

Omar Khadr, Child Soldier: “Fact” or “Notion”?

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Captured at 15 in Afghanistan and jailed by the U.S., Canadian Omar Khadr, now 28, has been released on bail after 13 years of detention. Khadr mostly spent those years in Guantanamo Bay, the illegal U.S. detention facilities which, [according to Amnesty International](#), “have become emblematic of the gross human rights abuses perpetrated by the U.S. Government in the name of fighting terrorism. At Guantanamo, the U.S. government sought to hold detainees in a place where neither U.S. nor international law applied.”

While he was detained, the Canadian mainstream media reporting about Omar Khadr was inaccurate and filled with misinformation. It seems like this tendency is not going to end with Khadr’s release.

Although Canadian (English) mainstream media reports admit Khadr pleaded guilty for war crimes before a “widely discredited military commission”, most failed to recognize the fact that Khadr was a child soldier and was tortured while in detention in Bagram and Guantanamo. Yet, international law is unequivocal: if you are under 18 and used in an armed conflict, you are, by definition, a child soldier.

A lot of reporters and columnists say Khadr was “considered by his supporters to be a child soldier”. This is not, however, a matter of consideration, but a matter of fact: 15, in an armed conflict = child soldier. Why are reporters shying away from this particular fact?

In the following CBC news article, the term “child soldier” is not even mentioned once:

Earlier in the day, the 28-year-old convicted war criminal was granted bail in an Edmonton court while he appeals his convictions in the United States....

He was captured in Afghanistan when he was 15 years old after a firefight with U.S. soldiers. He was accused of throwing a grenade that killed an American soldier.

In a plea deal that would include his repatriation to Canada, Khadr pleaded guilty on Oct. 25, 2010, to murder in violation of the laws of war, attempted murder in violation of the laws of war, conspiracy, and two counts of providing material support for terrorism and spying...

Born in Toronto, Khadr was the youngest prisoner at Guantanamo Bay, and the last Western citizen to be held at the detention camp. ([Omar Khadr, free on bail, vows to prove he is ‘a good person’](#), CBC.ca, May 7, 2015)

Khadr was merely “the youngest prisoner” at Gitmo. Not a child soldier. The same goes in

this other report from the Toronto Star:

Khadr, now 28, pleaded guilty in October 2010 before a widely discredited military commission to five war crimes — including murder in the death of Speer, a U.S. special forces soldier...

[Khadr spent almost 13 years](#) behind bars, four of them as a convicted war criminal.

He was captured, badly wounded, by American forces in Afghanistan in July 2002, when he was 15 years old. At one time, he was the youngest prisoner at the American prison compound in Guantanamo Bay. (Mike Blanchfield, [Peter MacKay praises Omar Khadr for renouncing violence, as Stephen Harper stays mum](#), The Canadian Press, May 8, 2015)

Both reports mention that Khadr was 15 when he was captured, but avoid describing him as child soldier. The *Star*, however, quotes Conservative MP Tom Lukiwski's completely illogical comment on the "notion" of child soldiers:

"Words are just words," said Saskatchewan Conservative Tom Lukiwski. "I reject the notion he was a child soldier. I think it was a very deliberate, premeditated act, and he should pay the price for that." (Ibid.)

"Words are just words?" Well, not exactly Mr. Lukiwski. Legal standards and legal definitions are not "just words" and "child soldier" is one of these:



The internationally agreed definition for a child associated with an armed force or armed group (child soldier) is any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities. (Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, 2007.) (Child Soldiers International, [Who Are Child Soldiers?](#))

Mr Lukiwski's whole statement is absurd: he rejects the "notion" that Khadr was a child soldier and says that it was "a very deliberate, premeditated act, and he should pay the price." First Khadr being a child soldier is a FACT, not a "notion". Nobody can refute the fact that a 15 year old boy in an armed conflict is a child soldier and being 15 is far from being "a very deliberate, premeditated act". Of course, Lukiwski was referring to the killing (alleged) of an American soldier, being a deliberate act, but that is totally irrelevant to the fact that Khadr was 15 years old and a child soldier. Whether he killed or not, whether it was deliberate or not does not change the fact that Khadr was 15, thus a child soldier.

The International Law is unequivocal and applies to Khadr's case: the "recruitment or use in

hostilities of under-18s by non-state armed groups” is prohibited.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC): Adopted by the UN General Assembly on 25 May 2000, entered into force on 12 February 2002. OPAC sets 18 as the minimum age for direct participation in hostilities and for compulsory recruitment by state armed forces. States may accept volunteers from the age of 16 but must deposit a binding declaration at the time of ratification or accession, setting out their minimum voluntary recruitment age and outlining certain safeguards for such recruitment. OPAC also prohibits the recruitment or use in hostilities of under-18s by non-state armed groups. (Child Soldiers International, [International Standards](#))

Surprisingly, the report closest to being accurate was in Canada’s conservative newspaper, *The National Post*:

Khadr, now 28, pleaded guilty in October 2010 before a widely discredited military commission to five war crimes — including murder in the death of Speer, a U.S. special forces soldier. He was 15 at the time of the incident, when he is said to have thrown a grenade during a firefight in Afghanistan that killed Speer, and human rights groups have long considered him a child soldier whose treatment violated international law. ([Harper not backing down on Omar Khadr: He ‘pled guilty to very grave crimes, including murder’](#), The Canadian Press, May 8, 2015)

Yet again, Khadr is only “considered by human rights groups” to have been a child soldier. Why so much disdain for legal standards? Were reporters told not to present Khadr as a child soldier?

Reporting on Khadr has never been fair and accurate. In January the support group Free Omar Khadr Now published a “Call for Fair Reporting on Omar Khadr”. We are reprinting it and again asking for fairness and accuracy. Even if now Omar Khadr is free at last, he still deserves justice:

One of the main goals of the Free Omar Khadr Now-campaign is to hold the media accountable for proper coverage of all aspects of Omar’s case. While there has been significant improvement in the way the mainstream media covers the story, misinformation, inaccuracies and lies continue to be printed!

Below the usual falsehoods that Canadian media imposes on us and our call for factual, fair reporting, voiced by Gail Davidson of Lawyers Rights Watch Canada:



Dear reporter,

Omar Khadr did not plead guilty, was not charged with crimes or war crimes and was not sentenced.

The terms **plead guilty**, **crimes** and **sentenced** are all words understood to refer to known concepts within our criminal law system.

- **Crimes** are violations of statutory penal law;
- **War crimes** are serious violations of international humanitarian law;
- **A guilty plea** is the accused's freely and voluntarily given confession in open court to the crime(s) with which he has been charged; Statements not made voluntarily are inadmissible;
- **Sentencing** is the judgement made by a court after an accused is convicted according to law.

Imposition of sentence, as done by the Guantanamo Bay military tribunal, "*without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized people*", is a grave breach (i.e. a crime) of the Geneva Conventions and a crime in Canada.

In the Omar Khadr case there were no war crimes and no guilty plea and the imposition of sentence was itself a crime.

By using these terms you invite readers to accept falsehoods which in turn legitimize atrocious violations of Omar Khadr's rights, prevent the remediation recommended by the United Nations Committee against Torture and shield state authorities from accountability.

The FREE Omar Khadr NOW Committee

([Call for Fair Reporting on Omar Khadr!](#), Free Omar Khadr Now, January 24, 2015)

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