

OMAR KHADR: CANADIAN IN GUANTANAMO

Introduction

Focus

Omar Khadr is a member of one of the most notorious families in Canada. His father was an Al Qaeda lieutenant and financier, his brothers were trained at Al Qaeda militia camps in Afghanistan, and his mother and sister are both vocal opponents of the U.S. This *News in Review* module examines the story of Omar Khadr, accused of killing a U.S. soldier when he was just 15, as he continues to languish in the controversial U.S. military prison at Guantanamo Bay, Cuba.

"Enemy Combatant"

U.S. Military Commission judge Colonel Peter Brownback must have been shocked when he read the indictment laying out the charges against Canadian terrorism suspect Omar Khadr.

Everything seemed clear at first: Khadr was accused of killing a U.S. Special Forces medic, planting landmines against U.S. army convoys, and working as a translator for Al Qaeda. All of this occurred in Afghanistan after the attacks on the United States on September 11, 2001. However, there was one major error in the prosecution's case: they had failed to identify Khadr as an "unlawful enemy combatant"; instead he was referred to as simply an "enemy combatant," and that was enough to have the charges dismissed. Brownback must have wondered how the legal process had been so seriously derailed.

The original military tribunal system proposed by the Bush administration had been initially declared unconstitutional, and then illegal by the U.S. Supreme Court. This forced the government to pass the Military Commissions Act implementing a new tribunal system that could legally—in the eyes of U.S. law—prosecute detainees if certain procedures were followed. Had the prosecutors not read the act? Brownback found himself in the woeful position of having to issue a ruling that would no doubt embarrass his country's handling of prisoners captured in Afghanistan and Iraq, shed more light on the awful conditions at the military prison at Guantanamo Bay, Cuba, and see the charges against Omar Khadr—a potential enemy of the state—dismissed. And that is exactly what happened in June 2007. Brownback dismissed the charges against Khadr

because of an error in the wording of the indictment, thus sending the U.S. military justice system into another tailspin.

The Case of Omar Khadr

What makes Omar Khadr's case unique is that he was only 15 when he allegedly threw the grenade that killed U.S. Special Forces medic Christopher Speer in the summer of 2002. A U.S. air strike had just flattened the Al Qaeda safe house where Khadr had been hiding. After the bombing, Speer and his U.S. Special Force troops moved in, expecting to find nothing more than rubble. Suddenly, a grenade came at them. The explosion seriously wounded Speer and several others and, when the alleged assailant stepped out into the open, the troops fired three bullets into his chest. While Khadr survived being shot, Speer did not survive the grenade attack. The 15-year-old was treated and interrogated at Bagram Air Base in Afghanistan before being shipped to the U.S. military prison at Guantanamo Bay, Cuba.

Canadian authorities learned about Khadr's arrest about a month after the incident in Afghanistan. They asked for and were not granted consular access to see the boy. Instead they received assurances from the International Red Cross (www.icrc.org/) that he was doing well. After Khadr was transferred to Guantanamo Bay, the Canadian government asked the U.S. for access to the boy, and in the winter of 2003 a series of "welfare visits" began. However, the nature of these visits became the subject of great controversy. Reports emerged that Canada's spy agency, CSIS, and the Department of Foreign Affairs had interrogated Khadr

Further Research

To stay informed about the activities of CSIS visit www.csis-scrs.gc.ca. To learn more about the Department of Foreign Affairs, visit www.dfait-maeci.gc.ca.

and handed the information over to the United States. This was a far cry from looking into the boy's welfare.

Government Silence

The Canadian government has been surprisingly silent with regard to the case of Omar Khadr. As a Canadian citizen, Khadr might have assumed that his government would at least try to get him out of the prison at Guantanamo Bay—a prison that has been almost universally condemned by other allies of the United States for its inhumane treatment of prisoners. Britain fought to have five British residents—not citizens—released from Guantanamo and brought back to the UK. Australia negotiated the release of detainee David Hicks, agreeing that he would serve his sentence in an Australian prison with Hicks's assurances that he would not tell the media he had been tortured while he was in custody. Meanwhile Canada has sat tacitly by while charges against Khadr have been brought forward and dismissed twice, and the tribunal system of justice for detainees has been ruled illegal and unconstitutional by U.S. courts. The UN—along with many nations around the world—have called for the closing of the U.S. military prison in Guantanamo Bay.

But Khadr's case has aroused little sympathy among Canadians. Khadr and two of his brothers were trained at Al Qaeda military camps in Afghanistan. His father, Ahmed Said Khadr, who gained his citizenship after emigrating from Egypt, was a reputed senior Al Qaeda lieutenant, a personal friend of Osama bin Laden's, and a financier for the organization. Some say the government's silence regarding Khadr's plight is a case of the son being held accountable for the sins of his father, citing the 1996 incident where Prime Minister Jean Chrétien intervened

on behalf of Khadr's father when he was accused of financing the terrorist attacks on the Egyptian embassy in Pakistan. Ahmed Khadr was eventually released, and he and his family moved to Jalalabad, Afghanistan, to live with bin Laden. Omar and his brothers attended Al Qaeda training camps while living in the midst of bin Laden and his Al Qaeda cohorts. Sympathy for Khadr became further complicated after his capture when his mother and sister appeared on the CBC, championing the efforts of those fighting the U.S. and endorsing the actions of Omar on that fateful day in the summer of 2002.

Growing Momentum

Regardless of his family background, momentum has been building in support of Omar Khadr as human rights advocates begin to rally behind his cause. These advocates argue that any Canadian held by a foreign power deserves the protection of the Canadian government—whether the person is wrongly accused of something, as in the case of Maher Arar, or simply accused of committing an offence, as in the case of Omar Khadr. The Charter of Rights and Freedoms is designed for all Canadians and cannot be ignored or used to discriminate between noble and detestable causes or citizens. With this in mind, Khadr's Canadian and military lawyers brought their case to the Canadian Bar Association's annual conference in the summer of 2007 and received almost universal backing for their fight to get Khadr out of Guantanamo. Just prior to the conference, an open letter was sent to Prime Minister Stephen Harper—signed by current and former parliamentarians, over 100 academics, and a number of human rights organizations—asking the prime minister to intervene on behalf of Khadr. They argued that the civil rights

Did you know . . .
Guantanamo Bay is in Cuba and the Cuban government views the U. S. presence there as illegal. Cuba refuses to cash the annual rental cheques sent by the U.S.

of all Canadians were in jeopardy if the government was to start picking and choosing who it would defend.

In the meantime, Omar Khadr continues to live in confinement at the U.S. military prison at Guantanamo Bay. He is now 20 years old but, according to his lawyers, is still very much a boy. Having been unable to associate with anyone since the age of 15, his maturity has been severely delayed. During one visit, his lawyers say he asked for crayons and paper, while noting the stress and anxiety displayed by him

throughout their meeting. Khadr's lawyers, both civilian and military, have called for his immediate release from the prison in Guantanamo Bay. They insist that his age must be taken into consideration before proceeding to any kind of trial. Meanwhile, the Bush administration, still reeling from the Brownback decision, is working feverishly to bring new charges against Khadr in an effort to hold him accountable for the actions he allegedly took against the U.S. military after September 11, 2001.

To Consider

1. What decision did Colonel Brownback have to render after reading the indictment against Omar Khadr?
2. What is Khadr accused of doing in the summer of 2002?
3. Why hasn't the Canadian government intervened on behalf of Khadr?
4. How has momentum been building among some Canadians to get Khadr out of the prison in Guantanamo Bay?
5. Briefly describe your initial impression of this case.

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Video Review

Watch the documentary and respond to the following questions.

1. What was Omar Khadr accused of doing in July 2002?

2. Where was Khadr eventually taken for detention as a prisoner?

3. What did Maha and Zaynab Khadr mean when they used the word *shaheed*?

4. Do you sympathize with Maha and Zaynab Khadr's defence of Omar's actions in July 2002? Explain your response.

5. Why does Abdurahman Khadr consider himself to be the "black sheep" of the family?

6. Briefly describe the path that led the Khadrs into becoming active members of Al Qaeda.

7. What was Ahmed Said Khadr accused of doing in 1996?

8. Describe Abdurahman Khadr's experience in a military training camp in Afghanistan.

9. How do you feel about Maha, Zaynab, and Abdullah's reactions to the attacks in the United States on September 11, 2001?

10. What happened when Omar Khadr went to trial in June 2007?

11. Why is it considered unlikely that Omar Khadr will be released from U.S. custody anytime soon?

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The Incident

Note

The reports and accusations surrounding Omar Khadr and his detention at Guantanamo Bay are quite controversial. Khadr has been convicted of nothing in a court and must still be viewed as innocent until proven guilty. Equally, charges about U.S. treatment of the detainees at Guantanamo are generally alleged and have not been proven in any legal forum. This is a troubling case for the young Canadian on a range of levels.

The Capture of Omar Khadr

By the summer of 2002, the Taliban had been ousted from power and had fled along with their Al Qaeda allies to the outskirts of Afghanistan. Most went to areas in the south and east of the war-torn nation, with many seeking safe haven among the Pashtun tribes in the mountain regions straddling the Afghan-Pakistani border. U.S. troops pursued them and, according to one intelligence report in July 2002, a small group of Al Qaeda operatives had settled near the border town of Khost. U.S. Special Forces troops moved in and attempted to apprehend five men holed up in a mud brick house in the tiny hamlet of Ab Khail. Initial efforts to get the men to surrender failed, so the troops sent in translators in an effort to negotiate a peaceful resolution to the standoff. The men in the house killed the translators, prompting the U.S. soldiers to call in air support to level the house and kill the operatives.

Several hours later, the soldiers approached the now-flattened house, expecting to find nothing more than debris, when suddenly a grenade was thrown at them from behind a wall. The explosion caused injuries that led to the death of Special Forces medic Christopher Speer and wounded several others. When a combatant stepped out from behind the wall, U.S. troops pumped three bullets into his chest. Still, the alleged assailant lived and, as the soldiers approached the person they had just shot, they noticed that he was a boy, perhaps as young as 13. "Kill me. Please just kill me," he mumbled in perfect English.

The Detention of Omar Khadr

The boy was stabilized at the scene before being transported to Bagram Air

Base near Kabul. Eventually the identity of the wounded individual emerged: he was Omar Khadr, a 15-year-old boy from Toronto. He was a Canadian citizen who had been living abroad with his family for years. His father was considered by U.S. authorities to be a senior Al Qaeda operative. Khadr and his brothers were trained at Al Qaeda military camps in Afghanistan and had been fighting U.S. troops since their arrival in fall 2001.

According to an article published in *Rolling Stone* magazine, Khadr was repeatedly interrogated at Bagram Air Base. He was wheeled in on a stretcher and was, on occasion, denied pain medication so that interrogators could get the information they wanted from him. The story goes on to say that Khadr was forced to clean the interrogation room floor on his hands and knees while his wounds were still healing. When he could stand up, his hands were tied to the top of a door frame and he was forced to stand for hours. If he fell or even slumped, the pain would shoot through his arms. The article also states that at one point soldiers put a hood over his head and tied his hands behind his back, while attack dogs were brought forward, leaping at his chest ("The Unending Torture of Omar Khadr," *Rolling Stone*, August 10, 2006). A *Washington Post* report claims that Khadr was "particularly talkative" while being questioned at the Bagram Air Base, quoting one U.S. soldier as saying the boy was "singing like a bird" ("Canadian teen may be U.S. source," *The Globe and Mail*, October 30, 2002).

Khadr at Guantanamo Bay

The now-famous pictures of shackled prisoners with hoods over their heads kneeling on an airport tarmac in orange

Did you know . . .

There was a special facility at Guantanamo Bay called Camp Iguana, which was used to hold three prisoners under the age of 16. Reportedly it was more humane and even offered schooling. It was closed when the three were returned to their homelands. Khadr was never held in Camp Iguana.

jumpsuits have been seared into the memories of many people following the U.S. “war on terror.” Khadr was one of those shackled inmates as he was transported from Afghanistan to the prison at Guantanamo Bay, Cuba. What most people don’t know is that prisoners, chained at the hands, feet, and waist, often waited for hours on the tarmac before boarding the C-130 transport that would take them to Cuba. Once onboard the flight, sensory deprivation gear was put on the prisoner: mittens bound tightly at the wrist to cut off blood circulation in the hands, goggles used to cover the eyes, and soundproof headphones to keep out all noise. For 15 hours, Khadr and many other Guantanamo prisoners endured this punishment before arriving in Cuba.

Upon arrival, Khadr was transported to his prison cell, an open-air cage the size of a closet, where he would stay until the U.S. military had finished building a nearby permanent prison. Interrogators picked up where their counterparts had left off in Afghanistan. Whatever information Khadr had about Al Qaeda must have been extracted relatively easily since the boy was allegedly subjected to physical and psychological torture at Guantanamo. According to *Rolling Stone* (August 10, 2006), in one instance, guards took him from his cell to an interrogation room and shackled him in the fetal position by his hands and feet to an eye-bolt in the floor. After leaving him for several hours, they returned

and shifted the chains so that Khadr’s hands and feet were now behind his back, meeting at the eye-bolt in the floor. Once again, he was left for hours. Upon their return, guards noticed that Khadr had urinated so they poured a cleaning product on his body, disconnected the chains, and used him as a human mop to clean the floor. They returned him to his cell and didn’t let him change his clothes for two days. This is just one story that has emerged from Khadr’s detention at Guantanamo. He is living in solitary confinement and has not had a substantial conversation with anyone but his lawyers for over five years. He is routinely subject to physical assaults, sleep disruptions, and isolation. Khadr has been a “person under control” of the U.S. military since he was 15 years old. Now 20, there is no telling what kind of man Khadr has become.

Five years after the fact, Omar Khadr continues to be held at the U.S. prison at Guantanamo Bay. He has had charges brought against him on two occasions, with military judges throwing the charges out both times. No doubt the U.S. military will try again. Meanwhile, Omar Khadr awaits trial, imprisoned at Guantanamo, subject to horrific living conditions, with no end to his ordeal in sight.

Sources: CBC News In Depth: “The Khadr Family,” cbc.ca; “The Unending Torture of Omar Khadr,” *Rolling Stone*, August 10, 2006

Inquiry

1. In your opinion, should Omar Khadr’s alleged actions be considered murder, self-defence, or the byproduct of war? Support your answer with evidence from the article.
2. The U.S. military maintains that it does not torture prisoners. Explain whether you consider the actions taken against Omar Khadr to be torture or necessary interrogation tactics.

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Timeline

Carefully read the following timeline and complete the activity that follows.

September 11, 2001 Terrorists lead attacks against the United States, using airplanes to slam into targets in New York and Washington. One plane does not make it to its target and crashes in a farmer's field in Pennsylvania. Thousands die in the attacks.

October 2001 U.S. forces enter Afghanistan in an effort to oust the Taliban from power and capture members of the Al Qaeda terrorist group.

November 2001 U.S. President George W. Bush issues Military Order #1, effectively giving himself the power to detain terrorist suspects indefinitely.

March 2002 The U.S. Department of Defense reveals the rules relating to the military tribunals that will be used for the trials of terrorist suspects.

April 2002 The U.S. completes construction of a long-term prison facility at Guantanamo Bay.

July 2002 Omar Khadr is captured after a U.S. Special Forces raid on a suspected Al Qaeda safe house in eastern Afghanistan. Khadr is accused of killing a soldier.

October 2002 After recovering from injuries sustained in the July incident, Khadr is shipped to the U.S. prison camp in Guantanamo Bay, Cuba. A few months after his arrival, members of Canada's spy agency, CSIS, and the Department of Foreign Affairs interrogate Khadr.

October 2003 Khadr's father, Ahmed Said Khadr, is killed in the province of Waziristan, located in Pakistan near the Afghan border. His younger brother, Abdul Karim, is paralyzed in the incident.

February 2004 The first of the over 700 detainees at Guantanamo Bay are charged with terrorism-related offenses.

November 2004 The U.S. Supreme Court rules that the military tribunal system is unconstitutional.

May 2005 An article in *Newsweek* magazine alleges that U.S. forces desecrated the Qur'an—Islam's most sacred book—of several detainees. A month later the Pentagon confirms the story, referring to the incidents as being of "minor significance."

August 2005 A Canadian federal court judge rules that CSIS must stop questioning Omar Khadr because the interrogations are a violation of his rights under the Charter of Rights and Freedoms.

September 2005 The U.S. releases documents outlining Omar Khadr's alleged terrorist activities in Afghanistan. The documents allege that Khadr killed a U.S. special forces medic, translated for Al Qaeda, planted landmines on roads used by U.S. military convoys, and performed surveillance tasks on convoys, reporting his findings back to his Al Qaeda superiors.

November 2005 Khadr is formally charged for the murder of the U.S. medic and for terrorism-related offenses.

February 2006 The United Nations calls for the closing of the U.S. prison in Guantanamo Bay.

May 2006 The United Nations releases a report that, once again, calls for the closure of the Guantanamo Bay prison. The report implores the U.S. to release

Further Research

To view the complete text of the Geneva Conventions visit the site of the UN Office of the High Commissioner for Human Rights on Refugees at www.unhcr.ch/html/menu3/b/91.htm.

Quote

"The difference between an unlawful enemy combatant and a lawful enemy combatant is the distinction between being guilty and not guilty. It's not just a word, it's a point of criminality."
— Canadian lawyer Nathan Whitling (*Toronto Star*, August 9, 2007)

prisoners to the countries from which they came (unless their release would lead to torture by their own government) or to charge and try terrorist suspects immediately.

June 2006 The U.S. Supreme Court rules that the military tribunal system is illegal.

July 2006 The U.S. government finally agrees that detainees are subject to the protections entitled to prisoners of war under the Geneva Conventions.

September 2006 The U.S. writes the Military Commissions Act to effectively legalize the military tribunal system.

March 2007 For the first time in five years, Khadr is permitted to phone his family.

June 2007 On the first day of trial, charges against Khadr are dismissed

Activity

Use the information in the timeline to write a newspaper article about the Khadr case. A good newspaper article strives to communicate the facts of the case and steers clear of opinion or bias. Your article should be 250-400 words in length.

because the prosecution lawyers failed to identify him as an "unlawful enemy combatant." Instead he is identified in the indictment as an "enemy combatant" which, according to the Military Commissions Act, is not adequate enough to stand up legally.

June 2007 Prime Minister Stephen Harper receives an open letter from a group of politicians, lawyers, and human-rights organizations urging him to take action on behalf of Omar Khadr.

August 2007 The Canadian Bar Association (www.cba.org), Canada's largest legal organization, calls on Ottawa to intervene on Khadr's behalf. Khadr's U.S. military lawyer, Lt.-Cmdr. William Kuebler, receives a standing ovation after addressing the lawyers at their annual conference.

Sources: CBC News In Depth: "Omar Khadr," cbc.ca; *The Globe and Mail*.

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Document: Open Letter to PM Harper

Quote

"I think it is high time for all Canadians to be speaking out to end this horrendous lack of due process. — Parker MacCarthy, President Canadian Bar Association (*Toronto Star*, August 1, 2007)

June 14, 2007

The Rt. Hon. Stephen Harper, PC, MP
Prime Minister of Canada
Ottawa, Ontario

Dear Prime Minister Harper:

The undersigned call upon the Canadian government to intervene in the case of Omar Khadr, the Canadian detained by the United States military at Guantánamo Bay since 2002. Now 20, Khadr was apprehended when he was 15 years old and has spent a quarter of his life in U.S. detention.

Khadr has twice been brought before military commissions in Guantánamo—and twice the charges have been dismissed. In June 2006, the first case against him was dismissed when the United States Supreme Court declared the entire commission system set up by President Bush unlawful. Only days ago, the charges brought against him under the new Congressionally authorized military commissions were also dismissed when the judge determined the commissions did not have jurisdiction to hear the case. Khadr has now been returned to detention without charge as the United States government tries to decide what to do next. Just prior to these events, a U.S. government official declared that even if Khadr were acquitted of all charges against him, the United States could detain him indefinitely anyway. That same official also added that Canada has initiated no discussions with the United States over the transfer of Khadr from Guantánamo Bay to Canada.

The military commission's dismissal of charges against Khadr confirms our apprehension that the process devised by the United States to try detainees is fundamentally and irreparably flawed. Our concern about the unfairness of this ad hoc regime at Guantánamo Bay is underscored by the fact that the military commission is authorized to try only non-U.S. citizens. If the system is not good enough for Americans, it should not suffice for Canadians either. We do not believe that Canada should remain silent while the U.S. subjects a Canadian citizen—especially someone who was a minor when first detained—to such a process.

Every other ally of the United States, including the United Kingdom, France, Germany, and Australia, has acted to protect their citizens detained at Guantánamo Bay. Each of these states has succeeded in repatriating its citizens and, in the case of Germany and the UK, permanent resident non-citizens. In all cases except that of Australian David Hicks, the country of citizenship undertook to investigate whether its citizen had committed any war crimes, crimes against humanity, or violations of domestic criminal law.

We urge the Canadian government to follow the precedent of other U.S. allies and insist on the repatriation of Khadr. Like these states, Canada must assert its sovereign interest by providing diplomatic protection to its citizen. We are confident that the Canadian justice system is competent to

adjudicate the appropriate legal consequences for Khadr, bearing in mind his age at the time the alleged acts occurred.

We are aware that, setting aside any of Khadr's own actions, the notoriety of his family makes him unsympathetic in the eyes of some. But it is plainly unjust to punish the son for the sins of the father, or to deny a citizen the protection of his government because of the words or deeds of family members. Passively allowing the travesty at Guantánamo Bay to continue not only deepens the damage done to Khadr, it also does a disservice to all those Canadians who, when abroad, expect their government to exercise its full influence in securing their proper treatment. Canadians rightly pride themselves on their global commitment to fair play and human rights. That commitment must now be brought home to Canada. And that means bringing Omar Khadr to Canada.

Yours truly,
The Undersigned.

The Undersigned included current and former MPs, over 100 academics, and a number of human rights organizations, including Amnesty International.

Source: "Omar Khadr: Open Letter to Stephen Harper," www.amnesty.ca

Activity

Write your own letter to Prime Minister Stephen Harper that either supports or challenges the position taken in the letter above. Use specific facts from the Khadr case to support your position.

Length of letter: 200-250 words You may use the following organizer to prepare your letter.

Arguments in favour of the Amnesty International Position	Arguments opposed to the Amnesty International Position

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Al Qaeda Family

Quote

"We don't want to be the world's jailors. At the same time, we also don't want to see very dangerous people allowed to walk the streets freely so that they can pose a threat to our citizens as well as others." — U.S. State Department spokesperson, Sean McCormack (*Toronto Star*, August 8, 2007)

The strength of the Canadian cultural mosaic is the rich diversity that immigrants bring with them to Canada. Our nation has become a tapestry that weaves together a variety of languages, beliefs, philosophies, and ancestries into, in the overwhelming majority of cases, an admirable unity. However, on occasion, the unity of the tapestry becomes disturbed by a pattern that is contrary to the flow of the fabric of mainstream Canadian consciousness. Such is the case with the Khadr family. Perhaps the most infamous family in Canada, the Khadr family have aroused the passion and emotions of Canadians who feel the family's beliefs and actions are radically opposed to the unity and power of the Canadian cultural mosaic.

The Khadr family story begins in 1977, when Ahmed Said Khadr emigrated to Canada from Egypt. He met and married his wife, Maha, and acquired his Canadian citizenship shortly thereafter. The Khadr family also started a family, eventually having six children—four boys and two girls. Ahmed Khadr has been described as a fundamentalist, radicalized Muslim, who, upon seeing the plight of other Muslims around the world, was eager to become involved in causes he felt would aid those in need. In the 1980s, when the Soviets invaded Afghanistan, Khadr uprooted his family to go and help Afghan-Muslims.

He worked as a fundraiser for an Ottawa-based organization named Human Concern International that was helping orphans and refugees in Afghanistan. According to some reports, many of those orphans and refugees were later trained at the militia camps of Al Qaeda leader Osama bin Laden in Afghanistan. In 1992, Ahmed Khadr's

work was cut short when he was nearly killed by a landmine. He and his family made their way back to Canada where, for two years, he recovered from his injuries. As soon as he was healthy enough to travel, Ahmed and his family travelled back to continue his work with Human Concern International. However, the organization was put under the microscope in 1996 when a suicide bomber attacked the Egyptian embassy in Pakistan, killing 17 people and injuring many others. Ahmed Khadr was caught at the border with a large sum of money shortly after the attack and was arrested and imprisoned by Pakistani authorities. He was accused of financing the attack.

While in custody, Khadr went on a hunger strike, proclaiming his innocence to anyone who would listen. Eventually he was hospitalized and, from his hospital bed, he summoned the media and told his story. According to Khadr, he was an innocent Canadian being held by Pakistani authorities for a crime he did not commit. Canadian Prime Minister Jean Chrétien, on a trade mission in Pakistan at the time, had a conversation with Pakistani Prime Minister Benazir Bhutto, who promised that Khadr would receive a fair trial. Shortly thereafter the charges against Ahmed Khadr were dropped. Having been fired by Human Concern International after the financing allegations surfaced, he and his family moved to Jalalabad, Afghanistan, where they lived in a compound with Osama bin Laden. While living with bin Laden, Ahmed's sons Abdul, Abdurahman, and Omar received military training in Al Qaeda camps. The boys were trained in military tactical procedures as well as small arms use and bomb-making.

When Al Qaeda carried out attacks on

U.S. embassies in Kenya and Tanzania in 1998, killing over 200 people and injuring thousands of others, the Khadr celebrated along with their comrades in Jalalabad. Similar celebrations occurred after Al Qaeda successfully organized attacks against the U.S. on September 11, 2001, levelling the twin towers of the World Trade Center and severely damaging part of the Pentagon, killing thousands of Americans in the process.

However, the payback for the Al Qaeda attacks would come in the form of an all-out U.S. offensive in Afghanistan that saw the Taliban driven from power and Al Qaeda sent scrambling into the mountains along the Afghan-Pakistani border. The Khadr found themselves similarly scattered.

- Omar, just 15 at the time, followed a group of Al Qaeda operatives to a safe house just outside Khost, Afghanistan. The U.S. Special Forces discovered the safe house, flattened it with an air strike, and took Omar—the lone survivor—into custody.
- Abdurahman surrendered to the Northern Alliance near Kabul and agreed to co-operate with U.S. authorities as a CIA informant. Eventually he abandoned the CIA and returned to Canada in the fall of 2003.
- Abdullah, Ahmed's oldest son (who authorities believe ran Al Qaeda training camps in Afghanistan in the 1990s), was captured in Pakistan, released, and then made his way back

to Canada, where he was arrested in Toronto in 2005 at the request of U.S. authorities.

- Ahmed and his youngest son, Abdul Karim, crossed into Pakistan and moved to Waziristan. In October 2003, the Pakistani army engaged in a firefight with Ahmed and several others occupying what was believed to be an Al Qaeda safe house. A Pakistani Cobra attack helicopter levelled the house, killing Ahmed (along with seven others) and paralyzing Abdul Karim from the waist down.
- The Khadr women found safe haven in Pakistan and eventually returned to Canada with Abdul Karim in 2004.

Canadian society has almost universally condemned the activities of the Khadr family. Their plight has aroused little sympathy except from family friends and a few members of the Canadian Muslim community. The Khadr have been very open about their personal beliefs regarding the righteousness of religious martyrdom and the value of killing those opposed to Islam. Maha Khadr, who lost her husband, cares for her paralyzed son, and has two other sons incarcerated by authorities, expresses pride in the fight her family has participated in. In particular, she is proud of Omar, who stands accused of killing a U.S. soldier and is currently being held at Guantanamo Bay, Cuba.

Analysis

1. How are the activities of the Khadr family seen by many as being contrary to the values of mainstream Canadians?
2. Since the Khadr are Canadian citizens, should the government intervene on their behalf when they experience persecution? For example, should Canadian authorities be working hard to protect the rights of Omar, who is currently being held by the U.S. military in Cuba or to protect the rights of Abdullah, who is currently being held without charge in a Toronto jail? Please support your opinion clearly.

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Activity: You Be the Judge

Further Research

To prepare for this exercise, consider a visit to CBC News In Depth and look at the file www.cbc.ca/news/background/khadr/omar-khadr.html.

Quote

"When Omar Khadr purportedly tossed the grenade that killed an American infantryman, he was neither child nor soldier. At 15, he was age-appropriate for marriage in Afghan culture and old enough to enter military service." — Rosie DiManno, (*Toronto Star*, August 17, 2007)

Your Task

Using the information provided in this *News in Review* story and any other knowledge that you have acquired, you will be part of a mock hearing to decide whether or not Omar Khadr should be returned to Canada.

Here is what you will do:

- Form groups of six.
- Each person in the group will take on a role:

Role #1

A judge will hear the arguments of lawyers and decide whether or not to release Omar Khadr to Canadian authorities. The judge can rule that Khadr must stay in prison in Guantanamo Bay, dismiss the charges, or place conditions on his transfer—e.g., Khadr must be tried in a Canadian court, Khadr is subject to the Young Offenders Act, Khadr must serve his sentence in a maximum security facility, etc.

Role #2

The defendant Omar Khadr will work with his lawyer to fight for his release. He will testify about the conditions at Guantanamo Bay prison.

Roles #3 and #4

Two defence lawyers will represent Omar Khadr and will argue for his release. The lawyers may ask that all charges be dropped or they may negotiate conditions for Khadr's release.

Roles #5 and #6

Two prosecution lawyers will argue that Omar Khadr needs to remain in prison and be held accountable for the death of Christopher Speer and the actions he took against U.S. troops while he was a member of Al Qaeda.

You will have one class to prepare for this hearing, one class to conduct your hearing, and the judge will reveal her/his decision at the start of the third class. Since most classes will have four or five groups working simultaneously, the post-decision discussions should be very interesting.