

# Canada's role in the persecution of child soldier Omar Khadr

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The military commission trial of child-soldier Omar Khadr and the plea bargain that the Obama administration and the Pentagon coerced from him this week have been widely and rightly condemned.

Now just 24 years old, Khadr has spent more than eight years, or over a third of his life, under US military detention at the notorious Bagram (Afghanistan) and Guantanamo Bay (Cuba) detention camps. Like the other detainees, the Canadian-born Khadr was for years in a legal black hole, enduring a prison-interrogation regime designed to be outside established international and US law. He was held indefinitely without charge, denied legal representation and access to the courts, and subjected by his US captors to physical and psychological abuse, including outright torture.

According to international law, Khadr is a child soldier who should be treated as a "victim." He was seized at the age of 15 after a July 2002 firefight in Khost, Afghanistan, in which US special forces stormed the compound where he was living. Yet, in an act of vengeance against Khadr's dead father, who was an al-Qaeda financier, the Pentagon and US government labeled him an "enemy combatant" (later "an alien unprivileged belligerent"), illegally incarcerated him and, five years later, charged him with "war crimes."

In fact, Khadr's only crime was to resist the criminal US invasion of Afghanistan, which was and is aimed at securing the world position of US imperialism.

Ultimately Khadr was dragged before a drumhead military commission: a parallel military-controlled judicial system, created by the George W. Bush and Obama administrations, where the traditional rules of evidence do not apply.

The crux of the military prosecution's case against Khadr was his 2002 "confession" that he threw a grenade during the Khost firefight that killed a US Delta Special Forces soldier. Khadr "gave" this confession while chained to a bed in the Bagram prison hospital, where he was recovering from life threatening injuries and a shrapnel wound to an eye, and shortly after a US army interrogator—who ultimately would be court-martialed for abusing another Bagram prisoner—threatened to have him gang-raped to death.

In August, at the beginning of Khadr's trial, the military commission judge, Colonel Patrick Parrish, ruled that this confession was voluntary and hence admissible. The judge similarly ignored evidence that Khadr was subject to sleep deprivation and other "stress and duress" techniques, curtly dismissing the argument of Khadr's military-appointed lawyer that any self-incriminating statements the military had extracted from the boy "were the product of

torture.”

These rulings only served to confirm the kangaroo court character of the military commissions. Khadr’s Canadian lawyer reported that when the judge read out his ruling, Khadr turned to him and said, “We’re embarrassing ourselves by being here.”

With the fix so clearly in and the prospect of multiple life-sentences hanging over Khadr’s head, his lawyers urged him to accept the plea-bargain offered by the Obama administration, although they recognized that it and the Pentagon would seek to use Khadr’s guilty plea to try to legitimize the ordeal to which they have subjected him and the entire Bagram-Guantanamo abomination.

Under the plea bargain, Khadr will be held in solitary confinement for a year in Guantanamo Bay, then transferred to a Canadian prison to serve out the remainder of an eight year jail sentence.

If things have come to this, it was largely because of the role played by the Canadian government, its agencies and the Canadian courts.

Canada aided and abetted the prosecution and persecution of Khadr, from the time that Canadian authorities first learned of the detention of a Canadian citizen at Guantanamo Bay through this week’s plea-bargain.

For years, Khadr has had the dual distinction of being both the youngest Guantanamo Bay detainee and the sole remaining detainee of a Western country. Under public pressure, the governments of Britain, Australia and other Western countries long ago secured the release of their nationals from arbitrary, indefinite detention and the subsequent military commission regime.

But Canada, under the Liberal governments of Jean Chretien and Paul Martin and the current Conservative government of Stephen Harper never asked for, let alone demanded, Khadr’s release: Not when as a child he was indefinitely detained without charge. Not when it became public knowledge that his US captors routinely practiced torture. And not when the US prosecuted him in violation of an international treaty on child soldiers that Canada has signed and sworn to uphold.

On the contrary, in 2003-4 Canadian Security Intelligence Service (CSIS) and Department of Foreign Affairs officials worked hand in glove with Khadr’s US captors, including conniving in his torture. And Prime Minister Harper repeatedly voiced his confidence in, and support for, Khadr’s trial by the military commissions, that is by military courts established for the express purpose of circumventing basic standards of evidence.

Earlier this year, Canada’s Supreme Court was forced to concede that Canada had violated Khadr’s constitutional rights when CSIS agents interrogated him knowing he had been “softened up” for them through sleep-deprivation torture.

Yet the Supreme Court, demonstrating its indifference to Khadr’s rights and fate, overturned a lower court ruling instructing Ottawa to seek Khadr’s repatriation. To order the government to do this, claimed Canada’s highest court, would unduly impinge on the government’s prerogative to conduct Canada’s foreign affairs in the “national interest.” In other words, interests of state trumped Khadr’s fundamental citizenship rights.

Several Canadian media commentators have been forced to acknowledge this week that Canada has played a shameful role in facilitating and collaborating in Omar Khadr's persecution.

But this is by no means an isolated episode. As in all the advanced capitalist countries, the "war on terror" has been invoked by Canada's elite to justify weakening or overturning longstanding limits on state power—such as detention without charge and the right of silence—and to revive torture as an instrument of state policy.

There is much evidence to show that Canada's national security apparatus developed its own form of rendition in the early years of the last decade. It incited governments in the Middle East to arrest and interrogate Canadian citizens travelling abroad, knowing that they would use interrogation techniques constitutionally prohibited in Canada, including indefinite detention without trial and torture.

The Canadian government has gone to extraordinary lengths to cover up the Canadian Armed Forces' complicity in torture in Afghanistan. Last December, it shut down parliament for two months to derail a parliamentary investigation into the issue and this spring it defied a House of Commons resolution instructing it to turn over to parliament uncensored documents pertaining to the Canadian military's Afghan detainees. The latter action compelled the Speaker to rule that the executive was seeking to subvert parliament's duty and power to hold the government to account and thereby threatening the very foundations of Canadian democracy.

But ultimately the opposition parties capitulated to the government's insistence that the Afghan detainee issue be covered up. They agreed to a laborious vetting process designed to ensure that the Canadian public learns little of the Afghan detainee affair and only what has been jointly agreed to by the government, opposition, and a special panel of judges.

In the case of the persecution of Omar Khadr, the opposition's role has been equally craven. There has been no attempt to make the case to the Canadian people that his CSIS interrogation is part of a pattern of Canadian complicity in torture. Nor has the opposition sought to expose the sinister implications of the Harper government's defence of the military commissions process.

In Canada, as around the world, the ruling elite, gorged on wealth and fearful for its future, is increasingly indifferent and hostile to democratic rights. The international working class is the only force with the social power to mount a struggle to defend and broaden democratic rights and must make this a vital element of its struggle against capitalist austerity and militarism.

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