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Military tribunals to begin for 2 Guantanamo detainees

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U.S. NAVAL BASE GUANTANAMO BAY, Cuba -- The first military tribunals conducted by the United States since World War II begin here today for two al Qaeda suspects.

The tribunals created by the Bush administration to try enemy combatants in the war on terror will begin with a round of hearings on motions filed in the cases of two of the four men charged with conspiracy to commit war crimes by serving in al Qaeda.

The hearings will move the cases of David M. Hicks, an Australian, and Salim Ahmed Hamdan, a Yemeni and former chauffeur for Osama bin Laden, closer to the trial phase despite a possibility that the entire tribunal system may be dumped if President Bush does not defeat Sen. John Kerry tomorrow.

Sen. John Edwards, Mr. Kerry's running mate, has been quoted saying that if the Massachusetts Democrat were elected, his administration would do away with the tribunals -- called military commissions by the Pentagon -- which Mr. Bush authorized in November 2001.

Mr. Kerry's alternative plan for dealing with "enemy combatants" is unknown, although Mr. Edwards has said it would be based on the military court-martial system rather than special commissions, which were last used at the end of World War II to try and execute a group of Nazi saboteurs arrested in New York.

Military officials here said yesterday that they're pushing forward with the commissions until told otherwise, but indicated a preparedness to make changes if so ordered by a new commander in chief.

"The commissions are going to proceed; detention and interrogations are going to proceed," said Army Col. David McWilliams, a spokesman for the commissions. "At the time that our leadership, whether current or new, determines we need a change in policy and direction, then we'll make a change in direction."

Hearings beginning today will focus on a small mountain of motions filed by defense attorneys for the enemy combatants challenging everything from the charges in the cases to the very foundations, legality and jurisdiction of the military commissions.

"This is where the defense is challenging every aspect of the commission," said Navy Lt. Susan McGarvey, a spokeswoman for the system.

Mr. Hicks has been imprisoned for nearly three years, and the hearings today will focus on motions filed by his defense team, including one to dismiss his case on grounds that he has been denied a speedy trial.

One senior official involved with the commissions said that of the dozens of motions filed in the Hicks case, certain "show stoppers" would be addressed first, including one in which the defense seeks to bring in expert witnesses to testify on matters such as international law.