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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/08/10/obamas-first-military-tribunal-will-try-child-soldier-tortured-at-bagram-and-gitmo/>

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by [Jean Casella and James Ridgeway](#) | August 10, 2010

Today, the Obama Administration will begin its first trial of a prisoner held at Guantanamo Bay. The defendant is Omar Khadr, a Canadian national who was 15 when his alleged crime took place eight years ago. Since that time, Khadr has been abused, threatened, and held in solitary confinement for long periods at both Bagram and Gitmo. [Daphne Eviatar of Human Rights First](#), who is at Gitmo covering the trial, deduces why the administration has chosen to have a former child soldier tried by a military commission, rather than in civilian court:

Perhaps the government hopes that Khadr's statements, which he claims were extracted by various kinds of torture and abuse, will be allowed into court as evidence. Although Khadr's lawyer hasn't yet had the opportunity to present all the evidence of his client's treatment at Bagram and at Guantanamo Bay, what's come out at pretrial hearings so far is that when Khadr was captured by U.S. soldiers in July 2002, the teenager had been [shot twice in the back, blinded in one eye and had a face peppered with shrapnel](#). Interrogators at the Bagram air base took to calling him Buckshot Bob. But that didn't stop them from interrogating him while he was still recovering from life-threatening wounds and strapped to a hospital gurney. Using what the military calls a fear up technique, an interrogator testified, Khadr was [told a story](#) about another prisoner just like him who refused to cooperate and who then was gang-raped and killed in an American prison.

Official documents also reveal that at Guantanamo, Khadr was subjected to the military's [frequent flyer program](#) meaning he was moved every three hours for weeks at a time to keep him from sleeping prior to interrogations. So just how reliable are the statements he made, either at Bagram or at Guantanamo?

Now 23, Khadr, has been [interviewed by dozens of interrogators](#), each time led to believe that his cooperation would spare him from violence and lead to his release. He told interrogators what he thought they wanted to hear, but that release never happened. If Khadr had been imprisoned in the United States, he would have been tried and either convicted or released long ago. But instead, Khadr has been held without trial on a secluded prison camp in Cuba for nearly a decade with little opportunity to defend himself.

More detail on Khadr's treatment [appears in a letter](#) to Attorney General Eric Holder and Defense Secretary William Gates, jointly signed by the ACLU, Human Rights Watch, and the Juvenile Law Center.

US forces captured Khadr on July 27, 2002, after a firefight in Afghanistan that resulted in the death of US Army Sergeant First Class Christopher Speer, as well as injuries to other soldiers. Khadr, who was seriously wounded, was initially detained at Bagram Air Base in Afghanistan. There, according to his lawyers, he was forced into painful stress positions, threatened with rape, hooded and confronted with barking dogs. In October 2002, the United States transferred Khadr to Guantanamo, where the abusive interrogations continued, and where he has been ever since. Khadr told his lawyers that his interrogators shackled him in painful positions, threatened to send him to Egypt, Syria, or Jordan for torture, and used him as a human mop after he urinated on the floor during one interrogation session. He was not allowed to meet with a lawyer until November 2004, more than two years after he was first captured.

Khadr's prolonged and abusive detention at Guantanamo Bay contravenes the legal obligations of the United States under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is contrary to international juvenile justice standards. International law requires that juveniles are to be detained only as a last resort and that juvenile cases require prompt determination, yet Khadr was detained for more than two years before being provided access to an attorney, and for more than three years before being charged before the first military commission. After more than seven years the lawfulness of his detention still has not been judicially reviewed on the merits.

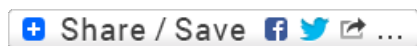
Furthermore, in violation of international law requiring treatment of children in accordance with their age, as well as segregation of children and adults, Khadr was continuously housed with adult detainees, even when other child detainees were being housed together in Guantanamo's Camp Iguana. The abusive interrogations and prolonged detention in solitary confinement violated international law regarding both humane treatment and juvenile justice, including Common Article 3 of the Geneva Conventions, and other prohibitions against torture and cruel, inhuman, and degrading treatment.

It should perhaps come as no surprise that the United States would violate these international agreements, since it routinely does so in its

civilian justice system. American children are tried as adults, given life sentences, placed in adult prisons, and often locked for years in solitary confinement.

But in Khadr's case, an argument could also be made that he shouldn't be tried at all. Under international law, Eviatar writes, a child captured in combat is supposed to be treated as a victim rather than a warrior, offered rehabilitation in custody and eventually repatriated home. Khadr was nine years old when his father dragged him from Canada to Afghanistan and put him to work helping his Al Qaeda-connected friends. Khadr has said that he never had a choice of a position consistent with the experience of most child soldiers. As the [Center for Constitutional Rights](#) points out:

When the military commission commences [Khadr] will become the first individual in the modern history of any international tribunal in the world, to be tried for war crimes for conduct allegedly committed as a juvenile. This ignoble precedent of prosecuting children for war crimes something that was not done at Nuremberg after World War II, in the former Yugoslavia, Rwanda, or Sierra Leone, Kosovo or East Timor will be established through American prosecution of a Canadian child.



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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keep him in jail and in the US as we don't want or need someone like him

this is sick i mean things like this are why i not at all shocked that some hate the usa who in there right mind would send a young kid before a court like this let alone to send a kid his age of comitences would be under us even 16 is young still but is done in us but to send a boy so young before as far as his life is concerned the tribunal is sick i mean like raping kids sick i mean like the sickest thing you can think of let alone in the name of justice make me want to disown my nation it does i can't look at a flag and feel love anymore we would make the fathers of this nation want to blow their brains out if they were hear seeing what the usa they started has turned into i pray that there is light in the darkness of justice for this kid and that there is mercy for him though i am well to know the tribunal has none this nation makes me sick to be called a part of let the record show i may live in this nation but i do not support this kid being sent to face the tribunal or what has been done to him if this is a nation under god then let them think do on to others as you have done on to you let he who has no sinned throw the first stone and what you do to others god will do to you ten fold on the day of judgement blessed are the children for in them is the kingdom of heaven may he find mercy if not in the tribunals hands then may he find mercy in the makers hands

This sounds about right, they did that to me when I was a 15 year old kid on simple runaway charges. It's about all they can handle, threatening a child with physical abuse. They are lowest of the low in law enforcement. Excuse me, not law enforcement more like COMMON HUMAN RIGHTS VIOLATORS.

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