

## **Law Review**

**By James Landman**

### **Can Enemy Combatants Be Tried by Military Commissions?**

#### **Questions for Discussion**

1. What did President Bush's Military Order of November 13, 2001 do? Read both the article and the law:
2. Who is Salim Ahmed Hamdan? What were the charges made against him?
3. What did the U.S. District Court for the District of Columbia decide in the case, and what was its rationale for its decision?
4. What did the U.S. Court of Appeals for the District of Columbia Circuit rule in the case about the President's authority to establish military commission to try enemy combatants, and what was its rationale?
5. What did the U.S. Court of Appeals for the District of Columbia Circuit rule in the case about the question of whether the Geneva Convention applies to al Qaeda? What was its rationale? Do you agree? Why?
6. What do you think of the principle articulated by the U.S. Court of Appeals for the District of Columbia Circuit that "this country has traditionally negotiated treaties with the understanding that they do not create judicially enforceable individual rights," or, in other words, that the Geneva Convention is not enforceable in U.S. Courts.
7. Do you think that the Detainee Treatment Act (2005) eliminates the U.S. Supreme Court's jurisdiction over *Hamdan v. Rumsfeld*? Why?]