

**Media Advisory****Redress for Omar Khadr is welcome and long overdue**

Amnesty International welcomes the news that the Canadian government has apologized to Omar Khadr and compensated him for Canada's role in his ordeal that began at age 15 with his capture by US forces during a firefight in Afghanistan when he was a child soldier.

The terms of the settlement provide Omar Khadr with compensation for the many ways that Canadian action and inaction contributed to the serious human rights violations he experienced beginning in 2002, continuing through three months in US detention at the Bagram Air Base in Afghanistan, 10 years of imprisonment at Guantánamo Bay, and two and a half years of further detention in Canadian jails in Ontario and Alberta before he was finally released on bail in May, 2015.

"For fifteen years Omar Khadr's case has been a stark reminder of the many ways that an over-reaching and unchecked approach to national security readily runs roughshod over universally protected human rights. Amnesty International first signalled those concerns to the Canadian government in October 2002 while Omar Khadr was still held by US forces at Bagram Air Base," said Alex Neve, Secretary General of Amnesty International Canada. "In Afghanistan, at Guantánamo Bay and in Canadian prisons, Omar Khadr's rights were consistently violated and ignored. US interrogators, jailors and officials refused to recognize he was a child soldier and protect him. They subjected him to torture and ill-treatment, arbitrary imprisonment, an unfair trial and other serious rights violations. And all along, the previous Canadian government, at the most senior political levels, refused to take a stand for the rights of a Canadian citizen and for years offered only inflammatory rhetoric in the media, in Parliament and in the courts; rather than make a genuine effort to come to his aid."

In 2010, after eight years of imprisonment at Guantánamo Bay, Omar Khadr was tried and convicted by a US Military Commission that did not meet international fair trial requirements and, in October 2010, was sentenced under the terms of a plea agreement to a further eight-year jail term. He was required to serve at least one more year at Guantánamo Bay before being eligible for a prisoner transfer back to Canada. Delays by the Canadian government were such that he spent one more year at Guantánamo Bay before his transfer in September 2012.

Omar Khadr was released on bail in May 2015 while an appeal of his Military Commission conviction in the United States proceeds. It was another in a long line of Canadian court decisions that consistently went

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in Omar Khadr's favour. His release had been strenuously opposed by former Prime Minister Stephen Harper's government; and an appeal of the bail decision was pending at the time of the October 2015 federal election. In February 2016 Minister of Justice Jody Wilson-Raybould and Public Safety Minister Ralph Goodale announced that the bail appeal was being withdrawn and that the new federal government did not oppose Omar Khadr's release.

"The refusal of the Canadian government for so many years to stand with a Canadian child-soldier who had become ensnared in the injustice of Guantánamo Bay was a staggering disappointment, particularly given that Canada has been a world leader in crafting strong legal standards for the protection of child soldiers," said Béatrice Vaugrante, Directrice Générale of Amnistie internationale Canada francophone. "Notably, the Canadian courts did rally to his side. In particular, various aspects of Canada's conduct of his case were the subject of Supreme Court of Canada judgments on three separate occasions, in 2008, 2010 and 2015. Each time all nine justices ruled unanimously in Omar Khadr's favour. But the government disgracefully maintained its entrenched opposition to taking the steps needed to uphold his rights. That has been recognized and redressed with the settlement and apology announced today."

Redress for Omar Khadr is an important vindication of his rights and offers him assistance and support in recovering and healing from what he has been through. It also plays a critical role in countering the impunity for national security-related human rights violations that is by far the norm in similar cases. Omar Khadr is the sixth individual<sup>1</sup> over the past decade to have received compensation and an apology from the Canadian government for serious human rights violations related to national security activities. Other claims for compensation remain outstanding, including Abousifian Abdelrazik and individuals subjected to immigration security certificates.

"This is a tremendous day of justice, long overdue, for Omar Khadr who has endured so much and yet has shown Canadians a tremendous degree of courage, grace and resilience," said Neve. "This settlement and apology must also stand as a further, clear precedent that there can and will be no room for or tolerance of human rights violations in Canada's national security laws, policies or operations."

## BACKGROUND

The list of individuals and organizations that have contributed to the legal efforts, campaigning, advocacy and solidarity on behalf of Omar

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<sup>1</sup> Maher Arar received redress in January 2007, further to the 2006 report from a public inquiry into his case. Benamar Benatta received redress in March 2015. Abdullah Almaliki, Ahmad Abou-Elmaati and Muayyed Nureddin received redress in March 2017, 7 ½ years after the completion of a judicial inquiry into their cases conducted by former Supreme Court of Canada Justice Frank Iacobucci.

Khadr is lengthy. Amnesty International does, however, pay particular tribute to the unrelenting and courageous efforts of Edmonton-based lawyer Dennis Edney, who has represented Omar Khadr tirelessly through numerous legal proceedings in Canada and as a civilian member of his defence team at Guantánamo Bay. Before the courts, in the media and in countless public speaking engagements across Canada and abroad, he has been a passionate and determined advocate for Omar, often facing threats and smears for doing so. There is no doubt that Dennis Edney's role in securing Omar Khadr's freedom and redress has been absolutely central and that he has become a tremendously important voice for human rights in Canada.

Several other lawyers in Canada have also played important roles, most notably Nate Whitling, John Phillips and Julia Tremain. Amnesty International has been ably represented in Supreme Court of Canada interventions in Omar Khadr appeals by François Larocque, Fannie Lafontaine, David Taylor, Sacha Paul, Vanessa Gruben and Michael Bossin; assisted at the time by articling students Ania Kwadrans and Sebastian Jodoin.

Toronto Star journalist, author and film-maker Michelle Shepherd's investigative reporting, including numerous trips to observe proceedings at Guantánamo Bay, as well as a book and award-winning documentary on Omar Khadr's case were tremendously influential in bringing the serious human rights concerns in his case to public attention.

Amnesty International first took up Omar Khadr's case in an October 4, 2002 letter to then Minister of National Defence John McCallum when reports came to light that Omar Khadr was being held by US forces at the Bagram Air Base in Afghanistan. The organization pressed the Canadian government to take up a number of serious human rights concerns with US authorities, including juvenile detention standards, consular access, prisoner-of-war status and the possibility of the death penalty.

Since that time, both the English and Francophone branches of Amnesty International Canada have worked on Omar Khadr's case consistently, including:

- writing letters to four Canadian Prime Ministers and numerous Ministers of Foreign Affairs, Justice, Public Safety and National Defence;
- launching several public letter-writing, petition and other campaigning initiatives;
- giving extensive media interviews and writing opinion pieces;
- observing Military Commission proceedings in his case at Guantánamo Bay on five separate occasions;
- intervening in two of the Supreme Court of Canada appeals dealing with his case;

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- visiting Omar Khadr at the Edmonton Institution;
- making submissions to several UN human rights bodies, including the Committee on the Rights of the Child, Committee against Torture, and Human Rights Committee;
- highlighting the case regularly in Amnesty International's yearly Human Rights Agenda for Canada;
- appearing before parliamentary committees; and
- holding a substantial number of rallies, vigils, speeches and other public events across the country.

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