

Right-wing furor over Canadian government's "apology" to child Guantanamo Bay detainee Omar Khadr

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13 July 2017

The news that Justin Trudeau's Liberal government has provided an "apology" and \$10.5 million in compensation to Omar Khadr—a former child soldier, Guantanamo Bay detainee and torture victim—has provoked vicious, semi-hysterical opposition from the Conservatives and the most right-wing sections of the Canadian media.

Former Prime Minister Stephen Harper, current Tory leader Andrew Scheer, and numerous other Conservative frontbenchers have accused the Liberals of rewarding a "convicted terrorist" and of offending Canadian Afghan war veterans, as well as the family of Christopher Speer, the US soldier Khadr is accused of killing during a 2002 firefight in Afghanistan.

Ottawa spent almost \$5 million fighting a lawsuit filed by Khadr. However, legal experts advised the Liberal government that a 2010 Supreme Court ruling that conceded Canada had been complicit in Khadr's torture and otherwise violated his basic rights meant he was all but certain to prevail in the case.

Khadr was monstrously abused by US authorities with the complicity of successive Liberal and Conservative governments. In 2003 and 2004, Canadian officials colluded with US officials in Khadr's interrogation at Guantanamo Bay, despite knowing he was a minor, had no legal representation, and had been tortured.

Khadr was long the youngest inmate of the Guantanamo Bay concentration camp and remained there for a decade, long after every other western government had secured the repatriation of any of their citizens who had been imprisoned in that legal black hole.

Far from representing a principled repudiation of the unjust and inhumane treatment meted out to Khadr, the Liberals' decision to settle was driven by base political calculations and for similar reasons is being backed by a substantial section of the ruling class, including the *Globe and Mail*, the traditional mouthpiece of Canada's financial elite.

The Trudeau government concluded that the violation of Khadr's rights had been so egregious and longstanding it was discrediting the Canadian state and its justice system. Moreover, "making good" the wrong done Khadr will provide

the Liberals with some "progressive" political cover as they press ahead with fresh attacks on democratic rights and preparations for war.

The Canadian-born Khadr was detained by US forces in 2002 in Afghanistan, where he had been brought by his father, a senior al-Qaeda operative. Although he was a boy of just 15 and under international law should have been treated as a child soldier, that is a victim, the US military vindictively labelled him an "enemy combatant"—not subject to even the protections of the Geneva Convention—and "terrorist." Despite differing accounts from within its own ranks, the Pentagon proclaimed Khadr had killed Speer during the US military's assault on the al-Qaeda compound where he and his father were holed up.

Khadr was initially held under brutal conditions at a "black site" on the Bagram air base in Afghanistan. Then, with the approval of the Liberal government, his American captors transferred him to Guantanamo Bay. There he was threatened with rape, used as a human mop to clean up urine, and suspended in stress positions for long periods of time, all while suffering the physical effects of back and shoulder injuries he suffered during the firefight in Afghanistan.

Under the Liberal government of Paul Martin, Canadian Security and Intelligence Service (CSIS) operatives interrogated Khadr, although they knew he had been "softened up" prior to their meetings by cruel treatment from his American jailers. This included subjecting him to a procedure known as the "frequent flyer program," which involved moving prisoners to different cells every three hours to induce sleep deprivation—a form of torture.

In January 2010, Canada's Supreme Court ruled the Canadian government had violated Khadr's Charter, i.e., constitutional, rights. But infamously, it ruled that two lower courts had overstepped their authority by instructing the government to seek Khadr's repatriation. Bowing to the arguments of the Harper government, Canada's highest court said the judiciary should be wary of impinging on the executive's prerogative to conduct foreign policy and, consequently, declared it would not prescribe any remedy for the violation of Khadr's rights.

It was under these conditions and the threat of a possible life prison term, that later in 2010 Khadr agreed to a plea deal before a drumhead military commission set up by the Obama administration to try Guantanamo Bay inmates.

The Harper government supported Khadr's arraignment by the military commission and hailed his subsequent conviction as legally bona fide. Today the Conservatives and the far right continue to denounce Khadr as a "convicted terrorist." Yet even the US Supreme Court has found the commissions constitutionally flawed and of the eight convictions of Guantanamo Bay inmates that US authorities secured under them, four have already been overturned. Khadr's conviction is currently under appeal.

The Conservatives' campaign against the Khadr settlement is based on a wilful distortion of the facts of the case and must be taken as a warning of the extent to which the ruling class is breaking with traditional bourgeois-democratic norms.

Even before Public Safety Minister Ralph Goodale and Justice Minister Jody Wilson-Raybould had officially announced the government apology last Friday, prominent Conservatives had taken to social media and the airwaves to denounce it. "This confessed terrorist should be in prison paying for his crimes, not profiting from them at the expense of Canadian taxpayers," tweeted former Immigration Minister Jason Kenney.

Harper made a rare public statement on current issues, condemning the apology as "simply wrong," then joined his wife and son in donating to a website set up to support Speer's family by far-right blogger and provocateur Ezra Levant.

Conservative leader Scheer has vowed that he will use the first opposition day in parliament in the fall to force a vote on the Khadr settlement. "It will be simple," he declared. "Do you support paying a self-confessed terrorist over \$10 million or do you stand with the common sense of millions of Canadians? Justin Trudeau will have to stand and defend it."

While the Canadian state, both of the ruling elite's traditional parties of government, and the Supreme Court are all complicit in violation of Khadr's rights, the Harper government, during its decade in office, went out of its ways to vilify and demonize Khadr.

This was part of its bogus "war on terror," which served as its justification for aggressive wars abroad, a sweeping assault on Canadians' democratic rights, and the whipping up of anti-Muslim xenophobia.

US authorities told Khadr his plea deal would facilitate his repatriation to Canada, but after it the Harper government long balked at permitting his transfer to a Canadian correctional facility.

In 2015, when, after several years of incarceration in a maximum security Canadian federal prison, Khadr was granted bail under stringent conditions, the Harper government did everything in its power to prevent his release. This included seeking an emergency stay on the court ruling with the claim

that Khadr represented a threat to public safety. This in spite of the fact that even Canada's correctional service had been compelled to acknowledge Khadr was a model prisoner.

The Liberals belated legal settlement with Khadr cannot conceal the fact that it was the Chretien and Martin Liberal governments that initiated Canada's "war on terror" and colluded with Washington in the most harrowing abuse of Khadr.

Nor was he the only Canadian subjected to torture with the connivance of Canada's national security apparatus. In the aftermath of the 2001 terror attacks Canada developed its own form of rendition in which CSIS and the RCMP got around the prohibition on torture by fingering Canadian terrorist "suspects" to foreign governments when they travelled abroad.

Maher Arar, a Canadian of Syrian origin, is the best-known victim of this practice. On the basis of false intelligence provided by the Chretien government, US authorities rendered him to Syria, where he was held without charge or trial for a year. During this time, Canadian officials supplied Syrian authorities with information to use during his interrogation and torture. In 2007, the Harper government was forced to reach a legal settlement of \$10 million with Arar.

The announcement of the Liberals' agreement with Khadr comes as the Trudeau government is engaged in a sharp shift to the right. Last month, it unveiled an aggressive new defence policy, including a 70 percent military spending hike, and pledged Canada will use "hard power"—i.e., war—as an essential tool of its foreign policy. Two weeks later, it presented Bill C-59, legislation which keeps in place all of the essential attacks on democratic rights contained in the Harper government's Bill C-51, including new powers for the intelligence agencies to disrupt "threats" and expansive information-sharing provisions between government agencies, while adding new offensive cyberwarfare capabilities.

In spite of the widespread public sympathy for Khadr, the Liberals are preparing to intensify the very policies of aggressive war abroad and attacks on democratic rights that resulted in the violation of his basic rights, including torture, illegal detention and the denial of due process.



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