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Yvan PEETERS



2003-12-10

Colin Powell, Secretary of State,  
Department of State, 2201 C  
Street, NW,  
US-Washington DC 20520

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Dear Secretary of State,

I am writing to express my deep concern at reports that several children are among the more than 600 detainees being held in the US Naval base in Guantánamo Bay. I request your assurance that the USA will abide by its international obligations in relation to these young detainees.

The reports indicate that a "handful" of children, described as being between the ages of 13 and 15 years old, were "discovered" by the authorities in Guantánamo. It is also reported that the children were transferred, possibly from the Air base in Bagram, earlier this year. I was also informed that a 16-year-old Canadian National, Omar Khadr, was transferred in late 2002 from Afghanistan.

International law and standards recognise the particular vulnerability of children and require, among other things, that children be detained only as a last resort and for the shortest time possible. The definition of a "child", according to international legal standards, is anyone under the age of 18.

I urge you to ensure that all necessary protections and safeguards be extended to all children, including any 16 and 17 years old who may be held in the naval base, including Omar Khadr.

I am further concerned at reports indicating that the children detainees may be subjected to interrogation without access to any legal representatives or to their relatives.

It seems somewhat ironic that the USA, one of the first countries to ratify the Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, is now treating these children in a way that undermines fundamental protections under the body of the main treaty itself. Under this Protocol, the USA has the obligation to assist in the demobilisation and rehabilitation of former child soldiers.

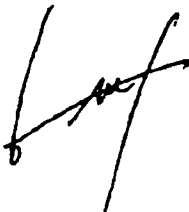
May I also remind you that the USA has signed the Convention on the Rights of the Child binding under international law, not to do anything to defeat the object and purpose of the treaty pending a ratification decision?

I urge you once more to take into consideration the specific needs of children and to give them access to lawyers, their families and the courts as soon as possible. These children should be promptly charged and tried within a reasonable time in accordance with fair trial standards, or released into appropriate and safe circumstances.

I thank you for taking this letter into consideration.

Yours sincerely,

Yvan PEETERS

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: FRANK E SCHMELZER  
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