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THE GLOBE AND MAIL

August 26, 2009

Ottawa's Khadr appeal stains Canada's rights reputation, critics charge

By BILL CURRY

From Wednesday's Globe and Mail

Amnesty International and federal opposition parties are strongly condemning the Harper government's decision to take the Omar Khadr case to the Supreme Court, warning the move will further stain Canada's international reputation when it comes to defending human rights.

Foreign Affairs Minister Lawrence Cannon released a statement yesterday outlining Ottawa's reasons for seeking leave to appeal to Canada's highest court. The government will ask the Supreme Court of Canada to overturn two lower court rulings that Ottawa must ask Washington to release Mr. Khadr from the U.S. prison at Guantanamo Bay, Cuba, and hand him over to Canadian authorities.

Mr. Khadr is the only remaining Western detainee at the detention facility, and has been there since 2002. He is accused of killing an American during a battle in Afghanistan when he was 15 years old.

"Our position regarding Mr. Khadr remains unchanged. In fact, it is the same policy held by two previous governments," reads the statement from Mr. Cannon. "Omar Khadr has been accused of serious crimes (including murder, attempted murder, conspiracy, material support for terrorism and spying, all in violation of the laws of war)."

After years in solitary confinement, Mr. Khadr is now being held with other detainees. His Canadian lawyer, Dennis Edney, describes the area as a "cage" in which his client is chained to the floor.

Mr. Edney said Mr. Khadr is blind in one eye and is slowly losing sight in the other. Prison officials have denied requests for glasses for security reasons.

"This is a government that is mean spirited," said Mr. Edney, who has had two recent visits with Mr. Khadr. Mr. Edney suggested there are racial overtones to Ottawa's decision, given that the same government sent a private plane to Mexico last year to bring home Brenda Martin, who was convicted of fraud-related charges.

"Was that because she was an Anglo-Saxon?" he asked.

Mr. Cannon has strenuously objected to previous suggestions that racism is a factor in this case.

Alex Neve, secretary-general of Amnesty International Canada, said Ottawa's stand is particularly contentious given Mr. Khadr's age at the time of the alleged offences.

"It's been noted all around the world by many that Canada has taken such an extreme stand in this case, and there's no question it has tarnished Canada's important and hard-earned reputation as a country that is prepared to stand up for human rights," Mr. Neve said. "The wanton way in which very serious human-rights concerns in this case have just

been wholly disregarded have been noted by governments and human-rights organizations and the general public right around the world."

Opposition MPs issued similar condemnations, with Liberal MP Dan McTeague describing the decision to appeal as "appalling," and NDP MP Joe Comartin accusing the government of having a "masochistic streak."

Mr. Comartin, a lawyer, said that in his view, there is not enough evidence to charge Mr. Khadr, let alone convict him.


However, David Rittgers, who served in Afghanistan as a U.S. Special Forces officer and is now a policy analyst with the Washington-based Cato Institute, said the Americans have more evidence in the Khadr case than they do for most other Guantanamo detainees. As a result, Mr. Rittgers said he suspects U.S. officials want the case to continue in a military proceeding or a federal court.

"I suspect that American authorities will be reluctant to release Mr. Khadr to Canada," he said.

When the Court of Appeal's decision was released this month, two of the three judges agreed with Mr. Khadr's lawyers that Canada must request Mr. Khadr's return because Canadian officials violated his Charter rights in 2003 and 2004 by interrogating him at Guantanamo while he was under duress, and then sharing that information with the Americans.

However, the third judge, Marc Nadon, sided with the government's argument that only the Prime Minister and his cabinet - rather than the courts - should have the power to make decisions affecting foreign policy.

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