

Monday, February 11, 2008

Six September 11 suspects to have military death penalty trials.

Â Â In a secret military commission tribunal system where military-employed criminal defense lawyers are encouraged to pretend to defend, United States military prosecutors plan to seek the death penalty against six September 11 suspects who are held in Guantanamo, Cuba. Â Some supporters of such a death penalty trial talk in terms of this being the very instance where the death penalty should be sought, if there is to be a death penalty at all in the United States (of course, as of now, such a trial will be outside of the United States, in Guantanamo). A vehement opponent of the death penalty, I look at it differently.Â The death penalty system is so filled with landmines of unfairness that such a trial in Guantanamo -- which, as with all Guantanamo trials until now, most likely will be conducted in secrecy, without a jury, without an Article III judge, and without the other usual Constitutional protections afforded to defendants in civilian criminal courtsÂ --Â will help drag down the civilian death penalty system towards greater depths of unfairness.Â Jon Katz.

Posted by Jon Katz in Criminal Defense at 19:15