

Canada puts U.S. on torture watch list

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Omar Khadr's lawyers say they can't understand why Canada is not doing more to help their client in light of new evidence that Ottawa has put the U.S. prison at Guantanamo Bay, Cuba, on a watch list for torture.

Khadr — a Canadian citizen who was just 15-years-old when he was captured in Afghanistan more than five years ago and taken to Guantanamo — has claimed that he has been tortured at the prison. Now, CTV News has obtained documents that put Guantanamo Bay on a torture watch list.

Khadr, who was born in Toronto and captured in 2002 after a battle with U.S. forces in which an American soldier died, is accused of war crimes. But his U.S. military lawyer alleges the military court that is trying him violates U.S. and international law.

Lawyer William Kuebler also believes the new documents obtained by CTV contradict Prime Minister Stephen Harper's assurances that Khadr is receiving fair treatment.

"Omar has been there for five-and-a-half years, and at some point in the course of Omar Khadr's detention the Canadian government developed the suspicion he was being tortured and abused," William Kuebler told Canada AM.

"And yet it has not acted to obtain his release from Guantanamo Bay and protect his rights, unlike every other Western country that has had its nationals detained in Guantanamo Bay."

Kuebler maintains that the suspicions of torture undermine claims that he can get a fair trial from the military commission in Guantanamo Bay. They want him sent back to Canada to face justice here. But the government has said he's charged with serious crimes and they are waiting for the U.S. judicial process to play itself out.

"Omar has certainly been abused, his rights have been violated under international law, and apparently the Canadian government has reason to believe that's true, and yet, they've acted not at all to assist him," Kuebler told CTV News.

Amir Attaran, a University of Ottawa law professor, said the new developments cast doubt on the government's position that Khadr — the last Westerner remaining under detention in Guantanamo — is being treated fairly.

"Canada has just admitted we believe torture is possible in Guantanamo Bay," Attaran told Canada AM.

"That clashes terribly with what Prime Minister Stephen Harper has said, that Mr. Khadr, who

is in Guantanamo Bay and was a child at the time he was put there, is being given a (quote, unquote) appropriate judicial process. Torture is not an appropriate judicial process.”

He said torture is strictly prohibited by international law, and suggested that the Canadian government’s refusal to demand Khadr’s release from Guantanamo is purely political.

“Out of a desire to appear tough on the war on terror, Mr. Harper has put this set of considerations out the window, and that’s not appropriate, we have to obey the law,” Attaran said.

Torture focus

Canada’s new focus on torture was ordered by the inquiry into Maher Arar’s nightmare in Syria. U.S. authorities sent Arar — a Canadian of Syrian ancestry — to Syria after he made a brief stopover in New York in 2002. They wrongly accused him of having links to terrorism in large part because of information provided by the RCMP.

Arar was sent to a Syrian prison where he was tortured for nearly a year. An inquiry into the Arar affair ordered a new focus on torture, and CTV News has learned that, as part of a “torture awareness workshop,” diplomats are now being told where to watch for abuse.

The goal of the workshop was to teach diplomats who visit Canadians in foreign jails how to tell if they’ve been tortured. It also listed countries and places with greater risks of torture. The list includes Syria, Iran, Afghanistan, and China. But surprisingly, it also included the United States, Guantanamo Bay, and Israel.

It notes specific “U.S. interrogation techniques,” which include “forced nudity, isolation, and sleep deprivation.” The U.S. has repeatedly denied allegations by international groups that it tortures prisoners captured in places like Afghanistan and Iraq. However, U.S. officials have refused to comment on the Canadian list.

But international observers say they are heartened by the specificity of the Canadian list. Alex Neve of Amnesty International says he is surprised that Canada would risk offending allies by naming countries that potentially torture prisoners.

“These are countries where, sadly, the record is clear — torture and ill treatment happens,” said Neve.

Second thoughts

But it appears that Ottawa may have had second thoughts about being so explicit. After the documents were released as evidence in a court case relating to Afghan detainees, the government tried to get them back. Sources say that Ottawa apparently wanted to black out sensitive parts that may anger allies.

A war crimes trial has never been held against anyone under the age of 18. International observers have questioned Ottawa’s decision not to help Khadr, who many believe is no different than child soldiers victimized in Africa.

With a report from CTV’s Roger Smith in Ottawa

http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080116/khadr_torture_080117/2008

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