

## David Hicks Vindicated, War Criminal John Howard yet to be Charged

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John Howard's political pawn, David Hicks, vindicated. A US appeals court has highlighted that Hicks' retrospective charge is invalid. However, no such claim could be made regarding the evidence that exists damning former PM John 'aluminium tubing' Howard, as a gutless lackey, mass murderer and war criminal.



**David Hicks and former PM, John Howard**

The wheels of justice turned very slowly vindicating David Hicks; however, they remain locked when criminal leaders of State, Bush, Blair and Howard require prosecution for their many crimes against humanity. These three concerted LIARS and 'willing' mass murders are DIRECTLY responsible for the first civilian holocaust of the 21st century -- over one million innocent men, women and children died as a result of the machinations and criminal activities of these three men.

It is not enough to exonerate David Hicks; Howard and his senior ministers must be placed on trial for their crimes before death cheats justice again. The evidence against the 'coalition of willing criminals' is damning and abundant. It is NOT a good day for Oz and international law when it becomes painfully obvious that it doesn't have the will to pursue KNOWN mass murderers and war criminals.

Report from the SMH follows:

### **Political defence of Hicks case defies the law**

FORMER foreign minister Alexander Downer once again has tried to sheet credit to the Howard government for getting David Hicks released from the US military detention facility at Guantanamo Bay. He claims Hicks "would have been there for years if it hadn't been for our intervention" and that the Howard government "very much used the close friendship with the US administration to get his case heard".

More likely, Hicks would have been released much earlier if the Howard government had used whatever clout Mr Downer contends it had with Washington to insist that the process involving military commissions and years of detention without trial was slippery, if not dangerously illegal. And Hicks would probably never have stood trial if Australia had insisted that all foreigners detained in Guantanamo Bay be treated in exactly the

same way as US citizens. But none of that would have served the government's purpose, which was to stand resolutely alongside the United States while our troops doggedly battled a winless war in Afghanistan.

Instead Hicks languished while the legal processes played out and, like detainees in such conditions the world over, his mental condition deteriorated. Hicks' actions in supporting the Taliban in Afghanistan were unconscionable, but he was nevertheless entitled to justice. In 2007, he capitulated and pleaded guilty to charges that while in Afghanistan in 2001 he provided "material support for terrorism". He was immediately repatriated to Australia and served several months in jail.

This week, however, a US appeals court has exposed the illegitimacy of the charges that were brought against Hicks as it quashed the conviction of another detainee, Salim Hamdan. Hicks has suggested he might seek to get his conviction quashed too.

This is the second time in six years that a US appellate court has found serious issue with the way US authorities after September 11 prosecuted what are known as unlawful combatants. US military commissions can be used to try violations of the international law of war. But in 2006, in a case also brought by Hamdan, the US Supreme Court found the rules governing those commissions exceeded the statutory limits imposed by Congress. Within months, the Bush administration enacted a new set of laws governing military commissions, and in so doing it listed a few extra activities that would be considered illegal and able to be tried by a commission. These included providing support for terrorism, a charge levelled against Hicks.

The problem, which The Age and plenty of legal activists repeatedly denounced and which the US appeals court has highlighted, was that the US constitution specifically bars laws that might punish someone for activities that were not in fact illegal at the time. Such backwards-looking lawmaking is a travesty of justice and undermines the principles of democracy that the US and its allies sought to defend.

Hicks is out, but 166 detainees remain in Guantanamo Bay, including 90 from Yemen. They languish beyond reach of the justice system, and without the kind of diplomatic pressure or support that might have been levelled, for example, by the Australian government. Dozens of detainees are being held without charge and indefinitely. Make no mistake, many have consorted with the Taliban or al-Qaeda and are avowedly determined to destroy the United States and its allies. But their demented beliefs should not be used as an excuse to undermine our fundamental ideals of democracy, which hold justice and the rule of law at their core.

The dilemma the United States has brought on itself is that there is no obvious way of dealing with these detainees in a way that satisfies the dual needs of security and justice. This is one of the most unsatisfactory legacies of the 2001 decision to declare a "war on terror", a move that launched us into uncharted territories when it came to justice.

<http://tinyurl.com/9u89ag3>

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Jungle Drum Prose/Poetry. <http://jungledrum.lingama.net/news/story-188.html>