

**The
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**Ft. Dix Five Case:
Court Not Concerned
With Lack of Evidence!
Represent Our Resistance
By Dr. Lenore J. Daniels, PhD
BlackCommentator.com Editorial Board**

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We have a history that we forget about sometimes, a history of the courts being on the side of repression, being on the side, not of freedom, but on the side of enslavement.

-Mumia Abu-Jamal

This siege will extend until we teach our enemies paradigms of our Jahili poetry.

-Mahmoud Darwish, [*The Butterfly's Burden*](#)

They have been served pork. "We don't eat pork," Lata Duka tells me. At another prison in the Midwest, inmates are served food from bloated cans. I remember Rev. Edward Pinkney speaking about "butt-naked fish" served in a Michigan prison. Lata Duka tells me the food is bad where her three sons, Dritan, 30, Shain, 28, and Elijvir, 26, are behind held along with Serdar Tartar, 27, and Mohammed Shnewer, 23, at a federal detention center.

Lata Duka, mother of the three Duka brothers, and Inas Shnewer, sister of Mohammed are before me and I am listening to their stories. The families from New Jersey have had their worlds turned upside down since the day in 2005 when the young men handed a video tape of the family's trip to the Pocono Mountains to a clerk at Circuit City.

"We are allowed to talk with them by phone once a month," says Mrs. Duka. But Burim Duka, the youngest Duka brother is also sitting with us. "We've only talked with them twice since then."

And "the judge ordered our lawyers not to speak" on the case, Mrs. Duka added. The prosecution could speak, however.

It's been 2 years since the Fort Dix Five - "terrorists" have been in prison.

"We weren't there when the jury read the verdict." Mrs. Duka explains that the court appointed lawyers and the family members had stepped out of the courtroom. The jury was deliberating. On the second floor, where the family and lawyers wait to return to the courtroom for the reading of the verdict, there is a screen where they can see and hear the courtroom. "Then we hear the judge's voice - 'we have good news.'"

I don't remember seeing procedures quite like this on Perry Mason!

Neither the family members nor the defendant's lawyers are able to re-enter the courtroom!

The verdict is read: Guilty!

And the prosecutors spoke of making New Jersey safe from "terrorists" and the corporate media echoed their narrative. Five young *Muslim* men were found guilty on December 28, 2008, of "conspiring to massacre U.S. soldiers at Fort Dix [New Jersey]." The "investigation" stopped "terrorists" at "the planning stage." "An attack was imminent" and the case "underscored the dangers of terrorist plots hatched on U.S. soil."

Fellow Americans in New Jersey slept peacefully. All was safe, once again.

At the Duka home, the phone rings and rings. "Once we heard a helicopter flying overhead."

"The police are following me. I know it," said Burim Duka. Their cars slowly pass by the house occasionally.

"I don't trust anyone. Some came to my door and asked to help, but I closed the door."

You see, Mrs. Duka did *trust* Mohmoud Omar and Besnik Bakali. In 2005, Omar suddenly arrives at the family's pizza store looking for a job. He strikes up conversations with the Duka brothers who work at the pizza store occasionally. Omar would eat at the family table sometimes. Bakali, too, appears interested in the Duka brothers, Shnewer, and Tartar. The families didn't know that Omar is wanted in Albania for a shooting incident and Bakali entered the U.S. illegally. But the FBI knew and considered the pair worthy to assist in a 14-month investigation of the Duka brothers, Tartar, and Shnewer. So they were hired to assist the FBI "investigation" of the Ft. Dix "Terrorists."

The Duka brothers were roofers, and they occasionally worked at the family's pizza

shop in Cherry Hill, New Jersey. Tartar and Shnewer were also workers, and Shnewer has a young baby. Dritan has five children under the age of eleven and Elijvir has a small daughter.

So you can imagine the Duka family's visit to the Poconos, a vacation and recreation site in Pennsylvania, with Mrs. Duka, her sons, daughters-in-law, and grandchildren. They are recording their visit on video. The family is swimming and the children are playing paint ball. In the hotel rooms, the camera captures family members pillow fighting. The young men also visit the firing range. They are using semi-automatic weaponry to fire at their targets. The young men are having fun. They call out, "*Allah, Akbar*" - "God is Greatest" - *in Arabic*. In other words, they didn't say "Jesus Christ" or "God is Greatest!"

The young men take the family video tape into a Circuit City store when they return home. They tell the clerk they would like the video to be converted into a DVD. At some point, the clerk views the section of the tape with the young men at the firing range. He hears, "Allah, akbar." "Allah, akbar."

"Allah, akbar" is something *Muslims* say. *Muslims* are terrorists, and *terrorists* are *Muslims*. *These young men at the firing range shouting, Allah, Akbar are possibly terrorists!*

I guess the clerk heard the equivalent of someone shouting "*Fire*" - in the theatre!

Call the FBI!

Now, wired, and motivated by the money they will receive, Omar and Bakali begin their work.

The first task is to get the young men to say the word, "jihad," meaning *struggle*. It means personal, spiritual struggle, daily personal struggle," Mrs. Duka explains.

It also could mean the struggle of Black Americans for freedom in the U.S or the struggle of Palestinians for their homeland. And as it is a struggle for me, a Black American, to know that Blacks are not free, that the people of Gaza are suffering, that the war in Iraq was illegal and unjustified and the continuation of war in Afghanistan will only destroy the lives of women and children, it is a struggle for these young men to witness the deaths of their people. But they were here, in the U.S., struggling to raise families while the American public linked their personal and spiritual struggle, "jihad," to terrorism!

Before President Barack Obama's inaugural, the U.S. used to call its campaign against terrorism, the "war on *terror*"! *Terror* thrives in Middle East nation-states awash in *terrorists*. Some 87,215 Iraqi "terrorists" have been killed since the U.S. invasion in 2003, the same year the Duka brothers, Tartar, and Shnewer presented their video tape to the Circuit City clerk. It was the same year when over 1,000 mostly Black poor and working class citizens of New Orleans floated in the floodwaters after hurricane Katrina.

It is estimated that well over 100,000 Iraqis have been killed - and Osama Bin Laden is not one of the dead. But the "war on terror" - erase that - the "war" on people who use

the common expression "Allah, akbar" or who say the word "jihad" or who wear t-shirts with Arabic lettering or who quote a Biblical passage in a letter to the judge or who voice opposition to U.S. foreign policies and its "campaigns" in Iraq and Afghanistan - that war, thanks to the legal erasure of First Amendment Rights and civil liberties, that war goes on!

The young men are not paying attention. They can't feel American fear. They are busy raising families. They are busy making a living for their families. They are busy being - and so when one of them says "jihad" Omar and Bakali hear the cash register ring!

The next step for the informants was to acquire *the map*!

Sedar Tartar had the map. It's a map of Fort Dix. It's not unusual that Tartar would have the map of Fort Dix. He works at the pizza store and has delivered pizzas to the soldiers there. Tartar, like most young men, has aspirations: he wants to be a police officer. After one of the informants continued to press him about the map - *show us the map of Fort Dix* - Tartar decides to tape the informant *requesting the map*! Tartar takes the tape to the FBI - and - do you think they want to see it?

Now, if the informants can just get the men to order *automatic* weapons for another visit back to the Poconos. Anyone can either rent the weaponry at the Poconos to use at the firing range or anyone can bring their own weapons. The informants now want the men to agree to order *automatic* weapons. We can all have fun at the Poconos, *if the men*, order automatic weapons! These men work; they have children and they are not interested in automatic anything! But they are egged on, day after day for 14 months! One of the informants insists. Finally, the men agree to consider *semi-automatic* weapons. *Legal weapons*, they tell him! Good enough! And the informant sets up a meeting between the men and a gun dealer who arrives at Shnewer's home with an array of *serious* weaponry, all of which were *illegally* obtained.

"We were at home and we heard helicopters and several FBI men entered our house," Hanan Shnewer, the brother of Mohammed and wife of Elijvir Duka, told me by phone. "They had dogs." Hanan was pregnant with their only child at the time FBI grabbed her husband and arrested him.

"To prove conspiracy, the government need only show that defendants *appeared* (my emphasis) willing to commit a crime and do one thing (equally innocent)" and then used that one thing against them, writes Stephen Lendman, in his article, 'The Fort Dix Five' "to convince a jury."

The FBI's tapes have hours of the men telling the informants that they *do not* want *semi-automatic weapons*. They are heard telling the informants that it is wrong to kill soldiers. It goes against the Koran. Killing is wrong! The only evidence was completely absent! The defendants had plenty of opportunity to discuss their plot *off-tape*, said Judge Robert Kugler at the sentencing hearing, April 28, 2009. *OFF-TAPE!* The lack of evidence didn't concern him. So the Fort Dix five are guilty for thinking what they might not have thought?

And the video, the incriminating family video in which the young men are heard saying "Allah, akbar" - well, it's broken! All that remains are the hours and hours of talk, just

talk - the FBI's narrative.

So the Fort Dix case becomes part of the history of U.S.'s war on violence, and justice prevails: the actual criminals, the FBI informants, Omar and Bakali receive payment and freedom for their work! Omar received \$240,000 and Bakali, \$150,000.

American justice!

The five young men sit in their prison cells, and the homes of the Duka, Shnewer, and Tartar families have become prisons, too. Mrs. Duka and the other families submitted names of friends and neighbors who could talk - testify - on behalf of the families and these young men several months ago. But, by the time of sentencing hearings, April 28th and 29th, the friends and neighbors were silenced! The FBI has had a little talk with them. "Just talking about the case could put Muslims in prison for life," said Joe Piette, organizer and writer for *Workers World*.

The Duka family had to sell the pizza store. CAIR and the ACLU won't touch the case. Anyone who comes to the door is not trusted and, on the other hand, no friend, neighbor, or news establishment is interested in their stories. And their sons, husbands, brothers, uncles each face life in prison! Shnewer also received life in prison. Tartar received 33 years, plus probation for life.

For Piette, this case raises questions about our right to free speech, right to practice our religion freely, our right to bear arms, and our right to freely associate with members of society.

The fact that similar cases are happening in towns and cities across the country against people who are Muslim should make everyone want to yell STOP! All these cases need to be re-examined and the victims made whole.

But over and over again, this government, representing the Self-narrative of one race, one religion, one gender, one class, mediates a fraudulent narrative that to operate for the chosen - must speak of external terror and external culprits. It's a Self-entrapment in language, speaking of the Self's innocence, and an entrapment in fact for the world's majority - it's conquered, its enemies, its terrorists. The First Amendment and our civil liberties become the true victims of fear.

I couldn't talk with a family member on last Tuesday or Wednesday, April 28th and April 29th, the dates set for sentencing hearings for the Fort Dix Five. As I listened to family members telling their story, I felt then that I had tread these waters before. Something that was localized in a couple of countries in Africa became a worldwide enterprise of hunting and kidnapping, temporary imprisonment on the continent, shipping, auctioning, and then permanent enslavement. European nations collaborated on the narrative and they drew up their maps. Shipbuilding companies came into being and "private contractors" signed on with Western governments. The world had its *narrative*; its reason for being; its business to undertake. And the cargo was African, Black, then - "singing sorrow songs on the banks of a mighty river," said Langston Hughes.

These young men are unwillingly sacrificing their lives for the U.S. to justify the continued need for the 1996 Anti-Terrorism and Effective Death Penalty Law that

evolved into the Patriot Act after 9-11. They justify the need for Correctional Management Centers, (Little Gitmo sites), FBI agent provocateurs and their informants. It justifies the further development of jobs and assures further profits.

And who is safe?

Lata Duka, Burim Duka, Inas Shnewer, Hanan and the children?

You?

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The BlackCommentator Readers' Corner Blog

BlackCommentator.com Editorial Board member, Lenore Jean Daniels, PhD, has been a writer, for over thirty years of commentary, resistance criticism and cultural theory, and short stories with a Marxist sensibility to the impact of cultural narrative violence and its antithesis, resistance narratives. With entrenched dedication to justice and equality, she has served as a coordinator of student and community resistance projects that encourage the Black Feminist idea of an equalitarian community and facilitator of student-teacher communities behind the walls of academia for the last twenty years. Dr. Daniels holds a PhD in Modern American Literatures, with a specialty in Cultural Theory (race, gender, class narratives) from Loyola University, Chicago. Click [here](#) to contact Dr. Daniels.

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