

# Guantánamo trial begins for Omar Khadr, abducted at 15

Tom Eley  
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The drumhead trial for Omar Khadr, the Canadian citizen seized by US Special Forces in Afghanistan in 2002 when he was 15 years old, is set to begin today at the US military base in Guantánamo Bay, Cuba, after preliminary hearings concluded Monday with the presiding judge ruling that confessions Khadr made as a result of torture will be admissible. It is the first military commission trial under Obama, who ran for office in 2008 on a pledge to shut down the prison camp.

Khadr is accused of throwing a grenade that killed a US soldier in 2002 and conspiring with Al Qaeda. There is no credible evidence to substantiate the charges, some of which date to when he was 11 years old. Charges were not even brought against him until 2007. If convicted, the Obama administration will seek a life sentence for Khadr, prosecutor David Iglesias indicated.

Army Col. Pat Parrish, the tribunal's presiding judge, on Monday denied defense appeals to bar confessions Khadr made under torture. In hearings held in May an unnamed US military officer admitted that his interrogation unit threatened to gang rape and kill Khadr if he did not cooperate with an interrogation session at Afghanistan's notorious Bagram air base in 2002.

A US military psychiatrist has said that Khadr, who has now spent a third of his life at Guantánamo, is under extreme psychological stress after years of living through torture, abuse and appalling conditions. He has been subjected to stress positions, beatings, humiliations—including being used as a “human mop” to clean up urine, threatened attack with dogs, long periods of extreme isolation and sensory as well as sleep deprivation.

The stage was set for the trial after the US Supreme

Court on Friday refused to block the proceeding. Khadr's military attorney, Jon Jackson, had sought an injunction so that a lower court could rule on the constitutionality of the military commissions trials. Selections for the 15-member jury trial will include at least five US military officers.

Khadar, now 23, has refused to accept a plea deal reportedly sought by the Obama administration. “I have an obligation to show the world what is going on down here, it seems that we have done everything but the world doesn't get it so it might work if the world sees the US sentencing a child to life in prison, it might show the world how unfair and sham this process is,” Khadr wrote to his Canadian attorney Dennis Edney, on May 27. “And if the world doesn't see all this, to what world am I being released to? A world of hate ... and discrimination.”

The Canadian government, under both Conservative Prime Minister Stephen Harper and his Liberal predecessor Paul Martin, has actively supported the indefinite detention and trial of Khadr, now the only westerner left at Guantánamo.

The laws of war forbid belligerents to detain minors. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, a treaty to which the US is a signatory, stipulates governments “take all feasible measures to ensure that in the event of hostilities within their jurisdictions,” child combatants are “demobilized” and approached as “victims” entitled to “all appropriate assistance for their physical and psychological recovery and their social reintegration.”

But first the Bush administration and now Obama proclaim that prisoners seized in “the war on terror” are not soldiers and are therefore entitled to none of the rights stipulated by the laws of war or the US

Constitution.

The then 15-year-old boy's supposed main crime—throwing a grenade at heavily armed soldiers in a firefight—violates no standing law of war.

Yet even the evidence publicly available tends to contradict the charge. After an hours-long gun battle with five militants on July 27, 2002, two 500-pound bombs were dropped on the house where Khadr was hiding. Finding Khadr supine in the rubble, US Special Forces shot the youth twice in the back before they arrested him. An accidentally released document in 2008 strongly indicated that Khadr did not throw the grenade and that evidence of the firefight was doctored. It revealed that another militant survived the firefight, but was shot in the head by US forces.

Whatever the specifics of the event, there is no precedent in modern history for the public war crimes prosecution of a minor.

“We are going to see the first case of a child soldier in modern history,” said Khadr's military lawyer Jon Jackson. “When President Obama was elected, I believed that we were going to close the book on Guantánamo and the military commissions. And instead President Obama has decided to write the next sad, pathetic chapter in the book of the military commissions. Forever, Obama's military commission will be remembered as the trial of a child soldier.”

In spite of his campaign promise to close down the prison camp at Guantánamo, Obama has maintained, virtually unchanged, the Bush administration's policies. Obama's changes to the 2006 Military Commissions Act, under which Khadr is being prosecuted, were entirely cosmetic. The trials are, from beginning to end, an abortion of justice.

Most Guantánamo prisoners have never faced charges or trial, and have been repatriated to their nations or sent to third-party nations to serve out extra-legal prison sentences. Out of 775 men and boys held at Guantánamo since 2002, the US has managed to realize but four convictions. Two of these resulted from plea deals, including David Hicks, who served a seven-month sentence in his native Australia in exchange for a confession.

In a separate hearing on Monday, Ibrahim Ahmed Mahmou al-Quosi, 50, heard his sentence Monday after pleading guilty to providing “material support for terrorism.” As part of the deal, details of the sentence

for the Sudanese national—allegedly a driver for Osama bin Laden—will be kept secret.

The Khadr trial takes place in completely anti-democratic environment. A small number of reporters, vetted by the US military, will be allowed to view its proceedings, but with sharp restrictions on what they are permitted to report.

“The mood is even more serious and uptight than normal: five colleagues were banned from Guantánamo earlier this year for publishing the name of an interrogator,” writes Monica Villamizar of Al Jazeera. “We've all been given new rules that expand the already strict procedures we must follow. It's almost impossible to take a picture outside two or three locations and all television footage is examined frame-by-frame by a censor for ‘security’ reasons. Agreeing to these rules is a condition for being allowed here.”

The military prosecution of a man who was a child when he allegedly committed his “crimes” is a new signpost in the trampling of basic democratic rights by America's ruling elite. The trial is an open repudiation of international and US law, as well as basic precepts of human rights.



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