



*Amnesty International Aotearoa New Zealand-*  
**Children's Rights Newsletter**  
**Extra**

**January 2009**

**Co-ordinators – Joan & Peter Sutton, Jan Marsh**

Please write about this Urgent Action as quickly as possible. It is suggested that you write immediately to the President-elect and then follow up with another letter on January 20 when he is inaugurated. Actions on Omar Khadr's case were included in the August and October issues of this newsletter.

**UA 4/09 Legal Concern/Unfair Trial Omar Ahmed Khadr (22) Canadian national**

Omar Khadr is facing unfair trial by military commission in the US Naval Base in Guantánamo Bay, Cuba, for crimes he is alleged to have committed when he was 15 years old. The trial is due to begin on 26 January, six days after the inauguration of the new US President. Amnesty International has welcomed President-elect Barack Obama's stated commitment to closing the Guantánamo detention facility "in a responsible way", but is concerned that he has made no announcements about stopping military commission proceedings. Omar Khadr is the only Guantánamo detainee with a trial date in the first two months of the new administration.

Omar Khadr has been in US military custody for six and a half years, nearly a third of his life. Detained in July 2002 following a firefight with US forces in Afghanistan when he was 15, he is accused among other things of having thrown a grenade which killed a US soldier. The teenager was held in the US air base in Bagram, Afghanistan, for several months before being transferred to Guantánamo shortly after he turned 16. He has said that he has been subjected to torture or other ill-treatment in Bagram and in Guantánamo, and subjected to repeated interrogations without access to legal counsel.

Instead of being recognized as a child and treated accordingly, as international law requires, Omar Khadr was designated an "enemy combatant" and denied access to a court to challenge the lawfulness of his detention. He is now facing a "war crimes" trial by military commission, the procedures of which do not comply with international fair trial standards and contain no juvenile justice provisions. No existing international tribunal has ever prosecuted a child for war crimes, reflecting the wide recognition that the recruitment and use of children in armed conflict is a serious abuse in itself.

Shortly after transferring Omar Khadr to Guantánamo, the USA ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which among other things prohibits the recruitment or use in hostilities by non-state armed groups of under-18-year-olds, and requires states to provide any such child who comes within their jurisdiction "all appropriate assistance for their physical and psychological recovery and their social reintegration". In June 2008, the UN Committee on the Rights of the Child, called on the USA not to prosecute any children detained in the context of armed conflict in the military justice system.

With the USA failing to treat Omar Khadr in compliance with international law, Amnesty International has been campaigning for the Canadian authorities to seek his repatriation.

**Please write** making the following points in your letters:-

- Welcome President-elect Obama's commitment to close the Guantánamo detention facility;
- Express deep concern that Omar Khadr's trial remains scheduled for 26 January 2009;
- Welcome the President-elect's opposition to the Military Commissions Act and his recognition that trials under the MCA are "flawed" and pointing out that they fall far short of international standards for fair trials;
- Express your view that it would be a travesty of justice to allow this trial of Omar Khadr to proceed;
- Call on the President-elect to announce that he will not allow the military commission trial of Omar Khadr to proceed and will ensure that Khadr's treatment from now on will take full account of his age at the time of his alleged offences and the role of adults in his involvement in armed conflict in Afghanistan;
  - Call on the President-elect, after taking office, to order an immediate end to military commission trials.

#### **ADDRESSES**

##### **Before 20 January**

President-elect Barack Obama

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Washington D C 20004

USA

Email via <http://change.gov/page/content/contact>

*(Dear President-elect Obama)*

##### **After 20 January**

President Barack Obama

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Email [president@whitehouse.gov](mailto:president@whitehouse.gov)

*(Dear Mr President)*

#### **COPIES TO**

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*(Dear Secretary of Defense)*

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