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Institution: Inter-American Commission on Human Rights
Title/Style of Cause: Omar Khadar v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 21 March 2006
Citation: Khadar v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.127, doc. 4 rev. 1, Ch. III, para. 44 (2006)

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44. On March 21, 2006, the IACHR granted precautionary measures in favor of Omar Khadar, a Canadian citizen aged 19 who was detained in Guantánamo. The information received during a hearing held during the 124th regular session of the IACHR states that the beneficiary is on trial before a military commission in Guantánamo for a crime allegedly committed in Afghanistan when he was 15 years old, and that during his detention and interrogation by military personnel he was denied medical attention; his feet and hands were handcuffed for long periods of time, and he was kept in a cell with fierce dogs; he was threatened with sexual abuse; and his head was covered with a plastic bag. The petitioners allege that the statements taken from him under these circumstances may be admitted as evidence and used against him. During the hearing, the State indicated that the military court could admit all reasonable evidence without clarifying whether statements obtained by torture or cruel, inhumane, or degrading treatment may be used in the trial. The Commission requested that the State, *inter alia*, adopt the measures necessary to ensure that the beneficiary is not subjected to torture or cruel, inhumane, or degrading treatment and to protect his right to physical, mental, and moral integrity, including measures to prevent him being kept incommunicado for long periods or subjected to forms of interrogation that infringe international standards of humane treatment. The Commission also requested that the State respect the prohibition on the use of any statement obtained by means of torture or cruel, inhumane, or degrading treatment against the beneficiary, and investigate the events and bring to justice those responsible, including those implicated when the doctrine of “management accountability” is applied.