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## **Lawyers Try to Halt Teen's War-Crimes Trial**

Attorneys for a Canadian teenager accused of tossing a grenade that killed a U.S. medic in Afghanistan in July 2002 want to postpone his trial until the Supreme Court rules in a case challenging government procedures.

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Attorneys for a Canadian teen held at Guantánamo Bay are asking a federal judge to postpone the captive's war-crimes trial until the U.S. Supreme Court rules later this year on the constitutionality of President Bush's military commissions.

Pentagon officials have set a hearing Tuesday at the Navy base in Cuba in the case of Omar Khadr, 19, accused of tossing a grenade in Afghanistan that killed a U.S. Army medic among a group of U.S. soldiers attacking an alleged al Qaeda compound.

Whatever the judge's ruling, a commission hearing is expected at Guantánamo next week in the case of alleged al Qaeda propagandist Ali Hamza Bahlul, 39, a Yemeni who has refused an American attorney and thus has no one to seek an injunction in federal court.

It would mark the first commission session in more than a year of court challenges by civil liberties and defense lawyers, who argue there are fundamental flaws in the Bush administration formula for the first U.S. war-crimes tribunals since World War II.

The Pentagon defends the process -- particularly the secrecy surrounding it -- as part of the war on terror.

Khadr was 15 at the time of the alleged crime. If convicted he could face life in prison because U.S. authorities have ruled out the death penalty in this particular case.

But his attorneys have asked U.S. District Judge John Bates to postpone Khadr's proceedings until the Supreme Court rules later this year in a similar commissions case -- against Osama bin Laden driver Salim Ahmed Hamdan of Yemen.

Hamdan's military lawyers argue that the Bush administration's military commission process is at odds with U.S. obligations under international law, and doesn't provide due process guaranteed by the Constitution.

In Khadr's case, American University law professors Muneer Ahmad and Rick Wilson are also critical of the Pentagon for pressing charges against a captive who, they say, should have been treated as a juvenile at the time of his capture in a July 2002 clash near Khost, Afghanistan.

U.S. Army Sgt. 1st Class Christopher Speer, a Special Forces medic from New Mexico, died of his wounds 11 days later, in Germany. Another American lost an eye in the attack, and could be called as a witness.

Bates, who was appointed to the bench by President George W. Bush, has asked for briefs from both sides. The arguments are essentially the same as those that led U.S. District Court Judge Colleen Kollar-Kotelly, a Clinton appointee, to order a delay in November in the case of Australian captive David Hicks.

Most of the challenges are being played out at the U.S. District Court in Washington, D.C., where both Bates and Kollar-Kotelly are judges, because it is handling all habeas corpus petitions filed by Guantánamo captives. Kollar-Kotelly also serves on the secret Foreign Intelligence Surveillance Court, which coordinates with the Justice Department some government wiretapping and covert searches of suspected spies' property. Bates does not.

In a related move, the Justice Department filed notice that it would seek the wholesale dismissal of all Guantánamo habeas suits. It argues that a measure tucked inside the Defense Appropriation Act, which President Bush signed last week, strips civilian judges of most oversight of the offshore prison where the Pentagon now holds about 500 foreign captives as suspected terrorists.