

# Guantanamo Judge Allows ‘Confessions’ Ahead of Trial

By [Lucile Malandain](#)

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US NAVAL BASE AT GUANTANAMO BAY, Cuba — The alleged confessions of the last Westerner held at Guantanamo, who was arrested in Afghanistan at age 15, can be heard at trial, a military judge said Monday.

Canadian Omar Khadr’s lawyer had argued that his statements were made under duress at Bagram Air Base and Guantanamo Bay, as US President Barack Obama’s revamped military commissions opened here to consider two terror cases.

Khadr, now 23, appeared in the base’s 12-million-dollar complex known as “Camp Justice” in the final preliminary hearing before his trial, scheduled to begin Tuesday with selection of a jury of at least five military officers out of a pool of 15.

Military Judge Patrick Parrish, who decided to allow Khadr’s alleged confessions to feature in the trial, had in April heard testimony from federal agents and military interrogators who acknowledged using techniques such as stress positions and sleep deprivation during Khadr’s questioning.

One admitted to threatening a rape scenario in order to influence the detainee.

“Judge Parrish should go back to school and learn some of the basic principles of law and some humanity,” said Khadr’s lawyer Denis Edney after the proceedings.

“I guess what he said is that it’s okay... to threaten him with sexual abuse. That’s disgraceful.”

Also appearing in a separate hearing was Ibrahim Ahmed Mahmoud al-Qosi, 50, who pleaded guilty last month to conspiring to provide material support to terrorism. The former bodyguard of Al-Qaeda leader Osama bin Laden was expecting to hear his sentence.

The cases are the first to be heard since the tribunals, created by former president George W. Bush, were revamped last year by the Obama administration and Congress to give greater rights to defendants.

Khadr, captured at age 15 by US troops in Afghanistan, is accused of throwing a grenade that killed a US soldier during a July 2002 battle. He also is alleged to have been trained by Al-Qaeda and joined a network organized by bin Laden to make bombs.

He appeared in the courtroom in a white detainee uniform, his head lowered, and did not

address the judge, instead having his newly appointed US military lawyer speak for him.

As recently as last month Khadr, an Al-Qaeda operative's son who has denied throwing the grenade that killed an American, said he wanted to represent himself, even expressing his intent to boycott the trial.

Khadr, the only Guantanamo detainee charged with murder, has so far refused Washington's offer of 30-years in prison — including 25 in Canada — in exchange for his guilty plea.

His lawyer, Edney, said Khadr told him during Monday's proceeding: "We are embarrassing ourselves by being here."

Canadian Prime Minister Stephen Harper's government has not requested the young man's return, preferring to allow the US trial to run its course.

In Qosi's case, military judge Nancy Paul said the terms of his plea agreement would remain sealed until he is released.

Under the terms of his plea deal, the jury of officers being selected Monday for his sentencing can not raise the sentence beyond the maximum proposed in the agreement, but it could reduce the punishment if it so chooses.

A source familiar with the case told AFP on condition of anonymity that Qosi's proposed penalty was between 12 and 15 years.

At Monday's hearing, Paul said that by signing the plea deal, Qosi waived his right to pre-trial confinement credit, but that the jury is allowed to consider his eight-plus years in detention when determining sentencing.

Since 2001, four men have been convicted of terrorism-related charges in Guantanamo military trials, two of whom pleaded guilty, while US federal courts have sentenced some 200 extremists over the same period.

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