

By Andy Worthington

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Eleven months late, the Canadian government has finally signed the paperwork authorizing the return to Canada from Guantánamo of [Omar Khadr](#). A Canadian citizen, he was just 15 years old when he was seized, in July 2002, after a firefight in Afghanistan, where he had been taken by his father, an alleged associate of Osama bin Laden, and subsequently flown to Guantánamo, where he was held for the last ten years.

As a juvenile — those under 18 when their alleged crimes take place — Khadr should have been rehabilitated rather than being subjected to various forms of torture and abuse, according to the the Optional Protocol to the [UN Convention on the Rights of the Child on the involvement of children in armed conflict](#), to which both the US and Canada are signatories. Instead, the US put him forward for a war crimes trial, on the unproven basis that he threw a grenade that killed an American soldier at the time of his capture, and the Canadian government abandoned him, even though courts up to and including the Canadian Supreme Court ruled that his rights had been violated when Canadian agents [interrogated him at Guantánamo](#)

. In 2010, the Court stated, “Interrogation of a youth, to elicit statements about the most serious criminal charges while detained in these conditions and without access to counsel, and while knowing that the fruits of the interrogations would be shared with the U.S. prosecutors, offends the most basic Canadian standards about the treatment of detained youth suspects.”

Khadr was put forward for a trial by military commission at Guantánamo, and, under the terms of [a plea deal that he agreed to in October 2010](#) — solely to be released from Guantánamo, in exchange for an eight-year sentence, with one year to be served at Guantánamo and the remaining seven in Canada — he admitted to being an “alien unprivileged enemy belligerent,” and to throwing the grenade, whether he did or not. He was also obliged to concede that, by partaking in combat with US forces during wartime and in an occupied country, he was a war criminal.

This was an absurd and insulting interpretation of the kind of vile activity — massacring civilians, for example — that is supposed to constitute war crimes, and the conviction was only made all the more reprehensible because it was applied to a former child prisoner.

However, while this is a shame that ought to dog the Obama administration forever, the responsibility for Khadr was handed over to the Canadian government once the plea deal was agreed, and it is the Harper government — and specifically Prime Minister Stephen Harper and Public Safety Minister Vic Toews — who are to blame for the fact that, since the first anniversary of the plea deal, on October 31 last year, he spent another eleven months in Guantánamo. Throughout this period, he was waiting to return home, while the Canadian government [shamefully and publicly dragged its heels](#), playing to the racist undercurrents in Canadian society that have been trying, disgracefully, to claim that, despite being born in Canada, Omar could be stripped of his citizenship and abandoned in Guantánamo, a stance for which there is no foundation.

As the [Toronto Star](#) reported, Khadr, who [turned 26 in Guantánamo](#) just two weeks ago, left Guantánamo at 4.30 am on Saturday morning, arriving in Canada four hours later. He was then taken to the assessment unit at Millhaven Penitentiary in Bath, Ontario, a move that Michelle Shephard of the *Star*, who has followed his case cosily, described as “customary practice for inmates entering Canada’s federal service.”

John Norris, one of his civilian lawyers in Canada, spoke to him by phone, and told the media, “He’s finding it hard to believe that this has finally happened,” adding, “His spirits are good. He is very, very happy to be home. He is also anxious about having to learn a whole new world in a Canadian prison but we know he can do that.”

Speaking of the conditions at Millhaven, and the staff there, Norris said, “We are hopeful they will see he’s not a management problem and that he has tremendous potential. We like the idea of the assessment based on someone who actually sits down and talks to Omar and gets to know him as opposed to an assessment based on the caricature the government has propagated. As the *Toronto Star* also noted, “It is unclear how long the assessment will take. Norris said traditionally it lasts six weeks although he has had clients who take longer.”

Meanwhile, Public Safety Minister Vic Toews “insisted he needed to satisfy himself” that Khadr “would pose no threat to public safety,” as the [Canadian Press](#) put it. Describing Khadr as “a known supporter of the al-Qaida terrorist network and a convicted terrorist,” which is a rather literal reading of the rigged “confession” that Khadr agreed to in October 2010, to secure his release from Guantánamo, he also criticized his family, and noted that he has been away from Canadian society for so long that he will require “substantial management” to re-integrate.

Toews also pointed out to his fellow citizens that “it will be up to the parole board to determine how many more of the six years remaining on his eight-year sentence Khadr will have to serve in custody,” as the Canadian Press described it, and he moved to quell disproportionate fears about Khadr’s presence in Canada, stating, “I am satisfied the Correctional Service of Canada can administer Omar Khadr’s sentence in a manner which recognizes the serious nature of the crimes that he has committed, and ensure the safety of Canadians is protected during incarceration.” He also stressed his confidence that, if he is granted parole, which may be as soon as June 2013, the parole authorities will insist on “robust conditions of supervision” to ensure public safety.

This was important, but even more important was Toews’ decision to point out, as the *Toronto Star* put it, that Khadr “was born in Canada and is a Canadian citizen. As a Canadian citizen, he has a right to enter Canada after the completion of his sentence.”

Referring to the more inflammatory aspects of Vic Toews’ comments, John Norris said “it was finally a time that justice had triumphed over politics,” and expressed surprise at Toews’ position. “We’re at a loss to understand why the government continues to demonize Omar and to stoke public opinion against him,” Norris said, adding, “We know him to be [a kind, intelligent thoughtful young man](#) who has tremendous potential and we know that he will live up to that.”

Although there was an outpouring of racist and Islamophobic opposition to Khadr's return on the comments pages of various media websites, the Canadian Press pointed out that one reader had correctly identified the issues, writing, "We treat child soldiers from other countries with compassion but this man, who was also a child soldier brainwashed by his own parents, we treat with a complete lack of understanding and hatred."

In response to the news, human rights groups expressed their delight. The New York-based Center for Constitutional Rights correctly [identified Khadr's case](#) as "one of the ugliest chapters in the decade-long history of Guantánamo."

Baher Azmy, CCR's Legal Director, stated:

Khadr never should have been brought to Guantánamo. He was a child of fifteen at the time he was captured, and his subsequent detention and prosecution for purported war crimes was unlawful, as was his torture by US officials. Canada should not perpetuate the abuse he endured in one of the world's most notorious prisons. Instead, Canada should release him immediately and provide him with appropriate counseling, education, and assistance in transitioning to a normal life.

[For the ACLU](#) , Jennifer Turner, a human rights researcher with the Human Rights Program, said:

We welcome Khadr's repatriation and hope the Canadian government will give Omar Khadr a meaningful opportunity for rehabilitation and reintegration into society, which Canada is required to provide under the child soldier treaty that Canada itself helped establish. At the same time, we cannot forget his decade-long imprisonment in abusive US custody. Khadr was denied the fundamental rights of former child soldiers such as humane treatment, fair trial and other juvenile justice protections. His abhorrent Guantánamo experience should never have happened.

Human Rights Watch also [issued a statement](#) , in which Andrea Prasow, senior counterterrorism counsel, said:

Omar Khadr's repatriation provides an opportunity for Canada to begin to right a wrong. International law provides him the right as a former child soldier to be reintegrated into society. Now that Khadr is back in his own country, Canada should assist in his rehabilitation. But Canada should also do all it can to hold accountable those who are responsible for his abuse.

Human Rights Watch also stressed that the Optional Protocol "requires the rehabilitation of former child soldiers within a country's jurisdiction, mandating that a state provide 'all appropriate assistance for their physical and psychological recovery and their social reintegration,'" and added, "Khadr is now within Canada's jurisdiction, obligating Canada to provide assistance to him."

Crucially, Human Rights Watch added, "Even absent any action by Canada to fulfill its obligations under the Optional Protocol, Khadr will be eligible for parole after serving one-third of his sentence, or 32 months, meaning he could be released as early as June 2013." Andrea Prasow added, "Canada violated international law and its own Charter when it failed to protect its citizen detained in Guantánamo. Khadr should be released as soon as the law allows and provided with all assistance necessary that will help his reintegration."

Roll on next June — and pray that no one in the Canadian government tries to fight to keep Omar imprisoned. He has already endured ten years in a horrendous experimental prison whose continued existence should shame all decent Americans, where he has been unfairly tarred as a war criminal, and he needs the opportunity to rebuild his life in freedom.

**Note:** CCR also appealed for the Canadian government to take in other prisoners. Baher Azmy noted, "Canada should also accept other men from Guantanamo who cannot safely return to their home countries. An ideal candidate is Djamel Ameziane, a citizen of Algeria [[profiled here in April](#)]  
] who fears persecution if he is returned there. Ameziane lived in Canada as a refugee legally from 1995 to 2000, has family living in Quebec, and is sponsored by the Anglican Diocese of Montreal. He has applied for resettlement in Canada under their sponsored refugees program."