

THE BAZAAR FOR DEALS AT GITMO

Dafna Linzer has a very timely story describing how prosecutors at Gitmo are scrambling to make deals with detainees at Gitmo, in some cases to resolve their fate, but in others to prepare them to testify against more significant detainees.

As the United States moves to prosecute Khalid Shaikh Mohammed and four others [1] accused of being conspirators behind the Sept. 11, 2001, attacks, federal and military prosecutors are racing each other to strike plea deals with at least a dozen additional Guantanamo detainees whose testimony could be used against some of the most notorious prisoners.

The plea bargaining exposes the difficulty the government faces in bringing prosecutable cases against these defendants and others still in Guantanamo. Most of the remaining detainees are considered too difficult to prosecute, mostly because the evidence against them is thin or based on statements obtained through coercion.

One defense attorney said federal prosecutors had so little on his client that they asked the detainee to suggest a charge he would be willing to plead guilty to.

I sort of wonder whether that's one thing that's going on with Omar Khadr. When asked at a DOD/DOJ press conference today whether Khadr's trial might be transferred to Canada, the senior DOD official giving the briefing dodged by saying his case is still early in the process.

Toronto Star: Walk me through thinking about Omar Khadr, whether his age was a consideration, and whether there was

communication with Canadian govt. Still possibility that Khadr could be repatriated to Canada.

DOD: Don't want to speculate about outcome of pending prosecutions in commissions. We have this as a pending case. Status of it, it's a ways off. There's a way to go in the case. I'm sure the prosecutors will consider all their options wrt how they handle the case.

That seems remarkable for a case that has, supposedly, already been green-lighted for a military commission. So I wonder if they're trying to get him to approve of a deal?

In any case, click through to read Linzer's complete story.