

WEB UPDATES – TACTICAL CAMPAIGN AGAINST TORTURE

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| Section | Action |
| AI Index | ASA 12/007/2006 - WA 38/06 |

Title

Justice for David Hicks! E-mail Australian Prime Minister now

Summary for torture homepage

Australian citizen David Hicks has been detained in Guantánamo for nearly five years. The Australian government must act to bring him back home to face a fair trial or be released

Feature

The Australian government has been resoundingly deaf to the plight of David Hicks, an Australian national detained in Guantánamo Bay since January 2002.

David Hicks was detained in Afghanistan in December 2001 by the Northern Alliance, and handed over to US custody before being transferred to Guantánamo.

He is one of 10 Guantánamo detainees who were charged for trial by military commissions established by President Bush. In a landmark ruling on 29 June 2006, the US Supreme Court concluded that these military commissions were unlawful. The Australian government had been the only administration outside the USA to publicly and consistently support the commissions as fair.

On 17 October 2006, President Bush signed into law the Military Commissions Act of 2006, which provides for new military commissions. Amnesty International has serious concerns about whether any trial held under this Act will comply with international fair trial standards.

David Hicks says that he has been subjected to torture and other ill-treatment while in Guantánamo. He has been held incommunicado for long periods - with only occasional contact with his Australian lawyer and his family – and, in August 2006, his US military lawyer and his civilian Australian lawyer expressed concern at their client's psychological distress.

The US administration's assurances throughout the "war on terror" that detainees in US custody are treated humanely have repeatedly been contradicted by the evidence.

The detention centre in Guantánamo Bay is a legal black hole designed to put detainees outside the rule of law and the US administration beyond the rule of law. The detainees held there should be either released or charged and tried in full and fair proceedings.

The Australian government must act on David Hicks' behalf to ensure that he is treated humanely and to bring him back home to face a fair trial or be released.

Take action!

Write to the Australian Prime Minister calling on him to ...

- act to bring David Hicks back to Australia to either face prosecution and a fair trial or be released
- oppose the use of torture and other ill-treatment in any circumstances; and
- call for the closure of the detention centre at Guantánamo Bay.

Letter

Dear Prime Minister,

I urge you to intervene in the case of Australian citizen David Hicks who has been detained for 5 years in US-run detention camp at Guantánamo Bay, Cuba.

David Hicks was one of 10 people charged for trial by the military commissions established by President Bush. I welcome the fact that the US Supreme Court found these commissions unlawful as any trials before them would clearly not have been fair. I am shocked that the Australian government thought otherwise.

I am concerned that any trial convened under the Military Commissions Act 2006, as signed by President Bush on 17 October, may not meet international fair standards. The admissibility of evidence coerced under cruel, inhuman or degrading treatment and the possible use of hearsay evidence without stringent safeguards are among my concerns. I also question whether the military commissions will be independent and impartial.

I am deeply concerned by the evidence that detainees in Guantánamo have been subjected to torture or other cruel, inhuman or degrading treatment or punishment. David Hicks is among them. I note that the US administration's assurances throughout the "war on terror" that all detainees in US custody are treated humanely have repeatedly been contradicted by the evidence.

The time has surely come for your government to do all it can to ensure that David Hicks is treated in full accordance with international law.

I urge you to do all in your power and influence to bring David Hicks back to Australia. Try him in Australia and if the Australian justice system can find no ground or evidence to prosecute him, then David Hicks must be released.

I also call on the Australian government to oppose the use of torture or other ill-treatment, regardless of where or under what circumstances it occurs, and to call for the closure of the Guantánamo detention facility in the interest of justice.

Yours sincerely,

Quote

"Please could you ask the American government for my release and help me to return home. I have many friends and loving family whom I wish to be reunited with, specially my two beautiful children, aged 11 and 10."

David Hicks in a letter from Guantánamo to PM John Howard, 21 January 2005.

Address:

The Honourable John Howard MP
Prime Minister
Parliament House
Canberra ACT 2600
Australia

Tel. (+612) 6277 7700
Fax: (+612) 6273 4100

Go to the AI Australia website to take action. You can use this letter or creating your own. Then click "send" and your messages will be sent directly to the Australian Prime Minister.

LINKS

Open letter to the Prime Minister of Australia, the Hon. John Howard MP

Images:**Id: 12125**

Terry Hicks at Get Up Australia/ Fair Go For David Hicks Rally in Australia, 23 August 2006

@ Fernando M. Gonçalves

<https://intranet.amnesty.org/adam/en/12125/detail.html>

Id: 12124

President Bush and Australian Prime Minister John Howard in Washington, May 2006

@ APGraphicsBank

<https://intranet.amnesty.org/adam/en/12124/detail.html>

Id: 12123

<https://intranet.amnesty.org/adam/en/12123/detail.html>

Australian Prime Minister John Howard,

Id: 11094

David McLeod, David Hicks Australian lawyer, at AI Australia rally

<https://intranet.amnesty.org/adam/en/11094/detail.html>

Id: 12079

David Hicks

<https://intranet.amnesty.org/adam/en/12079/detail.html>