

# Canadian Government reaffirms support for Khadr's Guantanamo Bay detention and prosecution

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Recently released Canadian government documents and video footage have provided fresh evidence that Canadian citizen Omar Khadr has been abused and tortured by the US military while under detention in the US's government's Guantanamo Bay concentration camp.

The new evidence underscores that the Canadian government has been complicit in the persecution of Khadr, who, has been in US military custody since 2002, having been apprehended as a 15 year-old child.

The video footage, which dates from February 2003, shows a Canadian Security Intelligence Service (CSIS) interrogator dismissing and mocking Khadr's complaints of abuse. At another point a CSIS agent is overheard threatening Khadr with reprisals against his family, most of who live in Canada.

The Canadian government has always insisted it had no reason to believe that Khadr was tortured. But the documents—released like the video footage over the government's objections and as the result of a court order—show Canadian authorities were aware in 2004 that Khadr had been subjected to the “frequent flyer program,” i.e. long-term sleep deprivation.

The video footage and documents have added fuel to a mounting public outcry over the Canadian government's complicity in the abuse of the Canadian-born Khadr— the only Western citizen still detained in the patently illegal Guantanamo Bay camp and facing prosecution by the Bush administration's kangaroo-court War Commissions.

Yet the Conservative government of Stephen Harper remains adamant in proclaiming its support for Khadr's continued detention and for his prosecution by the US military.

## **Fresh evidence of Canadian complicity**

In all seven hours of video footage were publicly released this past Tuesday. They document the interrogation that CSIS agents carried out of the then 16 year-old Khadr over four days in February 2003.

The footage has been heavily redacted to prevent identification of the three CSIS agents involved and to otherwise conform with the “national security” provisions of the Canada Evidence Act.

At the beginning of the first session, Khadr is relieved to learn that his interrogators, who have brought him fast food and soft drinks to win his cooperation, are Canadians. He says

with evident relief, “I’ve been requesting the Canadian government for a long time.”

But Khadr’s mood will undergo a 180-degree change as he comes to realize that the CSIS agents are utterly indifferent to his plight and merely want to extract information from him.

Khadr tells the CSIS agents that the admissions he made to US officials were due to extended torture and abuse. But the CSIS interrogator dismisses Khadr’s assertions.

At one point Khadr takes off his shirt to show the CSIS agents that the bullet wounds he received the previous summer, when US Special Forces stormed the Afghan compound in which he was living, have yet to properly heal. Blood is visibly seeping from at least one of the wounds. Khadr further asserts that the Guantanamo Bay authorities long refused him proper medical care.

But the CSIS interrogator is unmoved. He declares, “They [the wounds] look like they’re healing well to me ... I think you’re getting good medical care.

When Khadr complains that as the result of his wounds and abuse at the hands of his US military captors he has lost the proper functioning of his eyes and feet, the CSIS agent mocks him: “You still have your eyes and your feet are still at the end of your legs.”

The CSIS agents then become more belligerent, accusing Khadr of lying and using his wounds and emotional state to avoid answering their questions.

A traumatized Khadr says, “You don’t care about me,” then breaks down in tears. The CSIS agents leave the interrogation room. Khadr continues to weep. At one point he is heard wailing for his mother in Arabic.

At another point on the video, a CSIS agent tells Khadr that if he truly loves his family he will talk—i.e. confess his guilt—so that “other members of your family .. don’t end up in the same situation you are in.”

The US has claimed that Khadr killed a US Special Forces Sergeant during the four-hour firefight in which he was apprehended. When questioned about this, Khadr denies any involvement, saying that he was too young to run away from the compound in Ayub Kheyl, Afghanistan, where his father, a sympathizer and alleged al-Qaeda operative, had left him.

The CSIS interrogator then presses him, saying “Your dad dropped you off there for a reason... you think it’s fine what you did.”

“I didn’t do anything,” replies Khadr. “What did I do? I was in a house.”

Video of the final session reveals the CSIS interrogators to be increasingly frustrated. The lead interrogator rises from his seat and says, “Thank you very much for your time ... we have other things to do.” Khadr replies, “You just want to hear what you want to hear... I don’t know what you think I am. You ask me questions like I’m somebody in al-Qaeda or whatever.”

The final footage is of the Canadian interrogators leaving the room and Khadr putting his head in his hands and crying.

On July 9, six days prior to the release of the video, Canadian government documents were released, under court order, that show a senior Canadian Foreign Affairs official was told in 2004, prior to his questioning Khadr, that for the preceding three weeks the young captive had been shifted every three hours to a different cell, so as to deny him uninterrupted sleep. The Canadian government was also told that, after his departure Khadr “will soon be placed in isolation for up to three weeks, then interviewed again.”

The twenty-one day sessions of sleep deprivation—a practice specifically prohibited by international law as well as by the Geneva Conventions—were, says the document, conducted so as to make Khadr “...more amenable and willing to talk.”

The Canadian document criticizes the practice, but only from the standpoint that it was ineffective.

### **The Canadian state’s continuing role in the persecution of Khadr**

The release of the video of the CSIS’s interrogation of the 16 year-old Khadr has rightly provoked a storm of protest in Canada and internationally. But Canada’s premier intelligence agency has vigorously defended the actions of its agents.

CSIS spokeswoman Manon Bérubé said the agents who interrogated Khadr had acted “appropriately” and “in good faith” and that the agency had “no information prior to its initial meeting with Omar Khadr that he had been mistreated.”

Bérubé blithely ignored what everyone can see on the video—CSIS agents reacted with hostility to Khadr’s charges of abuse. More to the point was her assertion that CSIS have no legal obligation to uphold the rights of Canadians abroad.

Even more important and demonstrative of the continuing support of the Canadian state for the Bush administration and US military’s persecution of Khadr has been response of the Harper Conservative government.

“The bottom line is, the government’s position has not changed,” said Kory Teneycke, spokesman for Prime Minister Stephen Harper. “It’s been very consistent, not only over the course of this government, but also the previous government, ... There’s a judicial process to deal with these serious charges that have been levelled against Mr. Khadr, and that process, not a political process, should determine his fate.”

Harper said much the same at the press conference he held July 10 at the conclusion of the G-8 summit in Tokyo. When asked directly whether he would now seek Khadr’s extradition, Harper replied, “My answer is no. Mr. Khadr is charged with very serious crimes... there is a legal process going on in the United States and he can make his arguments during this process.”

Harper also emphasised the continuity between the position of the preceding Liberal governments and that of the current Conservative government in regards to Khadr, saying “...we always act as a government on the basis of our legal advice and our legal obligations. The previous [Liberal] government took all of the information into account when they made their decision on how to proceed with the Khadr case.”

Harper’s claim that Khadr is subject to a “legal process” is a travesty. The Guantanamo Bay detainees have been arbitrarily proclaimed “enemy combatants” and held indefinitely

without charge and without trial and subjected to torture, including sleep deprivation and waterboarding. Even the US Supreme Court has been forced to concede that the US government and military have repeatedly violated US and international law with its Guantanamo Bay concentration camp.

In a sworn affidavit this February, Khadr described the brutal treatment he has received at the hands of his captors, including prolonged periods in stress positions while shackled to the floor, physical abuse while he was recuperating from his wounds, and the threat of rape.

The Bush administration's Military Commissions set aside elementary judicial principles, including the admissibility of evidence extracted through torture.

Moreover, there is compelling evidence that the US government and military are intent on framing up Khadr, exacting revenge on him for the activities of his father and for the death of a US soldier in the storming of Ayub Kheyl compound. US authorities have suppressed and even altered evidence that revealed that Khadr was not the only person still alive in the compound when the grenade that killed Sergeant Christopher Speer was thrown. In late May, the Pentagon replaced the military judge hearing the Khadr case after he chastized the government for failing to turn over documents related to Khadr's treatment at Guantanamo Bay.

Last but not least, even if Khadr was directly involved in a firefight with US forces—something he strenuously denies—he did so under conditions where US forces had stormed the compound in which he was living as part of their invasion and occupation of Afghanistan. He would, therefore, be considered under the rules of war to be acting in self-defence and, furthermore, as a “child soldier” legally not responsible for his actions.

### **The Liberals and Khadr**

Recognizing that growing sections of the Canadian public are increasingly angered by the Canadian government's support for Khadr's Guantanamo Bay detention, the Liberals—who held office during the first three-and-a-half years of his ordeal at the hands of the US military—recently came out in favour of his repatriation to Canada. Once returned to his country of birth, the Liberals hasten to add, he would be subject to Canada's criminal justice system.

In explaining the Liberal position, the party's foreign affairs critic, Bob Rae, noted that both the major US presidential candidates, Barack Obama and John McCain, are on record as favoring closing down the Guantanamo Bay prison camp. Said Rae, “Stephen Harper is now just about the only person in the West who is defending the judicial process at Guantanamo.”

The Liberals and the other opposition parties have insinuated the Conservative government's defence of the Military Commission system and Omar Khadr's continued detention in Guantanamo Bay are driven by loyalty to the Bush administration. Certainly that is an element: Harper is a neo-conservative ideologue and his government has maintained a very close alliance with the US president in international diplomacy and the “global war on terror.”

However, it is clear that the actions of the Canadian ruling elite in regards to Omar Khadr are part of a broader pattern, including Canadian government complicity—under Liberals

and Conservative governments alike—in the torture of Canadian citizens Maher Arar, Abovsfian Abdelrazik and others.

The Liberals are now posturing as opponents of the internationally reviled Guantanamo Bay detention camp and the persecution of a 21-year-old man who was apprehended as a child and has spent almost a third of his life there. But neither they nor the other opposition parties are prepared to wage a serious struggle to expose Canada's complicity in torture and alert the working class as to how it forms part of a broader ruling-class assault on basic democratic rights.

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