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## **Quick appeal sought on war tribunal**

The U.S. government asked for an expedited review of a judge's ruling that the framework for trying terrorism suspects was unconstitutional.

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The Justice Department sought a rush appeal on Tuesday of a federal judge's order that froze the war crimes court at Guantánamo Bay, Cuba, warning that judicial intervention opens a "Pandora's box" of questions about President Bush's power to prosecute the war on terrorism.

U.S. District Judge James Robertson last week ordered the Military Commission to stop hearing pretrial motions in the conspiracy case against Salim Hamdan, 34, a one-time driver for al Qaeda leader Osama bin Laden.

He ruled that the Bush administration's framework for trying terrorism suspects was unconstitutional, and also found that, absent a proper hearing, the 550 or so Guantánamo detainees were entitled to prisoner of war status.

"These rulings, granting judicially enforceable rights under the Geneva Convention to al Qaeda enemy combatants, and contradicting the important military determinations of the commander-in-chief during a time of active armed conflict, represent an unprecedented judicial intrusion into the prerogatives of the president," said the motion filed with the U.S. District Court of Appeals in Washington, D.C.

The motion asked for an expedited review of Robertson's ruling. It said the court should order attorneys to file briefs within three weeks.

"Finding that those captured during armed conflict have judicially enforceable rights under the convention opens a veritable Pandora's box," the request said.

"The executive attempting to protect this nation through the use of military force would become entangled in a morass of litigation, brought by enemy detainees and POWs, about the implementation of the convention."

Robertson's ruling was the latest civilian intervention into the rights of war on terrorism captives that began this summer when the Supreme Court ruled that Guantánamo detainees could challenge their cases in federal courts.