

# **STATEMENT OF SRSR MS. RADHIKA COOMARASWAMY ON THE OCCASION OF THE TRIAL OF OMAR KHADR BEFORE THE GUANTANAMO MILITARY COMMISSION**

**New York, 10 August 2010** - "Today the trial of Omar Khadr begins before the Guantanamo Military Commission. Omar was fifteen years old when he allegedly threw a grenade that killed an American soldier. Subsequently he was sent to Guantanamo where he has been detained for almost eight years.

All of us interested in the welfare of children, including my colleague Anthony Lake, the Executive Director of UNICEF have argued against children under the age of eighteen being tried for war crimes. The statute of the International Criminal Court (ICC) makes it clear that no one under 18 will be tried for war crimes, and prosecutors in other international tribunals have used their discretion not to prosecute children. Since World War II, no child has been prosecuted for a war crime. Child soldiers must be treated primarily as victims and alternative procedures should be in place aimed at rehabilitation or restorative justice.

Even if Omar Khadr were to be tried in a national jurisdiction, juvenile justice standards are clear; children should not be tried before military tribunals.

The Omar Khadr case will set a precedent that may endanger the status of child soldiers all over the world. Over the last decade the international community has worked together to protect children in armed conflict. The United States and Canada have led the way in creating and implementing these norms. Without their support we would not have been able to persuade the Security Council to create a Working Group on children and armed conflict nor be able to release thousands of child soldiers around the world. I urge both governments to come to a mutually acceptable solution on the future of Omar Khadr that would prevent him from being convicted of a war crime that he allegedly committed when he was child."