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Court won't speed up key case

A Supreme Court decision not to expedite a case challenging the legality of special war crimes trials means the system may be on hold for months.

FRANK DAVIES
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WASHINGTON - The Supreme Court on Monday refused to expedite a case that may determine the fate of special war crimes trials as a way of trying terrorist suspects.

The case of Salim Hamdan, a Guantánamo Bay prisoner and former driver for Osama bin Laden who faces war crimes charges, is a likely candidate for the high court eventually, but the U.S. Court of Appeals for the District of Columbia will handle the case first.

U.S. District Judge James Robertson ruled Nov. 8 against the military commissions, saying they did not provide enough legal protections for suspects. His decision effectively halted a controversial system that the Bush administration said was a key weapon in the war on terror.

The high court's refusal to step in and immediately take the Hamdan case means that military commissions will likely be on hold for months. The appeals court scheduled oral arguments for March 8.

But Neal Katyal, an attorney for Hamdan, said he hopes the Supreme Court will decide in January to take the case.

"The March date changes the dynamics, because there is no way, without a special session, that the Supreme Court would then hear the case this term," which ends in June, Katyal said.

The Bush administration opposed the high court immediately taking the case but urged the appeals court to decide quickly, criticizing Robertson's ruling as a "judicial intrusion" into a president's wartime powers.

Hamdan, a 34-year-old Yemeni, and three other detainees in Guantánamo face war crimes charges in the commission system. About nine other detainees could be prosecuted for war crimes.

Delays and controversy have plagued military commissions since President Bush signed the order to create them in November 2001. British officials and other allies have sharply criticized the system, which relies on military officers serving as judge and jury with no appeal to an independent judiciary.

Last week 186 members of the British Parliament and 84 members of the European Parliament asked the Supreme Court to take the case quickly.

"Until there is a Supreme Court ruling on the legality of the military commission process, the legitimacy of that process will continue to be called into question," the parliament members wrote in a brief to the court.