

Human Rights Watch

Children's Rights

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Contrary to US Claims, Human Rights Watch Opposes Khadr Prosecution

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The US government fundamentally misrepresented Human Rights Watch's position to justify its prosecution of Omar Khadr, a Canadian citizen facing charges for war crimes allegedly committed when he was just 15, Human Rights Watch said today.

Responding to Khadr's argument that the military commissions do not have legal authority to prosecute child offenders, the US government in a court filing Monday invoked Human Rights Watch to support its claim that the military commissions should go forward.

Not only is this position wrong, it's absurd, said Clive Baldwin, senior legal advisor at Human Rights Watch. Human Rights Watch has called the military commissions fundamentally unfair [from the start](#) and even more egregious that Khadr was a child when he allegedly committed the crimes.

In making the claim, the government cited a document that the US Campaign to Stop the Use of Child Soldiers a coalition that includes Human Rights Watch [submitted](#) to the UN Committee on the Rights of the Child in November 2007. The government argued that because the submission did not explicitly condemn the use of military commissions to try Khadr, it amounted to implicit support. However, the submission cited Khadr's case as an example of the United States failure to meet its obligations to rehabilitate and otherwise treat child soldiers in accordance with their age.

To read the campaign's submission as implicitly supporting Khadr's trial before military commissions indicates at best the government's desperation, and at worst a disingenuous attempt to pervert Human Rights Watch's well known position on this, Baldwin said. The document the government cites actually uses the Khadr case as an example of the United States failure to respect its obligations on the treatment of child soldiers.

Human Rights Watch said that Khadr's trial should either be dismissed or moved to civilian courts that take into account his status as a child at the time of his offense. Human Rights Watch also [reiterated its call on Canada](#) to intervene on behalf of one of its citizens and urge the United States to transfer Khadr to a fair process or repatriate him to Canada for rehabilitation.

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