

# Marrickville Peace Group

E: [marrickvillepeacegroup@gmail.com](mailto:marrickvillepeacegroup@gmail.com) W: [www.marrickvillepeacegroup.org](http://www.marrickvillepeacegroup.org)

25 March 2015

Senator the Hon George Brandis QC  
Attorney-General  
PO Box 6100  
Senate  
Parliament House  
Canberra ACT 2600

Dear Senator Brandis

The members of the Marrickville Peace Group wish to appeal to you in your capacity as Attorney General to right the injustice which has been done to David Hicks and to bring some conclusion to his suffering.

As you know, Hicks was at Guantanamo Bay for 5½ years. He lived in a cage-like structure, was subject to torture, 10 hour beatings, long periods of isolation and was unable to communicate with the outside world.

After all of this torture Hicks was declared innocent of providing any material support for terrorism by a US military court. As Hicks' lawyer, Dan Mori, explains in his book on this sorry episode, Hicks had not blown anything up, had not planted any bomb or even hurt anyone. In being allocated Hicks' case, Mori felt "ripped-off" as a lawyer for he was not getting a terrorist, one of the 'worst of the worst', let alone one of those responsible for 9/11.<sup>1</sup>

Dan Mori also says that once he finally met Hicks and observed his extremely poor mental and physical condition, his primary concern was to work towards improving Hicks' living conditions. Mori reports that Hicks was not receiving healthy food, sunlight or sufficient exercise and that he was subjected to constant solitary confinement. Indeed, Mori explains that he felt obliged to provide Hicks with food at his own expense whenever he could.

During this time it was Mori who took it upon himself to improve Hicks' mental and physical condition, not the Australian government. It is no exaggeration to say that Hicks' very survival depended on the assistance provided by Mori, not the Australian government.

One can speculate about why the Howard government acted with such indifference to Hicks' predicament. Other allies of the US made determined efforts from the early days of Guantanamo Bay to secure the transfer of their nationals back to their countries of origin. Indeed, by early 2007, some 385 foreign nationals had been repatriated. Regrettably, Australia was not amongst these countries.<sup>2</sup>

After being detained and tortured in Guantanamo Bay, Hicks was coerced into pleading guilty to an invented charge of "providing material support for terrorism" in the US Military Commission in Guantanamo Bay. The US Court of Military Commission Review subsequently quashed Hicks' conviction.

As a result, Hicks has regained his freedom, but not his reputation or his health.

In commenting on the overturning of Hicks' conviction, Dan Mori said the Australian Government should never have let the case against him proceed. Indeed he points out that the "Australian government at the time, prime minister Howard and attorney-general Ruddock, the foreign affairs minister Downer, were warned by a panel of experts from Australia ... that this wasn't a valid offence and finally ... it's been validated."<sup>3</sup>

To counter the injustice suffered by Hicks, and to help rectify the damage done to his physical health and reputation, the members of the Marrickville Peace Group ask the Australian government to:

1. Unequivocally acknowledge that David Hicks was not a terrorist and was not guilty of the charge of "providing material support for terrorism";
2. Apologise to David Hicks for the indifference shown by the Federal Government to his predicament at Guantanamo Bay compared to the governments of other detainees who made concerted efforts to secure the repatriation of their nationals;
3. Fully compensate David Hicks for all dental and medical treatment arising from the torture and mistreatment received during his 5½ years of incarceration at Guantanamo Bay.

Yours sincerely



Martha E Morrison



Jon Atkins

(On behalf of the Marrickville Peace Group – [marrickvillepeacegroup@gmail.com](mailto:marrickvillepeacegroup@gmail.com))

---

<sup>1</sup> Michael (Dan) Mori, *In the Company of Cowards: Bush, Howard and Injustice at Guantanamo*, Penguin Viking, 2014, pp. 45-46.

<sup>2</sup> D. N. Byrne, 'One day in the life of David Hicks', *Australian Review of Public Affairs*, Feb 2015

<sup>3</sup> Dan Mori, quoted in ABC News, 'David Hicks welcomes victory in appeal against terrorism conviction, says he won't seek official apology', 19 Feb 2015, <http://www.abc.net.au/news/2015-02-19/david-hicks-wins-appeal-against-terrorism-conviction/6144340>