychological torture is", McCoy told Jones.

Given the time Hicks has spent in solitary confinement, McCoy said that there was no doubt he is suffering "untold psychological damage", and that he will need "a great deal of treatment" for the rest of his life. "[Hicks] was put in an extreme form of solitary confinement for 244 days ... His contact [was] limited to once a week visits with his military chaplain ... That's an extreme form of sensory disorientation. That leads to tremendous psychological damage."

McCoy said that Hicks's civilian attorney, Joshua Dratel, recently found him to be in "a severely damaged and stressed psychological state". David's father, Terry, told Green Left Weekly that David's Pentagon-appointed lawyer Major Michael Mori had told him his son spends 22 hours a day locked up. "From what I can gather he can't talk to anyone", Terry told GLW. He added: "He's not well; he's not eating because he's lost the desire to eat, and mentally he's not very well. Just being in Guantanamo Bay is a form of torture."

His son has been imprisoned since December 2001 after he was captured in Afghanistan. He has been charged with conspiracy to commit war crimes, attempted murder and "aiding the enemy". He has pleaded not guilty on all counts. Terry isn't surprised his son may have "incriminated" himself given the torture he has had to endure, including being injected with unknown substances. "They say he did these things, but he had no lawyers present when his statement was taken. Let's see them prove it", he told GLW.

Hicks is the sole Australian imprisoned at Guantanamo Bay after Mamdouh Habib was released in January 2005 without being charged.

Hicks's legal battle to be freed has proven very difficult. However he had a win when the US

Supreme court ruled that Guantanamo Bay was US territory, so prisoners do have a right to have their cases heard by civilian courts. The Bush administration wants to try the prisoners it charges before military commissions. So far, only 10 detainees have been charged.

Another landmark case, *Hamdan v. Rumsfeld*, tests the legality of the US military commissions. Hicks is a co-litigant in the case. The commissions have been roundly criticised for being illegitimate, including by the United Nations Committee Against Torture (which has called for Guantanamo to be closed) and the British attorney-general, as well as a host of Australian judges led by John Dowd, a former NSW attorney-general.

However, in an unexplained move following the Guantanamo suicides, the US defence department announced it was suspending the military tribunals "until further notice". Terry has mixed feelings about this: it's a blow against the attempt to use kangaroo courts to try the prisoners at Guantanamo, but it may also extend the time his son stays there.

Hicks, whose mother is British, is trying to gain British citizenship in the hope that the Blair government will pressure the US to release him, as it did last year for nine Britons who were imprisoned at Guantanamo.

In January, the British High Court ruled that Hicks was entitled to citizenship and the British Court of Appeal reaffirmed this in May. However, Hicks's lawyers lost their High Court case seeking a mandatory order for the Home Office to register Hicks as a citizen on June 15. The case will now go to the Foreign Office, which successfully got the nine Britons released last year.

Meanwhile, the Howard government continues to bury its head in the sand. "I'm sick of hearing them say that David is 'fit and well'", Terry said. However he believes that the international and domestic pressure is beginning to have an effect on Canberra. "Soon after the suicides, Australian consular officials rang me to say David was not one of them. Previously, they would take weeks to report on David's health after a visit."

Campaigns in several states have helped prick the consciences of some MPs, although not enough to support the Greens' Senate motion on June 12 calling on the federal government to pressure Washington to close Guantanamo Bay and return Hicks to Australia for a fair trial. The motion was lost by six votes, with the Liberals, Nationals and Family First voting against.

McCoy believes that David's "persistence" and "refusal to capitulate" have been critical to the campaign to close Guantanamo Bay. Terry says that could be an overstatement, but is proud of the fact that his son is "a thorn in Bush and Howard's side".

P.S.

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