

## Guantanamo war crimes trials screech to halt

by Jane Sutton via rialator - Reuters UK *Monday, Jun 4 2007, 10:44am*

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GUANTANAMO BAY U.S. NAVAL BASE, Cuba (Reuters) - U.S. military judges dropped all war crimes charges on Monday against the only two Guantanamo captives facing trial, rulings that could preclude trying any of the 380 prisoners held at the U.S. base in Cuba any time soon.

The judges said they lacked jurisdiction under the strict definition of those eligible for trial by military tribunal under a law the U.S. Congress enacted last year.

"It's another demonstration that the system simply doesn't work," said the tribunals' chief defence counsel, Marine Col. Dwight Sullivan.

The rulings did not affect U.S. authority to indefinitely hold the 380 foreign terrorism suspects detained at the Guantanamo Bay naval base in southeast Cuba.

But it was the latest setback for the Bush administration's efforts to put the Guantanamo captives through some form of judicial process. It was forced to rewrite the rules last year after the U.S. Supreme Court deemed the old tribunals illegal.

Charges were dropped for Omar Khadr, a Canadian captured in a firefight in Afghanistan at age 15. Khadr, now 20, was accused of killing a U.S. soldier with a grenade and wounding another in a battle at a suspected al Qaeda compound in Afghanistan in 2002.

Charges were also dropped for Salim Ahmed Hamdan of Yemen, who is accused of driving and guarding Osama bin Laden. Hamdan last year won a U.S. Supreme Court challenge that scrapped the first Guantanamo tribunal system.

Both had been charged with conspiracy and providing material support for terrorism. Khadr also faced charges of murder, attempted murder and spying, the latter for allegedly conducting surveillance of U.S. military convoys in Afghanistan.

### HAMDAN STILL HOPES FOR FAIR TRIAL-ATTORNEY

Both defendants had been declared "enemy combatants" during administrative hearings begun at Guantanamo in 2004 to determine if there were grounds to continue holding them.

But the judge for Hamdan's case, Navy Capt. Keith Allred, said that definition was broad enough to include captives who supported the Taliban or al Qaeda without actually engaging in combat.

He said the Military Commissions Act adopted by the U.S. Congress in 2006 set more stringent rules and allowed only those designated as "unlawful enemy combatants" to face trial in the Guantanamo tribunals.

Allred said that law limited the tribunals' jurisdiction to "those who actually engaged in hostilities."

No Guantanamo captives have been formally designated as "unlawful enemy combatants," and defence lawyers said none could be tried unless they first faced proceedings reclassifying them as such.

Hamdan was relieved and "still hopes he's going to get a fair trial," said his military lawyer, Navy Lt. Cmdr. Charles Swift.

A Pentagon spokeswoman, Army Maj. Beth Kubala, said it would be speculative to draw conclusions about the future of the tribunal system. She called the tribunals fair, transparent and legitimate and said the rulings demonstrated that "the military judges operate independently."

Allred and the judge in the Khadr case, Army Col. Peter Brownback, left open the possibility of refiling charges against the two defendants if they were reclassified.

But defence lawyers and rights groups said any trials should be moved to the regular U.S. federal court system or the long-established court-martial system.

"At this point, detainees have been more successful committing suicide in Guantanamo than the government has been successful in getting detainees to trial," Amnesty International observer Jumana Musa said.

Four prisoners have committed suicide at Guantanamo since the detention and interrogation camp opened in 2002.

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