

David Hicks Case Factsheet

"...I objected strongly to the Military Commissions Act that was drafted by the Bush Administration and passed by Congress because it failed to establish a legitimate legal framework..."

President Obama comments on the 2006 Military Commissions Act

There has been a host of misinformation about David Hicks' case. Here is a list of the most common issues surrounding the case.

David Hicks is not a terrorist- David has never been accused of hurting anyone, participating in, supporting, preparing for or knowing of a terrorist act. The final charge in the Military Commissions hearing was one count under the Material Support for Terrorism charge- which was foreign to Australian and international law- that did not accuse him of personally supporting terrorism, rather, it was alleged that he associated with an organisation that supported terrorism.

David Hicks did not confess to supporting terrorism- David's legal team submitted what is called the Alford Plea. This is a US based plea in which an accused person can agree to plead guilty whilst maintaining innocence. David has always maintained his innocence and strongly denies that he was involved with any terrorist organisations. Any 'confessions' that the US claims to have obtained were unlawfully coerced whilst David was detained in Guantanamo and are not permissible for use in a regularly constituted court.

David Hicks has not hurt anyone- Even in the created charges, there has never been an allegation that David engaged in a violent act against any person. There has never been any evidence to the contrary.

David Hicks has not had a trial- David was asked to sign a plea deal which ensured he would be released from Guantanamo Bay in sixty days. The deal meant that there was never an opportunity for a trial because the deal had already been arranged, including the sentence.

The Military Commissions are not legitimate courts- The Military Commissions under the now defunct 2006 Military Commissions Act are not normal courts- they are completely different.

The 2006 military Commissions process was so flawed that President Obama has replaced it with a 2009 Military Commissions Act. A host of former Bush administration officials, including the chief prosecutor in David's case also resigned due to the political interference and unfairness of the process.

David Hicks did not undergo terrorist training- There has never been any evidence to prove this. In fact, several independent sources, including the Australian Military, have confirmed that the training David received was basic and standard military training, poor in quality to that received by our Australian troops.

The training camps David attended were not al-Qaeda- The first time David heard the word al-Qaeda was from an interrogator in Guantanamo Bay. David lawfully attended training camps that were sanctioned by the government of Afghanistan. These camps were to train people from all over the world in basic military strategy for different situations, including the struggle for independence in Indian controlled Kashmir, which is why David was there. These camps were open and not in secret locations as terrorist training camps are. Independent sources, such as Jason Burke, have verified this.

Detainees in Guantanamo Bay were subjected to conditions amounting to torture, cruel, inhuman and degrading treatment- There is evidence that all detainees, including David Hicks were subjected to conditions and treatment that contravene the *Convention against Torture*. These include being subjected to violent beatings that resulted in broken bones, isolation, sleep deprivation, stress positions, sensory deprivation/bombardment, temperature extremes, sexual abuse, medical experimentation, mock executions (including during interrogations) and psychological torture techniques.

For more information see www.thejusticecampaign.org



THE JUSTICE CAMPAIGN

Supporting Human Rights, Transparency and Fairness for David Hicks

Mission Statement

The Justice Campaign believes that universally recognised human rights and the rule of law should never be compromised.

We believe that every person has the right to a fair trial. To this end, we believe that the Australian Government has a responsibility to protect its citizens from unfair and illegitimate processes.

If an Australian citizen has been subjected to an unfair system, we believe that the Australian Government should formally recognise the unfairness of the system and in no way stand by any unlawful outcome.

The Justice Campaign believes that all human beings should be free from torture. We believe that the Australian Government should abide by its international legal obligations and thoroughly investigate allegations of torture made by its citizens, particularly if they are in any way complicit in their ongoing or prolonged detention. In addition, we believe that the Australian Government should do all it can to remove Australian citizens from situations that amount to torture, cruel, inhuman and degrading treatment, and not legitimise any agreements or confessions obtained under torture.

Campaign Goals

The goal of this campaign is for the Australian Government to stand in line with the Obama administration and countless international law experts in recognising that the **2006 Military Commissions System** did not establish a legitimate legal framework and was **unfair**.

As a matter of transparency and accountability, we believe that an **independent investigation should be held into David Hicks' case**, and that all of the proceedings should be held in an open forum. If any Australian official or representative is found to be involved in illegal acts, such as complicity in torture, they should be held accountable.

www.thejusticecampaign.org