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FOR IMMEDIATE RELEASE

Suit Requests End to 'Renegade' Commissions

Washington, DC- (Sept. 9, 2009) – Attorneys for Guantanamo defendant Ramzi Bin al Shihb and the John Adams Project have filed a lawsuit in federal court to halt renegade military commission proceedings at Guantanamo Bay, Cuba. The petition for extraordinary relief filed today asks the Court of Appeals for the D.C. Circuit to enjoin the prosecution of five high value detainees, consistent with President Barack Obama’s Executive Order of January 22, 2009. Defense attorneys are asking the court to assert jurisdiction over the commissions and compel a stop to all proceedings on the grounds that the commissions are unconstitutional and continue to operate without regard for the rule of law. The attorneys hope to shed light on the lawlessness of the military tribunal and force the Obama administration to formally charge the defendants in federal court.

Even Col. Stephen R. Henley, the presiding military judge, has acknowledged that the military commissions are “a system in which uncertainty is the norm and where the rules appear random and indiscriminate.” Nonetheless, Col. Henley held a hearing in mid-July and has scheduled another for the week of September 21 in defiance of President Obama’s January 22nd order for an immediate halt to all commission proceedings. The Executive Order was designed to allow time for Congress to overhaul the commissions and a presidential task force to determine whether detainees should be prosecuted in federal court. The military judge has ordered a competency hearing for Bin al Shihb Sept. 21, despite the government’s refusal to turn over relevant evidence to his defense lawyers and provide them access to crucial witnesses.

In asking the Court of Appeals to intervene, defense attorneys point to the systemic denial of even the most rudimentary resources necessary to provide an adequate defense and the official lawlessness that has infected the commissions from beginning to end.

“The result is a sham system and show trial so far removed from a legitimate criminal justice process that the DC Circuit must bring the commissions to a halt – as President Obama ordered – before they inflict any more damage on the rule of law, the American justice system, and the defendants’ ability to have a fair trial,” said Cynthia Hujar Orr, President of the National Association of Criminal Defense Lawyers.

“This petition seeks to prevent the prosecution from engaging in further ‘beat-the-clock’ tactics designed to impair the defense and secure death sentences before the Obama administration has an opportunity to transfer these cases to federal court,” explained Michael Price, NACDL’s

The petition for a writ of mandamus and the petitioner's motion to stay further commission proceedings will be posted on NACDL's [National Security web page](#) on Thursday.

The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL's 11,000-plus direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling more than 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

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