

Lawyers for Detainees Challenge Bush Plan

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Attorneys for 25 men being held in Afghanistan have launched the first legal challenge of President Bush's plan for prosecuting and interrogating terrorism suspects.

Documents filed yesterday in federal district court here demand that the men be released or be charged and allowed to meet with attorneys. Such a filing, known as a habeas corpus petition, is prohibited under the legislation approved by Congress last week.

That bill says the military may detain enemy combatants indefinitely and, if officials choose to bring charges, the cases will be heard before a military commission, not a civilian judge.

Bush has not signed the bill but expects to do so soon. Supporters say it is a necessary tool in the war on terrorism.

Yesterday's filing initiates what is likely to be a drawn-out legal fight similar to the one over detainees at a U.S. military prison in Guantanamo Bay, Cuba. Detainees there have dozens of petitions pending.

In civilian courts, the government is required to tell people why they are being held and allow them access to attorneys. People accused of crimes are then afforded speedy trials before juries of their peers.

"With the move that Congress made, the capitulation it made to the president, those rights are in danger of being curtailed," said Vincent Warren, executive director for the Center for Constitutional Rights, which filed the petition.

The new law protects detainees from blatant abuses such as torture but does not require that they be granted legal counsel. It also allows prosecutors to use evidence, such as hearsay, that wouldn't be allowed in civilian courts.

Though the petition was filed before the bill was signed, the law was written retroactively, so a judge would have to strike down at least some of the law in order for the detainees represented by the center to prevail.

The case was assigned to U.S. District Judge Richard J. Leon, who, in a Guantanamo Bay case last year, ruled that Congress had authorized the president to order the detention of "enemy combatants" for the duration of the war on terror. Leon did not set a hearing date for the new case.

The detainees named in the case are being held at Bagram air base north of Kabul, according to court papers.