

## David Hicks...and US chemical torture

By Dr Binoy Kampmark

One sensed they were out to get him from the start. David Hicks, a misguided, foolish man, who found himself at a paramilitary camp in Afghanistan, had to be punished. Since the Australian authorities struggled to find a basis to get the former Guantánamo inmate for his participation on the wrong side of ‘terror’, they did so vicariously. Hicks, detained for six and a half years, made an Alford plea, acknowledging the submitted evidence without admitting to the charges. He was convicted under the *Military Commissions Act 2006* for providing material support for terrorism and served a seven-month prison sentence in Australia on his return from Cuba.

The reason why there is now renewed interest in the Hicks case arises from documents and revelations from the proceeds of crime action launched by the Australian government. The patriotic darlings could not quite get their head around the fact that Hicks would want to write his own account about what happened in Guantánamo. They made an effort, which they subsequently dropped on 24 July 2012, to seize any earnings that might have accrued from *Guantanamo: My Journey*. In so doing, a few items of dirty laundry came out.

Some of this relates to the use of various drugs on the inmate population for “non-therapeutic” purposes. Euphemistically, this has been termed “pharmaceutical interrogation”, giving the impression that your local pharmacist would like to have a friendly word with you. When the all seeing state is the entity responsible for administering the needle or the pill, the stakes are somewhat different.

The dossier on Hicks’s treatment is getting weightier, and would have been far more illuminating had the case gone ahead. There are supporting statements from New York lawyer Josh Dratel and former Guantánamo Bay guard Brendon Neely, saying that that inmates would be rough handled for refusing to take the “medication”. According to Dratel, US prosecutors admitted that “guards had forced him to eat a meal which contained a sedative before they read him the charges”.

A few of the names of the drugs used in the torture process have been removed. This is not a feast the prosecuting authorities wish the public, Australian or international, to partake in. Stephen Kenny, one of the first legal eagles to swoop into Guantánamo Bay, is puzzled. “If they were genuine medications then why does the name of the drug need to be removed?” (*Sydney Morning Herald*, 15 Sep 2012). Scrap the word “genuine”, and we are at least halfway there in our stumble to what actually happened.

Drugs that are known to have been administered to the detainees, in high dosages, include mefloquine. That drug was used ostensibly to combat malaria. According to US Defense Department files, 1,250 mg of the drug were given to all arrivals to the centre in January 2002, an amount based on the assumption that all the recipients had malaria. The authorities were generous enough to avoid testing for that fact.

Administered in high dosages to those uninfected or asymptomatic was likened, as army doctor Maj. Remington L. Nevin is quoted as saying, to “pharmalogic waterboarding” (*SMH*, 15 Sep 2012). The detainees, according to Nevin, were exposed to “unacceptably high risks of potentially severe neuropsychiatric side effects, including seizures, intense vertigo, hallucinations, paranoid

delusions, aggression, panic, anxiety, severe insomnia and thoughts of suicide” (Truthout, 1 Dec 2010). His discussion in the journal *Tropical Medicine and International Health* (October 2012) makes gruesome reading, concluding that “there was no plausible public health indication for the use of mefloquine at Guantánamo and that based on prevailing standards of care, the clinical indications for its use are decidedly unclear.”

The reports in the *Sydney Morning Herald* that Hicks was a recipient of various drugs that could well constitute a form of pharmacologic torture has become something of a hoary old chestnut. Truthout’s investigative report from 1 December 2010 noted how the Defense Department had made all Guantánamo Bay detainees take mefloquine, whether they had malaria or otherwise. Army Staff Sgt. Joe Hickman is the lynchpin here in revealing that three Guantánamo detainees who died in 2006 “could not have died by hanging themselves”. During the course of his investigations, Hickman found that the inmates had received mefloquine.

In a policy environment where torture is justified, by whatever name or appellation, the adoption of a drugs program to deal with state designated *Untermenschen*, and outcast subjects, is irresistible. The case gets even less surprising when authorities of such clout as the US Food and Drug Administration can put Lariam, the brand name of mefloquine, on the legal list. Besides, what is good for American prison inmates, the first to be exposed to quinolines, is good for non-American terrorist suspects.

This sordid story is another reminder that Australia’s government is one of the few on this peculiar planet to bequeath its citizens to other regimes and fob off infractions against them. Be it torture, suspect trials, and questionable legal proceedings, Canberra has stepped to the merry tune of its friends in Washington.

Citizenship is merely a conjuring trick in the immigration offices, a matter of ceremony rather than substance. Hicks’s torture, of which the authorities in Canberra have been, to various degrees, complicit tells us that it will never reach the eyes of a properly-constituted court.



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