

PRESIDENT OBAMA OFFICIALLY HALTS GITMO SHOW TRIALS



h/t Amnesty International

President Obama has ordered an abrupt halt in the Gitmo Show Trials. From Peter Finn at the Washington Post:

In one of its first actions, the Obama administration instructed military prosecutors late Tuesday to seek a 120-day suspension of legal proceedings involving detainees at the naval base at Guantanamo Bay, Cuba – a clear break with the approach of the outgoing Bush administration.

The instruction came in a motion filed late Tuesday with a military court handling the case of five defendants accused of organizing the Sept. 11, 2001, attacks on the United States. The motion called for "a continuance of the proceedings" until May 20 so that "the newly inaugurated president and his administration [can] review the military commissions process, generally, and the cases currently pending before military commissions, specifically."

In the legal field, this is known as an act taken "in the interests of justice". An incredibly welcome move by an administration literally only hours into its initial term. You have to hand it to President Obama, Guantanamo is a sensitive topic, especially with the neocon screechers, yet he proved the courage of his convictions and acted immediately upon being sworn in.

It appears that the action was foreshadowed at Camp Delta, as Carol Rosenberg of McClatchy

already had reported, even before Obama was sworn in, that the trial of Omar Khadr had been put on hold:

A military judge on Tuesday postponed next week's trial of Canadian captive Omar Khadr, easing pressure on the new occupant of the White House to make a swift decision on military commissions.

...

Until Tuesday, the Khadr case was shaping up to be an early test of Obama's pledge to close the prison camps.

...

But Parrish's indefinite delay – he set no new trial date – also derailed Pentagon plans to airlift a jury panel of U.S. military officers to this remote base this weekend.

The stay of all proceedings at Guantanamo for at least 120 days is, as stated, wonderful news; however, the better question is what it portends for the future disposition of the legal cases of the detainees including Khalid Sheik Mohammed and his co-defendants accused of organizing the 9/11 attacks.

Notably, the defense teams do not appear quite as thrilled as one might expect by the move, citing fears that the government is simply trying to clean up the tribunal process minimally in order to continue on. Lt. Cmdr. William Kuebler, who represents Khadr, said:

"It appears to be an ongoing last ditch effort to save this disgusting mess," he told The Associated Press.

...

Kuebler says the defense wants to have all pending charges formally withdrawn by the Department of Defense and says they could be refiled again under the military courts martial system or in civilian courts. The military has charges pending against 21 men.

“That’s the only way you effectively freeze the system,” he said.

Ultimately, of course, Kuebler is correct. But I think President Obama is headed in the right direction here, and immediately entered an interim order to buy the necessary time and headroom to sort through the mess and provide for the correct adjudication process, exactly as Kuebler seeks.

Less than 24 hours in, and already justice feels cleaner, less politicized and more equitable. Booyah!

[ERRATA UPDATE: As skdadl points out in comments, I may not have been clear enough that while Khadr’s lawyer William Kuebler objects to the delay that will be occasioned by the motion Obama caused the prosecution to lodge, Kuebler’s objection was technically made in response to a directly analogous delay specific to Khadr’s case that was at issue hours before Obama’s general action.]