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UNITED NATIONS, Aug 10, 2010 (IPS) - Omar Khadr was only 15 when he was captured by U.S. forces in 2002 in Afghanistan. Now, eight years later, the 23-year-old is on trial in Guantanamo Bay, in the first military commission trial since the beginning of the Barack Obama administration.

The Pentagon-appointed defence attorney, Lt. Colonel Jon Jackson, has called the case "the first one against a child soldier in history".

Khadr, a Canadian citizen, is accused of throwing a hand grenade and killing a U.S. Special Forces soldier during a U.S. bombardment of an al Qaeda compound in the eastern Afghan city of Khost.

Ahmed Khadr, Omar's father, was an Egyptian-born Canadian citizen who was linked to senior levels of bin Laden's al Qaeda network in the 1980s. In 1993, he moved his family to Afghanistan from where he allegedly sent money to al Qaeda.

The U.N. Secretary-General's Special Representative for Children in Armed Conflict, Radhika Coomaraswamy, told IPS that "The U.N. has advocated repeatedly that no child, abused in war time as a child soldier or porter or war wife, should be held personally responsible for the acts and orders of their commanders."

She also urged the two countries, which are both parties to the Optional Protocol on Children in Armed Conflict, "to allow for Omar's reintegration into society through rehabilitation programmes", adding that to her knowledge "much has been done to prepare such programmes in Canada".

The statute of the International Criminal Court (ICC) states that no one under the age of 18 should be tried for war crimes. Prosecutors in other international tribunals have also used their discretion not to prosecute children in the past.

In addition, there seems to be little or no evidence that Khadr actually threw the grenade that killed the soldier, other than "confessions" allegedly obtained under suspicious circumstances.

Khadr's lawyer claims that the accused was interrogated in at the U.S.-run Bagram air base while still recovering from serious injuries, which included two gunshot wounds and shrapnel in his face and eye. He was also threatened with rape in a U.S. prison, one interrogator confirmed,

and promised a return to Canada if he told the interrogators what they wanted to hear.

During a hearing in May, the interrogators involved claimed they had treated Khadr very well, but did admit that he was threatened and interrogated while still severely wounded. These abusive interrogation methods are in violation of Common Article 3 of the Geneva Conventions and other humane treatment international standards.

Patrick Parish, the military judge working on the case in Guantanamo, has decided to admit the statements extrapolated during these interrogations into court.

Prosecutor Jeff Groharing has tried to depict Khadr as a committed and informed al Qaeda fighter, claiming that he "embraced [the al Qaeda ideology] and used it to justify his activities". In contrast, his defence attorney has described him as a child forced into war by adults.

Aside from the controversy about the detention and treatment of Omar Khadr, there is also a debate about the fairness of military commissions.

Earlier this month Khadr's lawyer filed a petition with the U.S. Supreme Court, claiming that commissions are unconstitutional because they offer a lower standard of justice to foreign citizens, whilst U.S. nationals also get the protection of a federal court.

"The United Nations continues to insist that children accused of crimes, as distinct from war crimes, must be tried in accordance with the rules and procedures which respect and respond to his minority at the time of the alleged offence" Coomaraswamy told IPS, adding that "Clearly, no military tribunal, which I am aware of, meets these international standards".

Anthony Lake, the executive director of the U.N. children's agency UNICEF, has also spoken against children under 18 being tried for war crimes.

The U.S. and Canada were amongst the countries that worked to persuade the Security Council to create and implement norms for the protection of children in conflict.

It is now their duty, Coomaraswamy commented, "to come to a mutually acceptable solution on the future of Omar Khadr that would prevent him from being convicted of a war crime he allegedly committed when he was a child".