

Supporting dissent is not enough

Testimony of a prisoner of conscience, Iraq war veteran, war resister

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Just about a year ago I was tried by a special Court-Martial at Fort Stewart, Georgia. The charge: desertion with the intent to avoid hazardous duty. My case received a lot of attention from the media, mainly because I was the first Iraq veteran to have been to combat, returned on a two-week furlough, and publicly refused to return to Iraq while denouncing the war as illegal, and who then surrendered himself to military authorities. For the first time since the invasion of Iraq the military had to deal with the delicate issue of public dissent within the ranks.

The command at Fort Stewart restricted me to the base, and never allow me to leave even to confer with my attorneys, and requests to travel with them to Florida, and to meet with them off the base, all to help them prepare a better case, were all denied. I was housed in a barracks building with about ten rooms, yet I was the only one there. Between my surrender and the Court-Martial, reporters were told they could interview me off base, while I was told I could give interviews, but was prohibited from leaving the fort.

On the day of my trial, access to the base was restricted to military personnel, my attorneys, and a few family members. Everyone else was directed to gate number three, but the signs leading to that gate were taken down during the three days of my trial. The entire block of the courthouse was barricaded, and there were civilian and military police officers patrolling the area, and they had trained dogs sniffing the area. Reporters were contained in a media center about a mile away from the courthouse, and everyone's computers, cameras, recording devices, and cell phones were confiscated prior to entering the courtroom.

All of our pretrial motions were struck down, and many key witnesses and crucial pieces of evidence were not allowed in the case. Violations of army regulations by my unit, and violations of international law and the supreme law of the land by the military, were readily ignored, and the prosecution was allowed to bring the entire case down to the question of whether I got on a plane or not, thus receiving an easy, undeserved victory.

Before the end of the trial, members of my unit had already been to my barracks room. When my relatives got to my quarters to claim my belongings, immediately after the sentencing, the room had been swept clean. But the raiders forgot to take the lock they cut in order to get to my wall-locker. My mother later used that lock in a press conference to show the military had packed my things even before they could know I was going away. An officer then quickly approached my mother to kindly escort her to where my possessions had been taken.

But not even a year after being sent to a confinement facility in Fort Sill, Oklahoma, where I

spent nine months of a twelve-month sentence, I found myself in San Diego's 32nd Street Naval Station, where Petty Officer 3rd Class Pablo Paredes was being tried by a special Court-Martial. The charges: Unauthorized Absence and Missing Movement.

His case, like mine, received much attention, not because of the nature of his charges, but because on December 6th of last year, Pablo publicly denounced the war as criminal and illegal while refusing to board his ship, the USS Bonhomme Richard, before it left for the war in Iraq.

The military judge found Pablo guilty of Missing Movement but not guilty of Unauthorized Absence, and even though the sentence included two months of hard labor and three months of restriction within the base, Pablo received no jail time, and no punitive discharge from the Navy. The same day of Pablo's Court-Martial, a military judge from Fort Stewart, found that Army Sergeant Kevin Benderman, another public war resistor, had been sent to trial by a biased hearing officer, and temporarily dropped the general Court-Martial against him, a type of trial that could have sent him to jail for up to five years. Another investigation, to be conducted on May 26, will determine by what type of Court-Martial Kevin is tried.

These findings represent important accomplishments for the antiwar movement, as they seem to indicate that military authorities are handling public dissent within the ranks with a bit more caution, as more members of the military are speaking out against the occupation. It would be interesting to see if these are isolated cases, or if the military is indeed making an effort to uphold the law.

Service men and women should know that expert testimony at my trial as well as at Pablo's trial, was that the invasion and occupation of Iraq are illegal under international, domestic, and military law. At my trial, professor Francis Boyle of the University of Illinois, testified that the Iraqi invasion and its aftermath is a crime against humanity, and a violation of Army Field Manual 27-10, which incorporates the Geneva Conventions. At Pablo's trial, Professor Marjory Cohn from San Diego's Thomas Jefferson School of Law, testified that the war in Iraq violates the United Nations Charter, which authorizes the use of force only in self defense, or with the Security Council's approval. She also noted that according to the Nuremberg Principle and the Army Field Manual, disobeying an unlawful order is a duty, and claiming to be following superior orders constitutes no legal defense in the commission of war crimes. Interestingly, neither at my trial nor at Pablo's, did the prosecution ever put on evidence to counter the defense international law expert testimony.

America is going through a historical transformation, from disguised to almost openly admitted (and defended) imperialism. In a time when peaceful protesters are being put in cages, or free speech zones, in a time when international law is being ignored or circumvented in order to conduct and justify torture, in a time when schools are being forced to make their students' files available to the war machine, in a time when the fear and pain of the nation are being used to fabricate support for a criminal war of imperial domination, it becomes imperative that members of the armed forces act upon their principles.

An empire cannot survive without an imperial military, a military whose members do not question the orders of their superiors, a military whose members who choose to refuse, do so quietly to save their skins, a military whose members rather die and kill against their

moral judgments than question the authority of their command.

It is too easy to just tell service men and women to follow their conscience, whatever that means; this advice puts the burden back on their shoulders and brings no sacrifice to the adviser. But peace does not come easily, so I tell all members of the military that whenever faced with an order, and everything in their mind and soul, and each and every cell in their bodies screams at them to refuse and resist, then by God do so. Jail will mean nothing when 'breaking the law' became their duty to humanity.

Pablo's trial not only marked an important step towards resistance, but it also brought doubt to the minds of many sailors who were present during his Court-Martial. They may not yet agree with the antiwar movement, some probably never will, but for the first time many of them witnessed an open debate about the immorality of the Iraq invasion and occupation. Perhaps for a moment doubt brought a sense of humanity back into their hardened system of military values. This would not have been possible had Pablo not put his physical freedom on the line. His sacrifice was small compared to the sacrifice of the over 100,000 Iraqi dead, but perhaps it is the unity of small sacrifices, like Pablo's, that can bring about major changes into the heart of our nation.

We probably should stop fearing so much for our personal safety and start looking more closely at the sacrifice of others, perhaps we will be inspired and empowered to put more of ourselves on the line for the benefit of those who are really suffering. The light of others should not blind the path to our own resistance. Perhaps a good place to find our own light will be the trial of war resister Sgt. Kevin Benderman. Maybe I'll see you there, maybe we can shine together.

To find out more information about Kevin Benderman's Court-Martial, or to contribute to his defense, please visit: <http://www.bendermandefense.org/>

Camilo E. Mejia is former prisoner of conscience, Iraq war veteran, war resister, and member of [Iraq Veterans Against the War](#). Camilo's conscientious objector application is still pending. He served nine months in confinement for refusing to return to Iraq after a two-week leave.

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