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Justice Asks for Dismissal of Gitmo Cases

United Press International
January 18, 2006

WASHINGTON, Jan. 18 (UPI) -- The Justice Department has asked a federal court to dismiss all the habeas corpus lawsuits filed by prisoners at Guantanamo Bay Naval Base.

The Justice Department is basing its request on a new law that prohibits prisoners -- captured in Afghanistan and elsewhere, and held without charges at the island jail -- from filing lawsuits challenging the U.S. government's right to hold them.

The Justice Department says the law gives the U.S. Court of Appeals in Washington jurisdiction over only the Combatant Status Review Tribunals, the military's new process to determine whether the government is justified in holding a prisoner and not any other claims.

"Congress ... forecloses courts from asserting jurisdiction over the matter under more general grants of jurisdiction, including habeas jurisdiction," the Jan. 18 filing states in two cases, *al Odah v. United States* and *Boumediene v. Bush*. The appeal court made Jan. 18 the deadline for filings on the effect of the new law on Guantanamo cases.

While the Detainee Treatment Act does prohibit habeas corpus lawsuits, there is a conflicted congressional record on whether it applies to new cases or to the 300 or so that have already been filed.

The two Senate authors of the language disagree. Sen. Lindsay Graham, R-S.C., said he agrees all habeas lawsuits should be dropped, but also said it should be up to the courts to decide. Sen. Carl Levin, D-Mich., said it was Congress' express intent not to apply the law to pending and existing lawsuits.