

Local Attorney Questions Gitmo Trial Delay

The Associated Press is reporting Obama would like to close the detention center at Guantanamo Bay in Cuba within a year.

In the meantime he's putting a stop to any of the trials going on there.

Lawyer Greg Rinckey of Albany knows a thing or two about military trials. A former JAG attorney, he was recently selected to serve as a civilian defense council for detainees at Guantanamo Bay. But now his future and that of his defendants could be up in the air.

"President Obama could be leaning towards shutting down Guantanamo Bay and trying these detainees in federal court and maybe not in military tribunals, which is a big shift from where the Bush administration had been going," Rinckey said.

Each case would be reviewed with some detainees being released. Those that are deemed dangerous would be transferred to another facility and put on trial.

"Its very concerning from a defense perspective because you could have judges with very little military experience not understanding the implications that occur on a battlefield," Rinckey said.

Already a judge agreed to the president's request on suspending proceedings at Guantanamo Bay for four months.

As a defense attorney, Rinckey isn't too fond of the delay. He says its important these detainees and their rights are protected. Rinckey feels if we don't apply due process, how could we expect another country to do the same for our prisoners of war in the future.

"These are detainees that have been held eight years, almost going on a decade of holding these people. Another 120 days where nothing is going to happen and also the defense is not really able to prepare. Are we preparing for a military tribunal or are we preparing for federal court? So it really does not benefit the defense," Rinckey said.

Currently there are 245 detainees being held at the facility.

Rinckey says hopefully a new legal system can be developed to deal with the detainees legal issues, which he calls complex and unique.