

## **ICJ denounces Howard's political fix in Hicks prosecution**

The International Commission of Jurists decries the political interference in the prosecution of David Hicks.

It has long been suspected that John Howard pressured the U.S. to prosecute Hicks where he would not have been otherwise; i.e. that prosecutorial independence was compromised. Now we know that was indeed the case.

First, Natalie O'Brien in *The Age* 21/8/11 "*Howard 'called in US favour' to charge Hicks*" reports just that. As John Howard was seeking re-election in 2007, he met US Vice-President Dick Cheney to pressure him to have Hicks charged rather than sent home without charge (as had the UK detainees and Australia's Mamdouh Habib).

Second, this is now confirmed by the US military prosecutor responsible, Col. 'Mo' Davis, who repeated on ABC TV's *Australian Story* 30/8/11 that there was political interference and, if left to his own judgment, he would not have pursued Hicks because he was, at best, a small fish. Indeed, the plea deal was done behind Davis' back and without his knowledge.

John Howard passed up the honourable chance to return Hicks to Australia without charge, and instead sought, for his own political gain, to have someone prosecuted where he would not have been prosecuted otherwise. This is not just cynical, it is shameful, and a shocking interference in what should have been an independent prosecution role. Indeed, the whole Military Commission process set up at Guantanamo Bay was not truly an independent judicial process but directed by the White House and fundamentally unfair, and Australia's acquiescence in it remains a blot on our international standing. No credit can be drawn from these events by Howard or his government in the way they acted.

The whole Hicks affair is now the subject of a complaint to the UN Human Rights Committee (based on the absence of a fair trial, in breach of Art.14 of the *International Covenant on Civil and Political Rights*). The ICJ welcomes that investigation.

### Sources

<http://www.theage.com.au/national/howard-called-in-us-favour-to-charge-hicks-20110820-1j3po.html>

<http://www.smh.com.au/national/us-did-howard-a-favour-20110820-1j3k3.html>

<http://thewall.com.au/topics/50819-david-hicks-takes-fight-to-un>

<http://www.abc.net.au/austory/specials/hicks/default.htm>

Hicks' submission to the UN:

<http://images.smh.com.au/file/2011/08/20/2570499/UNHRC%20Communication.pdf?rand=1313848903885>