

Ex-Guantanamo Child Detainee Omar Khadr Released on Bail

By [Carl Bronski](#)

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Over the strenuous objections of Canada's Conservative government, an Alberta court allowed Omar Khadr—the victim of 13 years of illegal detention, torture and abuse at the hands of US and Canadian authorities—to be released on bail last Thursday.

A Canadian citizen by birth, the now 28-year-old Khadr was imprisoned for a decade at the US' Guantanamo Bay concentration camp with the support of Canada's government under the Chretien-Martin Liberals and their Conservative successors.

Stephen Harper's Conservative government has vilified Khadr for years as a "convicted terrorist," giving its imprimatur to his fraudulent 2010 conviction by a drumhead US Military Commission of having killed a US soldier when he was 15 years old during a firefight in Afghanistan.

The Conservatives have gone to extraordinary lengths to prolong Khadr's ordeal since the Obama administration returned him to Canada in 2012, fighting tooth and nail to ensure he remains behind bars and under the most difficult prison conditions. This continued last week with the government shamelessly lying in an attempt to get an emergency stay of his release on bail. Government lawyers claimed Khadr's release on bail would cause "irrevocable harm" to Canada's relations with the United States—no matter that US officials said that they had no objection to his release!

After Khadr's release into the custody of his lawyer Thursday afternoon—on stringent bail conditions that include wearing an ankle bracelet and being subject to a strict curfew—Public Safety Minister Stephen Blaney insisted, against all evidence, that Khadr "has not changed" his "ideology," a reference to the radical Islamist views of his late father, a senior Al Qaeda operative.

Speaking at a press conference Friday, Prime Minister Harper once again denounced Khadr and declared the government's support for the pseudo-legal process to which he was subjected and under which he could potentially have been sentenced to death. "Mr. Khadr, as we all know," declared Harper, "pled guilty to very grave crimes, including murder."

Khadr had sought bail while awaiting the outcome of the Harper government's vindictive Supreme Court appeal of a lower court ruling that he should be considered a "young offender." Khadr is also appealing his US conviction of "war crimes."

In a series of court filings in the various litigations, Khadr's lawyers have argued that their client has been an exemplary prisoner and that even a Corrections Canada report has conceded he represents no danger to the public. They further argue that he was wrongly

incarcerated due to a “confession” extracted under torture; that under international law he should have been deemed a child soldier and therefore exempt from any war crime charges; and that even if this precept of international law is disregarded he should be considered a “youth offender” and any incarceration in Canada should be subject to the limits on the detention of juveniles stipulated in the country’s criminal code.

So egregious has been the treatment of Khadr by US and Canadian authorities, and so patently vindictive the Harper government’s hounding of him, that large sections of the Canadian establishment have come to see his continued incarceration as an embarrassment that brings the judicial system into disrepute. Even stalwart media defenders of the Harper government like the *Globe and Mail* and the neo-conservative *National Post* have editorialized in recent months for an end to Khadr’s imprisonment.

The Obama administration has also been eager to distance itself from the case. It believes it is more important to defend the NSA’s global spying operations and the “right” of the US President to order the summary execution via drone strikes of “terrorists,” including US citizens, than to uphold Khadr’s continued incarceration.

Khadr was grievously wounded by US forces in the 2003 Afghanistan firefight. Captured by US forces, he was incarcerated first at the notorious Bagram base concentration camp and then at Guantanamo Bay. Thanks to the complicity of Canadian Liberal and Conservative governments, he was for years the last remaining citizen of a Western country detained at Guantanamo Bay.

Statements from Khadr and other eyewitnesses about his torture while in US custody shed further light, if any more is needed, on the barbaric, criminal methods American authorities have employed in their “war on terror.” Suffering from severe concussion, with shrapnel wounds to his face and eyes and three bullet holes in his back, the youth was placed under a regime of “enhanced interrogation techniques” within 12 hours of his release from hospital into Bagram.

The boy was hooded and hung for long periods by his wrists in a cage (“Palestinian hanging” according to the Israeli Defense Forces slang used by his interrogators), beaten, waterboarded, threatened with rape and subjected to sleep deprivation and extreme cold. He was short-shackled into extremely painful “stress” positions for up to 10 hours. Many nights he lay in terror listening to the persistent screaming from other detainees enduring their own interrogations. Later, in Guantanamo, much of this treatment continued.

In a further violation of international law, the US dragged him before a drumhead military commission, in which elementary judicial principles were set aside. With the military threatening him with life imprisonment, Khadr entered into a plea bargain. After his repatriation to a Canadian prison, Khadr recanted any admission of guilt.

The “legality” of his trial makes a mockery of democratic principles. The 2009 Military Commissions Act passed by Congress and applied in Khadr’s own case baldly states, “A detainee may be convicted of murder in violation of the law of war even if they did not actually violate the law of war.”

After objections and foot-dragging by Stephen Harper’s Conservative government, Khadr was returned to Canada at Washington’s insistence in 2012. On his arrival, the government vilified him as a “hardened terrorist” and had him incarcerated as an adult in an Alberta

federal prison.

In 2010 Canada's highest court found that Khadr's constitutional rights under the Canadian Charter of Rights and Freedoms were violated during the course of his imprisonment and interrogation at Guantanamo Bay. In a decision that underlines Canada's complicity in the brutal program of torture administered by the CIA and US military, the Supreme Court ruled that agents of the Canadian Security and Intelligence Service (CSIS) and the Department of Foreign Affairs had violated Khadr's basic rights by interrogating him while he was indefinitely detained, had no access to legal counsel, and had been subjected to weeks of sleep deprivation in order to "soften him up."

Despite ruling that Khadr's democratic rights had been violated, the Supreme Court allowed the Canadian government to continue its backing of his illegal detention at Guantanamo Bay and his prosecution by the US military commissions, saying that it did not want to interfere with the government's prerogative to conduct foreign policy.

Dennis Edney, Khadr's lawyer, told reporters after last week's successful bail hearing,

"We left a child, a Canadian child, to suffer torture. We participated in this torture. My view is very clear: Mr. Harper is a bigot. Mr. Harper doesn't like Muslims....He wants to show he is tough on crime and who does he pick on? A 15-year-old boy who was picked up and put in the hell-hole of Guantanamo."

But it is not only Harper and his Conservatives who are responsible. The Canadian Security Intelligence Service (CSIS), the Supreme Court of Canada and the entire political establishment, including the corporate media, share culpability. It was under Liberal rule that CSIS and Foreign Affairs officials aided and abetted Khadr's torture. As for the New Democratic Party, it kept mum on Khadr's plight until prodded by a public outcry in recent years as the details of his mistreatment became widely known.

While the Conservatives are largely alone in arguing for Khadr's continued persecution, the establishment is united in seeking to present his case as unique and in seeking to avoid calling anyone to account for his ordeal. The reality is the Canadian state's complicity in his illegal detention and torture has established chilling legal precedents that threaten the basic rights of all Canadians. Moreover, this has been part and parcel of a vast expansion of the coercive powers of the state in the name of the "war on terror." In a context of massive social inequality, a resurgence of imperialism and an ever-wider assault on public services and workers' rights, the ruling class is breaking with bourgeois legality and increasingly turning toward authoritarian methods of rule. The imminent passing of the anti-democratic Bill C-51, which gives the national security apparatus carte blanche to violate fundamental democratic rights, is only the latest manifestation of this.

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Articles by: **Carl Bronski**

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