

## Canada: The Supreme Court will hear the government's appeal in the Khadr case

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Montreal — The Supreme Court of Canada announced last week that it will hear the Canadian government's appeal in the Omar Khadr case on the next November 13. Ottawa appealed the decision of the Federal Court of Appeal announced on August 14. In that decision, Federal Court judge O'Reilly found that the Canadian government is violating Article 7 of the Canadian Charter of Rights and Freedoms by refusing to repatriate Khadr to Canada, and has the obligation to take steps to rectify this situation with the U.S. authorities as soon as possible. The Harper government, which seems to want Khadr to remain in the hands of the US, had filed a motion to suspend the decision until the Supreme Court has studied the issue.

Khadr was qualified as "enemy combatant" by the United States, accused of war crimes and prosecuted by a military court without acknowledgement of the fact that he was a child (15-years-old) at the time of his alleged crimes. Seven years have passed since Khadr's arrival to Guantanamo's detention center and the crimes that he has been charged with have not yet been formally established. Public information in Khadr's case indicates that since his capture in Afghanistan in 2002, he has been subjected to cruel, inhuman and degrading treatment according to international standards.

"With this second appeal, the current government seems inexplicably determined to make Khadr suffer in American jails", says Tom Woodley, President of CJPME. "The course of action followed by the Canadian government ignores international conventions on imprisonment and torture, and undermines core Charter rights and freedoms." In earlier analyses of the Khadr case, CJPME was able to point out many of the inconsistencies inherent in not only the charges brought against Khadr, but also in the questionable legal proceedings used by the US in his case. CJPME has already repeatedly asked the government to repatriate Khadr.

In 2008, the UN Committee on the Rights of the Child, that monitors implementation of the Convention on the Rights of the Child, emphasized that the detention of children should be a measure of last resort, be as short as possible and any case be resolved promptly before an impartial tribunal. Canada ratified the Convention and by doing so, it committed itself to respect its international obligations - in addition to those already prescribed by the Charter of Rights and Freedoms - which states that every Canadian citizen has the right to life, security of the person, protection against cruel and unusual punishment, and the right to obtain compensation from a court in case of violation of these principles.

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