

Publication: Jnl Final Edition 8/2005-today; Date: Aug 7, 2008; Section: News; Page: A7



Jurors Convict Bin Laden Aide

Yemeni Cleared Of Conspiracy Counts

By Mike Melia The Associated Press

GUANTANAMO BAY NAVAL BASE, Cuba — A jury of six U.S. military officers convicted Osama bin Laden's former driver of supporting terrorism but cleared him of conspiracy Wednesday in the first war crimes trial at Guantanamo Bay.

The Pentagon-selected jury deliberated for about eight hours over the three days before returning its split decision against Salim Hamdan, who wept when a Navy captain on the jury read the verdict.

The jury reconvened hours later for a sentencing hearing in the hilltop courtroom on this U.S. base in southeastern Cuba. Hamdan, who is from Yemen and is about 37, faces life behind bars, though it is unclear where he would serve his time.

Defense lawyers had feared a guilty verdict was inevitable in the first war-crimes trial since the aftermath of World War II, saying the tribunal system's rules were designed to achieve convictions.

"I don't know if the panel can render fair what has already happened," Navy Lt. Cmdr. Brian Mizer, Hamdan's Pentagon-appointed attorney, said as the jury deliberated.

But the Bush administration said Hamdan enjoyed a zealous defense and called the verdict fair.

The five-man, one-woman jury convicted Hamdan on five counts of supporting terrorism and found him not guilty on three others. He was cleared of two counts of conspiracy.

Jurors accepted the prosecution argument that Hamdan aided terrorism by serving as bin Laden's armed bodyguard and driver in Afghanistan while knowing that his boss was plotting attacks against the U.S.

Hamdan's attorneys said the judge allowed evidence that would not have been admitted by any civilian or military court in America, and that interrogations at the center of the government's case were tainted by coercive tactics, including sleep deprivation and solitary confinement.

The Pentagon describes the proceedings as the first "contested" U.S. military war crimes trial since World War II. It considers last year's plea agreement that sent Australian David Hicks home to serve a nine-month prison sentence a trial, although no defense was presented.

The war crimes trial differed from the courts-martial used to prosecute American troops in Iraq or Vietnam. Hamdan did not have all the rights normally accorded either by U.S. civilian or military courts. The judge of the military commission allowed secret testimony and hearsay evidence. Hamdan was not judged by a jury of his peers and he received no Miranda warning about his rights.

Sen. John McCain, the Republican presidential candidate, said the split verdict proved it was a fair trial.

"The fact that the jury did not find Hamdan guilty of all of the charges brought against him demonstrates that the jury weighed the evidence carefully," McCain said.



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