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Newsroom

New York Times Cites Margulies on Terror

Professor Peter Margulies explains why a new federal court decision signals that "the criminal justice system is a viable option in terrorism cases."

A *New York Times* article titled, "[Judge Refuses to Dismiss Terror Suspect's Case](#)" by Benjamin Wesier, cites RWU Law **Professor Peter Margulies**:

NEW YORK, July 13, 2010: At the heart of the debate about where and how to prosecute the men accused of being terrorists who have been held at Guantánamo Bay has been the fear among many that the suspects, tried in a civilian court, would benefit from rights and protections they did not deserve.

The detainees, the concern was, would argue that they had been tortured, and that their cases should be dismissed.

One of them, Ahmed Khalfan Ghailani, who last year became the first Guantánamo detainee to actually be moved into the civilian court system, has argued that his nearly five years in detention before that had deprived him of a fundamental protection afforded all defendants in a federal court: the right to a speedy trial.

On Tuesday, a federal judge in Manhattan rejected Mr. Ghailani's claim, and cleared the way for federal prosecutors to try him for his suspected role in Al Qaeda's 1998 bombings of embassies in Kenya and Tanzania.

The judge's ruling is destined to further shape the debate about whether to try Khalid Shaikh Mohammed and others accused of being 9/11 conspirators, in civilian court.

[...]

Peter Margulies, a law professor at Roger Williams University in Rhode Island and an expert in national security law, said Judge Kaplan made clear he did not want to compel the government to have to choose upfront between detaining and trying suspected terrorists.

“Forcing a choice might actually discourage reliance on the criminal justice system,” Professor Margulies said.

He said by taking a “flexible, pragmatic approach,” the judge was saying that detentions and trials “are not mutually exclusive, and the criminal justice system is a viable option in terrorism cases.”

[...]

Read full story [here](#).

[http://www.nytimes.com/2010/07/14/nyregion/14ghailani.html?_r=2&scp=2&sq=margulies&st=cse&]