

# URGENT ACTION

## OMAR KHADR SENTENCED

**Omar Khadr will serve up to eight years in prison after pleading guilty to the charges against him at a military commission in Guantánamo. The guilty plea is the result of an agreement between Omar Khadr, his lawyers and the US authorities.**

On 31 October a seven member military jury at Guantánamo sentenced Omar Khadr to 40 years in prison. However under a plea arrangement agreed earlier with US authorities, Omar Khadr will serve eight years. Under the agreement, after serving one year in US custody, Omar Khadr will be able to apply to be transferred to serve the rest of his sentence in Canada where he may be eligible for earlier release.

Under the terms of the plea agreement, Omar Khadr pleaded guilty to five “war crime” charges, including a murder charge for allegedly throwing a grenade that fatally wounded a US soldier. He also agreed not to initiate or support any litigation or challenge against US authorities relating to his capture, detention or prosecution.

According to diplomatic notes exchanged between US authorities and the Canadian embassy in Washington on 23 October, the US and Canadian governments agreed that if Omar Khadr were to request a transfer to Canada, the transfer could be implemented under existing treaty arrangements between the two countries. Whilst the agreement does not bind Canadian officials to accept the prisoner transfer application, the diplomatic note from Canada states that “The Government of Canada wishes to convey that, as requested by the United States, the Government of Canada is inclined to favourably consider Mr. Khadr’s application to be transferred to Canada to serve the remainder of his sentence...”

US authorities are clear in their diplomatic note that, if requested, they would approve his transfer to Canada. US authorities have acknowledged that if Omar Khadr is returned to Canada, he would be subject to Canadian laws and would therefore be eligible to apply for parole after serving one third of his sentence, and may be eligible for statutory release after serving two-thirds of the time remaining after his return to Canada.

Omar Khadr has been held in US military custody for eight and a half years, after being detained in late July 2002 in Afghanistan when he was aged 15. He has repeatedly alleged that he was subjected to interrogation techniques and detention conditions that amounted to torture or other cruel, inhuman or degrading treatment. Throughout his detention the USA has failed to recognize their international duties in the treatment of children.

Amnesty International continues to call for the USA to address any human rights violations committed against Omar Khadr. It should also abandon military commissions and bring any Guantanamo detainee it intends to prosecute to trial in ordinary civilian federal court, in accordance with international fair trial standards.

**No further action by the UA Network is requested. Many thanks to all who sent appeals.**

This is the fourth update of UA 154/10 (AMR 51/102/2010). Further information: <http://www.amnesty.org/en/library/info/AMR04/003/2010/en>

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