

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/questions-about-children-detained-as-enemy-combatants/>

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While there has been considerable coverage and some debate about excessive punishment and torture of war detainees captured by the United States, recent reports have revealed that some of these detainees are children. The capture and victimization of children raises special concerns that require much greater attention than the issue has received to date.

A growing number of children have now been identified as victims of torture and abuse after capture by the United States military. In an article published last month, [GQ magazine](#) detailed the plight of Muhammed Jawad, who was arrested in 2002 at the age of twelve by Afghan police and accused of throwing a grenade that wounded two U.S. soldiers. Though he maintained his innocence, Muhammed was tortured by Afghan police, who threatened to kill him and his family if he did not confess to throwing the grenade.

After being transferred to Guantanamo, the notorious U.S. military base, Muhammed was subjected to a sleep-deprivation strategy that forced him to move to a different cell every two hours and fifty-five minutes, for two consecutive weeks. Military officials also held Muhammed in isolation. Muhammed attempted to commit suicide by bashing his head repeatedly into a wall until it bled. Soldiers photographed him completely nude, in humiliating positions, and forced him to remain in brightly lit rooms for twenty-four hours.

In 2008, the lead U.S. prosecutor against Muhammed quit the case, describing the prosecution as a charade. The prosecutor argued that due to Muhammed's rudimentary education and manifest gullibility, he was of no intelligence value to the military and thus being subjected to pointless, purely gratuitous mistreatment. Muhammed's charges were dismissed in 2009, when a judge ruled that his initial confession had been coerced by Afghan police.

Other reports document that in 2002 the U.S. military arrested fifteen-year-old Omar Khadr after an Army Sergeant was killed by a grenade blast. Also injured by the grenade blast, Omar was interrogated by U.S. military personnel immediately after he regained consciousness at a military hospital. Omar said interrogators physically abused him and threatened to have him raped. After being transferred to Guantanamo, Omar was spat upon, placed in freezing cold cells, and dragged through his own urine. Held without charge, Omar was not allowed to see a lawyer until 2004.

Similarly, fourteen-year-old Muhammed Hamid Al Qarani was arrested by Pakistani authorities for his suspected involvement in a London-based Al Qaeda cell and sold to American military officials for a bounty. During his six-year detention, Muhammed was repeatedly subjected to verbal and physical assault during interrogation. Guards disoriented him by forcing him to watch pornography and subjecting him to constant loud music and strobe lights. Guards hung him from his wrists or tightly shackled him to the ground and forced him to remain in a hunched position for hours at a time. A guard extinguished a lit cigarette on his arm, leaving a permanent scar. In 2009, a federal judge ordered his release, stating that all accusations against him were based on unreliable sources.

EJI has been challenging excessive punishment and mistreatment of children in jails and prisons, and has argued that children need special protection in the criminal justice system.

The policy of detaining, mistreating, and torturing juveniles as enemy combatants conflicts with United States Supreme Court rulings recognizing that children are uniquely susceptible to outside pressure and disregards international laws that require children to be treated differently than adults.

It also violates standards of decency in light of what we know about the vulnerability of children and their capacity for growth, change and redemption. EJI is joining other human rights organizations in asking that no detainee be subjected to torture or abusive treatment and is specially calling for additional protections for captured or detained juveniles.

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