

# Canada Supreme Court - Omar Khadr's Rights Violated

By [Canadians for Justice and Peace in the Middle East](#)

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Montreal – The Supreme Court of Canada released its decision today in the Omar Khadr case, confirming that the constitutional rights of the young man from Toronto, protected by the Canadian Charter of Rights and Freedoms, have been violated. The highest court in the country has not however forced the repatriation of Omar Khadr to Canada, contrary to what had been ruled by the Federal Court and the Federal Court of Appeal a few months earlier. The judges have indeed said the government must “decide how best to respond to this judgment” because the information available to the Court was “necessarily incomplete”.

The decision's findings, however, are unequivocal. The judges conclude that the rights of Omar Khadr have been breached since his capture in Afghanistan by U.S. troops in 2002 at the age of fifteen, and they continue to be. Referring in its news release to the conduct of Canadian officials in the course of interrogations in 2003 and 2004, the Court concluded that Canada had “actively participated in a process contrary to its international human rights obligations [...] so as to deprive him of his right to liberty and security of the person guaranteed by s. 7 of the Canadian Charter of Rights and Freedoms, contrary to the principles of fundamental justice.” The Court condemns the Canadian officials for having extracted information of high importance from a teenager while he was unable to consult a lawyer and knowing that he had suffered and continued to suffer of mistreatments.

In deference to the decision-making role of the government in foreign relations, the Supreme Court refrained from telling the government what to do with the Khadr file moving forward. “Like the majority of Canadians, CJPME firmly believes that Khadr – who was a child under international law during his alleged crimes – should be brought back to Canada as quickly as possible,” declared Thomas Woodley, president of Canadians for Justice and Peace in the Middle East (CJPME.) CJPME is concerned that the Court left too much manoeuvring room to the Harper government, as the government has thus far failed ask for the extradition or repatriation Khadr, this despite the strong recommendations of Amnesty International and the Canadian Bar Association. “We call on the government to act immediately to address the wrongs committed against Omar Khadr, and to take steps to guarantee that his Charter rights be respected, as recommended by the Court.”

Until now, Khadr has spent more than eight years – a third of his life – in the controversial American prison at Guantanamo Bay without a trial. He has been beaten, deprived of sleep for weeks at a time, threatened with torture, threatened with rape, kept in solitary confinement, and tied and chained in painful positions for extended periods of time.

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*Canadians for Justice and Peace in the Middle East (CJPME) is a non-profit and secular organization bringing together men and women of all backgrounds who labour to see justice and peace take root again in the Middle East. Its mission is to empower decision-makers to view all sides with fairness and to promote the equitable and sustainable development of the region.*

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