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# A DECADE OF INJUSTICE: OMAR KHADR



A call to action for all Canadians who care about truth and justice

*If not me, then who? If not now, then when?*

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# WHAT ARE THE FACTS ABOUT OMAR KHADR?

- Omar Khadr was born on September 19, 1986 in Toronto, Canada.
- At age 10, Omar Khadr moved with his family to Jalalabad, Afghanistan.
- On July 27, 2002, at 15 years of age, Omar Khadr was captured by the US military in Afghanistan after a battle where he was severely wounded.
- Omar Khadr was held and interrogated for over two years without being formally charged. <sup>1</sup>
- He was officially recognized by the United Nations as a child soldier in 2010. <sup>2</sup>
- He was the first child condemned for war crimes since the Nuremberg Tribunal defined the concept after WWII. <sup>3</sup>
- He remains the youngest person, and the only Western citizen, detained in Guantanamo Bay.

## Violation of Rights

- Omar Khadr was subjected to extreme interrogation techniques, criticized by various human rights organizations as torture. <sup>4</sup>
- His treatment was found by the Federal Court of Canada to constitute a clear violation of fundamental human rights protected by international law. <sup>5</sup>
- The Supreme Court of Canada has twice ruled unanimously that Canada violated the constitutional rights of Omar Khadr. <sup>6</sup>

## The Plea

- In 2010, having maintained his innocence for 8 years, Omar Khadr agreed to change his plea to guilty in exchange for a cap on his sentence to 8 additional years (no credit for the 8 years already served), and commitments from the American and Canadian governments that he would be returned to Canada in November 2011 to serve out the remainder of his sentence. <sup>7</sup>

## Today...

- It has been almost two years since his conviction, and Omar Khadr still remains in Guantanamo Bay. The transfer papers, already signed by the US, are sitting on the desk of the Canadian Minister of Public Safety, Vic Toews. Omar Khadr has kept his end of the deal. Now we must hold our government accountable to do the same.

# WHY SHOULD CANADIANS CARE ABOUT OMAR KHADR?

## Because Canadians value equality...

- Our Charter of Rights and Freedoms is universal; it applies to every Canadian citizen equally. <sup>8</sup>
- "Omar Khadr is a citizen of this country. What you think of him doesn't matter. He is a citizen. And if the government can do this to him, it can do this to any citizen." – Dan Gardner, Ottawa Citizen <sup>9</sup>
- As soon as we start picking and choosing who deserves "universal rights", we begin to question the humanity of others around us, which can lead us to become inhuman ourselves.

## Because Canadians value the rule of law...

- The value that Canadians place upon the rule of law is clearly demonstrated in the first line of the Charter of Rights and Freedoms; "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law..."
- Our government should be subject to the same laws as its citizens. The government cannot simply ignore the Canadian courts or the laws and charters that are in place.

## Because Canadians value integrity...

- Confidence that people and institutions will keep their promises to one another is foundational to our society and our economy.
- We need to make it clear to the government that we expect honesty and transparency. Was the promise they made to Omar Khadr empty?
- In October 2010, Omar Khadr entered a guilty plea based upon a promise by the Canadian government that he could return to Canada after one year. The refusal of the Canadian government to fulfill its promise reflects poorly on the integrity of each and every Canadian citizen that it is supposed to represent.
- **A deal is a deal.**

“First thing I tell them is not to fear me. I'm a peaceful person and to give me a chance in life and don't believe what you've heard and believe what you see with your eyes... I will build my future with the (w)right bricks.”

– Omar A. Khadr in a letter written to CBC DocZone producer Nazim Baksh May 2008

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[www.change.org/omarkhadr](http://www.change.org/omarkhadr)

# SOLUTIONS: WHAT CAN I DO TO HELP?

Ok - we are agreed that Omar Khadr must be returned to Canada as promised. **Now what?**

“ If we walk away from our duty to uphold human values – human values that transcend everything else – who will be there to speak for us when our turn comes? ” - Dennis Edney



## 2 Minute Solution

Go to [www.change.org/omarkhadr](http://www.change.org/omarkhadr) to sign Senator Romeo Dallaire's petition.

## 10 Minute Solution

Post the petition link to your **Facebook** page.

Phone your **Member of Parliament**.

Write a letter to **Public Safety Minister Vic Toews** and **Prime Minister Stephen Harper**.

Want some help with your letter? Send an email saying "Help me with the 10-Minute-Solution" to: [adealisadeal.omar@gmail.com](mailto:adealisadeal.omar@gmail.com)

## Once-a-Week Solution

No more than 10-minutes per week.

Send us an email at [adealisadeal.omar@gmail.com](mailto:adealisadeal.omar@gmail.com) and say, "I want to be part of the **Once-A-Week Solution**".

We will add you to our mailing list and every Monday we will send you a **concise, specific** and **easy to execute** task.

## Once-a-Day Solution

Don't be scared – it is only 10 minutes a day.

Email us at [adealisadeal.omar@gmail.com](mailto:adealisadeal.omar@gmail.com) and say "I want to be part of the **Once-A-Day Solution**".

We will add you to our mailing list and each weekday we will send you a **concise, specific** and **easy to execute** task.

**Want to do even more?** Let us know and we will help you become more involved!

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# FREQUENTLY ASKED QUESTIONS

## ABOUT OMAR KHADR

### 1. Isn't Omar Khadr a convicted terrorist and murderer?

**Omar Khadr entered a guilty plea to all charges on October 13, 2010, BUT:**

- Guantanamo Bay Military Tribunals are not like any courtroom in Canada or the US.<sup>10</sup>
  - The accused are not allowed access to all evidence against them.
  - Evidence collected by way of coercive interrogation techniques is admissible.
  - The accused are not permitted choice of attorney and judge, juror, defense attorneys, and prosecutors are all members of the US military.
  - Even with a full acquittal there is no guarantee of release.
- The military tribunals at Guantanamo Bay are widely criticized as being in violation of international law, and often referred to as being kangaroo courts.<sup>11</sup>

### 2. I heard distressing statements attributed to Omar Khadr from the Stipulation of Facts that forms part of the Plea Agreement. Did he really say these things?

- Point 1 in the Stipulation of Facts states: "It is hereby stipulated and agreed, by and between the Prosecution and Defense, with the express consent of the accused, that the following facts are true." This document does not purport to be written in Omar Khadr's hand or voice but rather to be a legal document that he consented to.
- The US Government presented the Stipulation of Fact to Omar Khadr as part of the overall plea deal and Omar Khadr agreed to this Stipulation of Fact as detailed in the Offer for Pre-Trial Agreement "I have discussed this decision with my defense counsel and believe it is in my best interest to enter into Attachment A"<sup>12</sup>
- At the end of the day the Stipulation of Facts offers one account of Omar Khadr's life from age 10 to age 15. For many, it reads like a textbook description of the recruitment and refinement of a child soldier. Read it and form your own opinion:

<http://www.cbc.ca/news/politics/inside-politics-blog/2010/10/stipulation-of-facts-in-khadr-case.html>

### 3. Khadr was 15 years old. Shouldn't he have refused to participate in the battle?

- In the five years leading up to his 2002 capture, Omar Khadr lived in rural Afghanistan (11,000 km from his Toronto home) where he was under strict parental authority. His upbringing strongly discouraged challenges to elders.
- Khadr is recognized as a child soldier by the United Nations.<sup>13</sup>

### 4. I've seen a horrible photo circulating on the web that claims to show Omar Khadr holding severed hands. Is it legitimate?

- **ABSOLUTELY NOT.** The origin of this photograph can be traced to the following web link: <http://www.rawa.org/handcut3.htm>, on the website of an Afghan women's' human rights organization. While the photo exists, it is clearly NOT Omar Khadr in the photo. To quote Khadr military lawyer, Jon Jackson, when advised that a Member of Parliament was linking this photograph to Omar Khadr: "I have NEVER seen or heard anything like this. I can assure you that if such a video existed the US government would have used it in their case."

# WHAT PEOPLE ARE SAYING

## ABOUT OMAR KHADR:



**Brigadier General (Ret)  
Stephen N. Xenakis, M.D.**  
Army medical Corps officer and certified child /adolescent psychologist who spent more than 200 hours with Omar Khadr.

"He's a smart, extremely decent young man. Thoughtful, very sensitive and I will say, amazingly, there's hardly an instinct of aggression or meanness in him at all." <sup>14</sup>



**Lieutenant Colonel  
Jon Jackson**  
US Military lawyer: is currently Khadr's defense lawyer.

"As far as why I know Omar Khadr is not a threat, I can only believe actions speak louder than words. I've been a soldier now for fifteen years, and I have represented people who are radical Jihadis... and I can tell you that the hundreds of hours that I've spent with Omar is all I can rely on to say that he's a good person with a good heart and he wants to get an education and make a positive difference in society." <sup>15</sup>



**Rhadhika Coomaraswamy**  
United Nations Special Representative for Children in Armed Conflict.

"In every sense Omar represents the classic child soldier narrative; recruited by unscrupulous groups to undertake actions at the bidding of adults to fight battles they barely understand." <sup>16</sup>



**LGen (Ret.) Honourable  
Roméo A. Dallaire, Senator**  
Officer of the Legion of Merit of the United States and Officer of the Order of Canada.

"Canada must honour the agreement it has with Omar Khadr and return him immediately to Canada... There can be no doubt, and I conclude, that the case of Omar Khadr taints this government, this country and all of its citizens." <sup>17</sup>



**Colonel Morris Davis**  
US Air Force Officer and lawyer that served as 3rd Chief Prosecutor in the Guantanamo Military Commissions.

"Treating Omar Khadr like some political hot potato that neither government wants to get stuck holding takes some of the shine of the credibility of what we claim we represent. It's not a bunch of bleeding hearts saying our governments need to do better in this case. I spent 25 years in the U.S. armed forces and Senator Romeo Dallaire was a Canadian lieutenant-general who took on and testified against war criminals." <sup>18</sup>



**Moazzam Begg**  
British citizen with whom Omar shared a cell in Bagram. He has since been repatriated to the UK and released without charge.

"The last time I saw Omar he said to me "Nobody cares about me" and that will remain with me forever... I will never forget his case; I will never forget the individual or what happened to him or how I saw him. For me, his case epitomizes everything that is wrong in Guantanamo and the War on Terror." <sup>19</sup>



**Dennis Edney**  
Canadian defense attorney who represented Khadr from 2003 to 2011.

"Had Omar refused [to sign the plea bargain], then he was faced with an unfair trial based on evidence that would be inadmissible in a real court and the potential of life in prison in Guantanamo Bay." <sup>20</sup>



**Damien Corsetti**  
Former United States soldier and interrogator in Bagram Prison where Omar Khadr was held before Guantanamo Bay.

"All I can say about him is that he was a kid – a typical 15-year old kid... The child was still there. That's what was prevalent in him was the child." <sup>21</sup>



**John Norris**  
Omar Khadr's current Canadian defense lawyer

"While Omar, a child, was trapped in a place that has been condemned around the world, the Canadian government stood idly by and said simply, 'We will let the process run its course.'... Canada has had ample time to make the decision that it promised that it would make." <sup>22</sup>



**Lieutenant Commander William Kuebler**  
Omar Khadr's detailed military council member from 2007 to 2009

"In a largely fictitious story first told by the (US) Department of Defense in 2002, Omar was the lone survivor of a 4-hour bombardment of an Al-Qaeda compound near Khost, Afghanistan. The story was that he waited in the rubble and then rose up wielding a pistol and hand grenade taking a group of US soldiers by surprise and killing a medic before being shot in the chest. No part of this story is true, however, and the Omar Khadr it describes does not exist." <sup>23</sup>



**Audrey Macklin**  
Professor at the Faculty of Law at the University of Toronto

"Anybody in business knows about companies that get away with breaking their contracts whenever they figure the other party is too weak or insignificant to matter. 'Make me,' they sneer at the hapless party who believed in good faith that the company would do as it promised. Now imagine you live in a country where your government behaves like that company. And Omar Khadr is the other party." <sup>24</sup>



**Dr. Arlette Zinck**  
Associate Professor, English, The King's University College.

"I have been a Professor of English for 19 years and I have worked with Omar Khadr both by correspondence and in person for almost 4 years. Omar is an enthusiastic and hardworking student despite adverse learning conditions. Through our studies of Canadian literature he demonstrates the quality of his person. Omar consistently produces readings that are marked by compassionate insight and intelligent charity." <sup>25</sup>



**Archbishop Brendan M. O'Brien**  
Chairman of the Human Rights Committee of the Canadian Conference of Catholic Bishops

"As Chairman of the Human Rights Committee of the Canadian Conference of Catholic Bishops, I wish to share with you our concerns regarding the situation of Canadian citizen Mr. Omar Khadr... Canada has a duty to act in conformity with its Charter of Rights and Freedoms." <sup>26</sup>



**CSIS Interrogator:** If you're smart tell me something that can help me – that can show my government that you're willing to help us against a group of people who are bent on doing bad things to us.

**Omar Khadr:** You want me to lie?

**CSIS Interrogator:** I don't want you to lie. I just want you to tell me the truth.

**Omar Khadr:** That's what I told you: the truth. You don't like the truth.

(Excerpt from CSIS interrogation of Omar Khadr between February 13th and 16th, 2003, at a US maximum security facility in Guantanamo Bay, Cuba)



## WHERE CAN I FIND OUT MORE?

### Documentaries and Films:

- CBC Doc Zone – The US vs. Omar Khadr:
  - <http://www.cbc.ca/player/Shows/Shows/Doc+Zone/2008-09/ID/1233753588/?page=2>
  - <http://www.cbc.ca/documentaries/doczone/2008/omarkadr/>
- You Don't Like The Truth - Directed by Patricio Henríquez and Luc Côté
  - [www.youdontlikethetruth.com](http://www.youdontlikethetruth.com)

### Books:

- Omar Khadr, Oh Canada by Janice Williamson
- Guantanamo's Child: The Untold Story of Omar Khadr by Michelle Shephard

### Websites:

- University of Toronto Faculty of Law website – Khadr Resources Page
  - <http://www.law.utoronto.ca/scholarship-publications/special-projects/khadr-case-resources-page>
- Wordpress: Omar Khadr site
  - <http://freeomarkhadr.wordpress.com/>
- Wikipedia
  - [http://en.wikipedia.org/wiki/Omar\\_Khadr](http://en.wikipedia.org/wiki/Omar_Khadr)

### Contact us!

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# WHY SHOULD CHRISTIANS CARE ABOUT OMAR KHADR?

We must care for Omar Khadr, because we are called to love.

- “Love the Lord your God with all your heart... Love your neighbour as yourself. There is no commandment greater than these. ” (Mark 12:30-31)
- If you have read this far, Omar Khadr has become your neighbour. In the parable of the Good Samaritan, Christ does not mention the merits of the injured man; merely the fact that he has been wronged and that he is in need of help. Do we choose to stop, or walk by?

We must care for Omar Khadr because we are called to justice.

- “Blessed are those who hunger and thirst for justice, for they shall be filled; blessed are the merciful for they will be shown mercy; blessed are the peacemakers for they will be called children of God” (Matthew 5:6-7)
- The scriptures are rich with calls to be just, and the Rule of Law and habeas corpus are at the foundation of our society’s concept of justice. Ironically, these two principles, which have been denied to Muslim youth Omar Khadr, were originally forged in the 17th century in response to persecution of Christian religious minorities.

We must care for Omar Khadr because we believe in truth.

- “God is not a man that he should lie, nor a son of man that he should change his mind. Does God speak and then not act? Does God promise and then not fulfill?” (Numbers 23:29)
- As God holds true to His word, we should seek to do the same. We are each called to be promise keepers. In October 2010, Omar Khadr entered a guilty plea based upon a promise by the Canadian government that he could return to Canada after one year. The refusal of the Canadian government to fulfill their promise needs to be challenged by all Christians.

“ And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God.  
Micah 6:8



# WHY SHOULD LEADERS CARE ABOUT OMAR KHADR?

**"Management is doing things right. Leadership is doing the right things."** ~Peter F. Drucker. Where shall we look to see true leadership on the Omar Khadr issue?

Leaders of all types have power to influence those around them and with that power comes responsibility.

This is YOUR call to leadership on THIS issue.

## Leaders have a responsibility to be better informed...

- Omar Khadr's 10 year story is complex and touches on many aspects of human rights, domestic and international law, power and politics. A leader has a responsibility to dig much deeper than a perfunctory "Well, he pleaded guilty so he's probably getting what he deserves."
- Many politicians and media outlets today, whether by ignorance, laziness, or malice, are ignoring these complexities and repeating the easy catch-phrases or sound-bites that serve a political end. This is not good enough.

## Leaders have a responsibility to LEAD...

- "Once you become knowledgeable you have an obligation to do something about it!" ~Ron Paul
- You only truly become a leader when you step out in front of the crowd, stake out a position of integrity and take action to support that position.

## Leaders have a responsibility to Canadian youth...

- "The test of the morality of a society is what it does for its children." ~Dietrich Bonhoeffer
- Omar Khadr was caught up in the terror of history while still a child. How we treat him, a young citizen of Canada, sends a powerful message to all young people in our country. When the young are alienated and pulled into the terror of history do we draw on our best values to romance them to all that is best in our civil values? Or, do we let the merchants of terror win by sitting idly by?

## Leaders have a responsibility to Canadian minorities...

- "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities." ~Lord John Dalberg-Acton
- The facts of Omar Khadr's case have never been weighed in an open court. Much opinion (and regrettably much political action) concerning Omar Khadr has been motivated by his family history, his religion and his ethnicity rather than a search for truth. True leaders do not allow such generalizations to shape their treatment of individuals or groups.

**"** I have never come across anyone who has been so abandoned, so abused, by so many who should know better."

- Dennis Edney, lawyer and leader, speaking about Omar Khadr in 2009



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In the Name of Allah, Most Beneficent Most Merciful  
Show forgiveness, speak for justice, and avoid the ignorant

Quran 7:199

**Omar Khadr** is a Muslim Canadian citizen who was only 15 years old when he was taken to an illegal detention facility in Guantanamo Bay, Cuba. His detention over the past decade has included torture, interrogation, and, according to rulings by the Canadian Supreme Court, the violation of his constitutional rights. Omar signed a plea deal with the American and Canadian governments ensuring his return home to Canada. His transfer is long overdue, as Omar Khadr has spent 18 months in Guantanamo Bay since his conviction. The US has authorized his transfer and the Canadian government is refusing to approve it.

## WHY SHOULD MUSLIMS CARE ABOUT OMAR KHADR?

- This is a Muslim issue. Omar Khadr is a Muslim and some of the campaigns created in opposition to his return are rooted deep in anti-Islamic sentiment that is fueled by the notion that Muslims ought to be feared. It is possible that in the future the “fear” factor associated with Muslims will be used to withhold their rights.
- Today it is Omar Khadr, tomorrow it could be you or me if we don’t stand against this injustice.
- It is our duty as Muslims to speak the truth, live the truth, and strive for the truth.
- We are all the servants of Allah (SWT) and aiding His servants is equivalent to serving Him.
- Prophet Mohammad (PBUH) lived for the sole purpose of making better the lives of those who would come after him; therefore, our purpose in this life is best fulfilled when we are dedicating our time to others.
- “And what will explain to you what the steep path is? It is the freeing of a (slave) from bondage; or the giving of food in a day of famine to an orphan relative, or to a needy in distress. Then will he be of those who believe, enjoin fortitude and encourage kindness and compassion.” Chapter 90, Verses 12-17

“O beloved disciple, knowledge without action is madness and action without knowledge can’t be!” ~Imam al-Ghazali

“Be hopeful and know that there is a very merciful and compassionate creator watching us and looking out for us and taking care of us all... I leave you with HOPE and I am living on it.”

- Omar A. Khadr in a letter written to lawyer Dennis Edney on May 26, 2010

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