

The following text may be printed, copy/pasted, or downloaded and emailed.

## **Judge Allows U.S. Govt. to Appeal Guantanamo Ruling**

Reuters  
February 3, 2005

WASHINGTON - A federal judge on Thursday allowed the Bush administration to immediately appeal her ruling that Guantanamo Bay prisoners have constitutional rights and that the military tribunals to review their cases were constitutionally flawed.

U.S. District Judge Joyce Hens Green also put on hold her ruling so it would not take effect immediately while the administration appeals to the U.S. Court of Appeals.

In a sharp rebuke for the administration, Green ruled on Monday that the prisoners at the U.S. military base at Guantanamo Bay in Cuba have the constitutional right not to be deprived of liberty without due process of law.

She ruled that the special military tribunals to determine the status of each Guantanamo detainee as an "enemy combatant" failed to satisfy constitutional requirements of due process under the law.

Green ruled the procedures failed to give the detainees access to material evidence and failed to let lawyers help them when the government refused to disclose classified information.

The judge also cited problems with the tribunals' relying on statements possibly obtained by torture or coercion, and by using a vague and overly broad definition of enemy combatant.

The ruling stemmed from the July 7, 2004, order by Deputy Defense Secretary Paul Wolfowitz creating the "Combatant Status Review Tribunal" to determine whether each Guantanamo detainee had been correctly found to be an "enemy combatant."

Justice Department attorneys asked Green on Thursday to certify an immediate appeal of her ruling.

They said another federal judge in Washington recently came to the opposite conclusion and ruled that the Guantanamo prisoners have no constitutional rights. Lawyers for those detainees plan to appeal that ruling to appeals court.

The Justice Department attorneys said they would seek to have their appeal considered quickly by the appeals court, which is expected to resolve the conflicting rulings.