

“I’ve been tortured. I’m a human being. I have not violated any law”

Guantánamo prisoner refuses to cooperate with military show trial

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Mohammed Jawad, one of the first of the prisoners at the Guantánamo Bay, Cuba, internment camp to face the US government’s new military commission system, is refusing to cooperate in the trial.

At an initial hearing before a military judge on Wednesday, Jawad would not respond when asked if he would accept a military-appointed lawyer to represent him. He denounced the entire process as illegal and charged that he was tortured to elicit false confessions.

At 23 years of age, Jawad is one of the youngest of the prisoners held at Guantánamo Bay, and one of two who were captured when they were juveniles. He was detained in December 2002, when he was only 16. He is accused of having thrown a grenade that injured two US soldiers in Afghanistan.

If convicted, Jawad faces life in prison. Even if he were acquitted of the charges—an unlikely prospect—he could still be held indefinitely on the grounds that he is an “enemy combatant.”

To call the trial “undemocratic” does not capture the utter injustice of the proceedings, which are a mockery of due process and worthy of a police-state regime. Jawad was captured in December 2002. He has said that he was tortured by Afghan police, and he has been held for over five years without trial under wretched conditions at the US prison camp in Cuba. At the hearing on Wednesday, Jawad complained of a constant headache from years of round-the-clock bright lights in his prison cell.

Under these conditions, the statements of Jawad at his hearing reflect a certain dignity, a protest—to the extent that this is possible—against a court system that has

condemned him in advance.

Proceedings were delayed because Jawad refused to leave his cell. He was eventually brought in while wearing handcuffs, leg shackles and an orange prison jumpsuit.

According to press reports, he refused to cooperate and instead denounced the proceedings. “I’ve been tortured,” he said through a translator. “I am innocent. I have not violated any law. I’ve been brought here illegally. It’s an injustice to me.”

“When I was arrested I was only 16. Is this in the US Constitution, to treat a 16-year-old unfairly?” he asked. “The American government said the Taliban has been very cruel in Afghanistan, that they killed people without any trial and imprisoned people without trial. When I was in detention at Bagram [Air Force Base in Afghanistan], Americans killed three people. They beat people and arrested us without trial. We’re not given any rights.”

Jawad refused to acknowledge his military lawyer, Colonel J. Michael Sawyers. “I should be given freedom to find a lawyer,” he insisted, to which the military judge, Colonel Michael Kohlmann, replied, “That’s not going to happen.”

Throughout the hearings, Jawad’s demeanor reflected the consequences of his years of abuse. According to a report from an observer for Amnesty International, Jawad “was visibly agitated and uncomfortable throughout the proceedings. He would often rub his forehead and put his head in his hands. At times he rocked forward and exhaled audibly. When he put his hands to his head, the guards behind him would remove

them and place them back on the table. Eventually they gave up on this.”

At a certain point in the hearings, Jawad took off his translation headphones and laid his head on his forearms. He remained like this until after the proceedings were over and all the observers had left the room.

The young prisoner denies that he threw the grenade that injured the US soldiers. At a “Combatant Status Review Tribunal” in 2004, at which he was determined to be an “enemy combatant,” Jawad said he had been brought to Afghanistan from his home in Pakistan by people who said he would have a job clearing mines. He said that at the time of the attack on the US soldiers, the person who brought him to Afghanistan gave him a grenade and told him to hold on to it. He said that it was likely this other individual who threw the grenade that exploded in the soldier’s car.

Even if Jawad did commit the act for which he is accused, he stands guilty of nothing more than opposing, through a desperate act, a foreign occupying force that since the invasion in October 2001 has sought to impose its will upon the Afghan population. The US military routinely kills civilians in bombing campaigns, but no one is ever held accountable for these crimes.

The outcome of the hearing was inconclusive. The term of service of Jawad’s lawyer is set to end in a few days, and a new lawyer will have to be appointed. Kohlmann decided to delay any further action until the new lawyer is briefed on the case, which could take months.

An article in the *Los Angeles Times* on Thursday reported, “Army Col. Steve David, the chief defense lawyer for the tribunal, has informed Kohlmann that he is unable to assign a new lawyer for Jawad in the near future because he has only nine on staff with 14 active cases. That includes the six Sept. 11 suspects, who by American Bar Assn. rules for capital cases should each have at least two military lawyers. The prosecution has more than 30 attorneys preparing the government’s side.”

The trial of Jawad and a few of the other prisoners slated for military commissions are intended as trial runs before the more high profile cases against alleged 9/11 conspirators announced in February. The government evidently wants to prepare itself to handle

inconvenient developments—such as the refusal of one or another of the prisoners to participate. However, the Jawad case merely highlights the thoroughly illegitimate and criminal character of the entire process.



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