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**CRUEL.  
INHUMAN.  
DEGRADES  
US ALL.**

**STOP TORTURE  
AND ILL-TREATMENT  
IN THE 'WAR ON TERROR'**

# USA

## Who are the Guantánamo detainees?

### CASE SHEET 14

#### Canadian national: Omar Khadr



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Full name: **Omar Khadr**  
Nationality: **Canadian**  
Age: **19**

***“Young enemy combatants are treated in a manner appropriate to their age and status.”***

Letter from Deputy Assistant Secretary of Defense Paul Butler to Amnesty International, July 2003

Omar Khadr was taken into US custody when he was 15 years old. The US government has said that all detainees are “treated in a manner appropriate to their age and status”. If this is true, then the case of Omar Khadr indicates that an “appropriate manner” involves torture and other cruel, inhuman and degrading treatment as well as denial of any form of justice.

Perhaps because the USA is one of only two states that have not ratified the UN Convention on the Rights of the Child, which recognizes that children need special safeguards and care, it feels free to trample on the human rights of juveniles in its “war on terror”.

Omar Khadr is one of at least four and possibly nine of the current Guantánamo Bay detainees who were aged under 18 when detained. In April 2003 the US authorities revealed that children as young as 13 were detained in the prison.

Reports of torture and attempted suicide by juvenile detainees undermine the claim by US authorities that they are receiving “special emotional and physical care”. Contrary to international standards the Pentagon has defined child detainees as those aged under 16, rather than under 18.

Lieutenant Corporal Johnson, a spokesperson for the US military, stated in 2003 that, “until we ensure that they’re no longer a threat, that there’s no pending law enforcement against them, that they’re no longer of intelligence value”, the children would continue to be held.

#### **Arrest and injury**

Omar Khadr was wounded by US soldiers during a battle near Khost, Afghanistan, and taken into US custody on 27 July 2002. During his capture he was shot three times and is nearly blind in one eye as a result of his injuries. The US military says that Omar Khadr killed a US soldier, Sergeant Christopher J. Speer, in the operation.

Even though Omar Khadr was seriously injured, his interrogation started as soon as he was taken into custody.

## USA: Who are the Guantánamo detainees?

A US official stated that captured prisoners were so scared of abuse by US soldiers that they would talk without prompting. The prisoners "sometimes think we are going to cut out their livers" he said, giving Omar Khadr as an example of a prisoner "singing like a bird". Omar Khadr alleges that:

- he asked for pain medication for his wounds but was refused;
- during interrogations a bag was placed over his head and US personnel brought military dogs into the room to frighten him;
- cold water was thrown on him;
- his hands were tied above a door frame and he was forced to stand in this position for hours;
- he was not allowed to use the bathroom and was forced to urinate on himself.

On 30 August 2002 Canadian officials sent a diplomatic note to the US authorities asking for consular access to Omar Khadr while he was held in the US airbase at Bagram, Afghanistan. The US denied the request on 9 September, saying only that they would notify the Canadian government if any Canadian citizens were transferred to Guantánamo Bay.

## Guantánamo Bay

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*"Your life is in my hands."*

Interrogator to Omar Khadr in Guantánamo

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Omar Khadr was transferred to Guantánamo Bay in October 2002. He says that as soon as he arrived he was subjected to a range of torture and ill-treatment that included:

- being short-shackled by his hands and feet to a bolt in the floor and left for five to six hours; occasionally a US officer would enter the room to laugh at him;
- being kept in extremely cold rooms;
- being lifted up by the neck while shackled, and then dropped to the floor;
- being beaten by guards;
- having a finger pressed into a pressure point in his neck, causing severe pain and inability to breathe.

He alleges that on one occasion guards left him short-shackled in an interrogation room until he urinated on himself. Guards then poured a pine scented cleaning fluid over him and used him as a "human mop" to clean up the

mess. He says that he was not provided with clean clothes for several days after this degradation.

Omar Khadr was held in Camp V of Guantánamo Bay for over a year and, according to his lawyer, was only transferred recently to Camp IV. Camp V is the most notorious of the camps still operating at Guantánamo, styled on the harsh super-maximum security units on the US mainland. It is reserved for "high value" or "uncooperative" detainees.

Omar Khadr says of his time in Camp V:

- the lights were kept on 24 hours a day and detainees were punished for trying to cover the lights with their clothes;
- the air conditioning was kept on cold, which he says "destroyed his lungs";
- he was routinely placed in isolation, sometimes for up to a month;
- he was only allowed exercise once every four or five days, and in 2005 went without exercise in daylight hours for several months.

In addition to the beatings, isolation and frequent interrogations, Omar Khadr has been threatened with transfer to Afghanistan, Jordan and other places. He understood that these were threats of transfer to places where he would be tortured. He was also told that an Egyptian soldier, known to him only as Soldier Number 9, would be sent to rape him.

## Hunger strike

In protest against his treatment and conditions at Guantánamo, Omar Khadr embarked on a hunger strike in July 2005 along with up to 200 other detainees. He went without food for 15 days, during which he was taken to the camp hospital twice to be given intravenous fluids. Omar Khadr lost 30 pounds (13.5kg) during the strike. Another detainee, Omar Deghayes, says he witnessed Omar Khadr vomiting blood.

During the hunger strike the abuse did not stop. On one occasion, when guards were transferring him to the hospital, he was told to walk back to his cell. As he was too weak to do so, the guards allegedly lifted him off the ground and repeatedly kicked his leg.

The hunger strike ended in July when the US authorities apparently made a number of concessions to the



detainees. The detainees resumed their hunger strike in August, however, because the camp authorities had not kept their promises and in response to particularly brutal abuse. One of those at the receiving end of a beating was Omar Khadr.

***“Get ready for a miserable life.”***

Interrogator to Omar Khadr in Guantánamo

In November 2004 Omar Khadr’s lawyers gave him a series of psychological tests which were sent to independent psychiatrists for evaluation. In answer to some of the questions Omar Khadr stated that he had flashbacks, difficulty sleeping and had heard voices when no one was there.

Dr Eric W. Trupin, an expert on the mental health of juveniles in correctional facilities, evaluated the tests. He said Omar Khadr’s symptoms were “consistent with those exhibited by victims of torture” and called for “the immediate cessation of mental and physical abuse”. He noted that the conditions in which Omar Khadr was held were particularly harmful to adolescents. He concluded that Omar Khadr had a mental disorder “including but not limited to post-traumatic stress disorder” and that he was “a moderate to high risk of suicide”.

Government lawyers sought to cast doubt on the doctors’ diagnosis by saying they had relied on second hand testimony, overlooking the dark irony that the same government was denying any kind of independent medical evaluation.

## Role of Canadian authorities

***“I’m not here to help you. I’m not here to do anything for you. I’m just here to get information.”***

Canadian interrogator to Omar Khadr in Guantánamo

Flying in the face of overwhelming evidence to the contrary, the Canadian government accepted the promise of the then Secretary of State Colin Powell, who stated that “all enemy combatants at Guantánamo are treated humanely” when writing to the Canadian authorities about Omar Khadr.

The Canadian government may not simply have neglected their responsibilities towards Omar Khadr. It may also have been complicit in his detention and ill-treatment.

Omar Khadr has been interrogated several times by Canadian officials. According to papers filed in a US court, Omar Khadr was visited by Canadian officials four times in four days, starting on 27 March 2003. Rather than asking about his health or if he wanted to send a message to his family, the Canadian officials interrogated him.

Canadian lawyers for Omar Khadr filed a lawsuit against the Canadian government, arguing that the authorities had violated the Canadian Constitution by “participating in interviews or interrogations without a lawyer being present, without [Omar Khadr] being allowed access to consular representation to get advice, without him being allowed to speak to family and friends”.

Another lawsuit attempted to force the Canadian government to release all its files on Omar Khadr. The government argued that doing so would “be injurious to international relations, national defense or national security”. A memo of William Hooper, Assistant Director of Operations at the Canadian Security Intelligence Service, which was made public as a result of this case, revealed the logic of the government’s neglect of the human rights of one of its citizens. It states that “any efforts to limit or fetter the service’s investigative powers... will hamper the service’s ability to advise the Canadian government”.

The Canadian government has since written to Amnesty International stating that it has raised the allegations of abuse of Omar Khadr with the US government. It said it was engaged in “ongoing diplomatic discussions” with the US regarding his legal status and had requested an independent medical evaluation.

## Legal issues

The US government alleges that Omar Khadr is an “al-Qa’ida fighter” and has classified him as an “enemy combatant”. Despite this, it has refused to charge Omar Khadr with a recognizable criminal offence and give him a full and fair trial.

Instead, the US Department of Defense announced on 7 November 2005 that Omar Khadr is to be tried by military commission, though they will not seek the death penalty in his case. The military commissions are executive bodies with the power to hand down death sentences against which there is no right of appeal to any court. The military commissions are fundamentally flawed and cannot provide fair trials in accordance with internationally recognized standards.

# TAKE ACTION FOR

# Omar Khadr

## Write to the US authorities:

- Stating that Omar Khadr must be released or given a fair trial;
- Calling on the US authorities to ensure that Omar Khadr is afforded adequate contact with his family;
- Calling for a full and impartial investigation into the allegations of torture and ill-treatment of Omar Khadr while in US custody in Afghanistan and Guantánamo Bay, and for all those found responsible to be brought to justice;
- Calling for military commissions to be abandoned and for the presidential order that created them to be revoked;
- Calling for the US government to set up a commission of inquiry into all aspects of the USA's "war on terror" detention policies and practices;
- Calling for the detention facility at Guantánamo Bay to be closed, and for all other "war on terror" detention facilities to be opened up to external scrutiny.

## Write to the Canadian authorities:

- Calling for an independent investigation into the Canadian government's involvement in Omar Khadr's detention, interrogation and torture;
- Seeking assurances that, if returned to Canada, Omar Khadr will be released or charged with a recognizably criminal offence and given a fair trial, and that no evidence obtained under torture will be used in any proceedings;
- Asking the Canadian government to support Amnesty International's call for the abandonment of military commissions and for the detention facility at Guantánamo Bay to be closed.

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## WRITE TO:

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If you want to take further action on this case, please contact your national AI office



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