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## **Saudi Defies War Crimes Court:**

The first Saudi captive to appear at the military commission in Cuba staged the most comprehensive boycott so far of the first U.S. war crimes court since World War II

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Apr. 26--GUANTANAMO BAY NAVAL BASE, Cuba -- A Saudi Arabian captive accused of constructing triggers for car bombs used to attack U.S. troops in Afghanistan boycotted his war-crimes trial Tuesday, declaring that God will decide his fate.

Jabran al Qahtani, in his 20s, became the third of 10 defendants to spurn his Pentagon defense attorney as part of an emerging trend by alleged al Qaeda militants to defy the authority of President Bush's military commissions.

"I don't want an attorney. I don't want a court," he blurted out, appearing unkempt in his beige prison camp uniform. His hair was long and scraggly. "I want either for you to kill me or God will rescue me -- and you will regret everything."

Unlike other captives who sought to argue their own defense, the electrical engineering graduate from Riyadh's KingSaudUniversity left the court during a recess and refused to return.

Qahtani's chair sat empty as an Air Force prosecutor read charges linking him to al Qaeda and alleging that in March 2002 he built circuit boards in Pakistan to trigger car bombs to blow up U.S. troops in Afghanistan.

### **CONSPIRACY ALLEGED**

His charge sheet alleges he was part of a broad al Qaeda conspiracy but with no explicit link to the Sept. 11, 2001, attacks. Rather, Qahtani allegedly went to Afghanistan afterward to fight the U.S. invasion to topple the Taliban and capture Osama bin Laden.

"A nation that is an enemy of God cannot be a leader," Qahtani told the presiding officer, Navy Capt. Daniel O'Toole, in a brief appearance, declaring the proceedings "nonsense."

He is the first Saudi citizen to come before the first U.S. war crimes tribunal since World War II, ordered by Bush after 9/11.

He refused to put on a headset on which he could listen to the proceedings in Arabic, and he sat with elbows on the defense table, displaying a lack of interest and tugging on an unruly beard. In response, O'Toole had the translation broadcast into the chamber.

Qahtani is among a trio of "enemy combatants" who were allegedly captured by Pakistani security forces in March 2002 -- at the same Faisalabad safe house as the alleged al Qaeda ringleader known as Abu Zubaydeh.

His charge sheet alleges that Abu Zubaydeh gave the three a \$1,000 allowance and sent them shopping for electrical parts to make remote-control detonation devices.

Neither Qahtani, who is at Guantanamo, nor Abu Zubaydeh, who is being held at an undisclosed location, have been charged.

Instead, the Pentagon process has so far singled out captives characterized more as foot soldiers for the military commission system now being reviewed by the U.S. Supreme Court.

Two other captives earlier spurned their U.S. military lawyers but asked to argue their own cases. Pentagon rules so far prohibit so-called pro-se representation.

On Thursday, a second Saudi, Ghassan al Sharbi, 27, will make his first trip to the commission building.

Sharbi, a 2000 electrical engineering graduate of Embry-RiddleAeronauticalUniversity, has so far refused to speak with either his U.S. Navy attorney or a civilian lawyer suing for his freedom in federal court.

### **ETHICAL DILEMMA**

Several military lawyers have found themselves confronted with the ethical dilemma of whether to refuse to take part -- reflecting the captives' wishes -- or to offer a zealous defense, as the Pentagon mandates.

"We're all in a position where we're bushwhacking through a legal thicket where there is no path evident," said Vermont attorney Bob Rachlin, who was designated by Sharbi's father in Saudi Arabia to file a habeas corpus petition on his son's behalf.

In contrast, Qahtani has met privately more than a dozen times with his Pentagon attorney, Army Lt. Col. Bryan Broyles -- before publicly rebuffing the proceedings.