Lawyers' Rights Watch Canada

Organization: Lawyers Rights Watch Canada
Item: Item 4 General Debate
Speaker: Gail Davidson
Re: Omar Khadr - Special Rapporteur on Torture, Working
                   Group on Arbitrary Detention

Madame President;

Lawyers Rights Watch Canada calls on Council to take action immediately to ensure justice for Canadian citizen Omar Khadr, illegally imprisoned—first at Bagram and then in Guantanamo Bay—by the United States since his July 2002 capture at age 15. For over 9 years, the US has violated Khadr's internationally protected freedoms from: torture, arbitrary detention, prosecution for ex post facto offences, and rights to: liberty, habeas corpus, equality, a fair trail and the right to special treatment as a child. Many of these violations are themselves grave crimes.

The illegality of Khadr's detention and treatment under the Conventions against Torture and the Rights of the Child and the Geneva Conventions has been confirmed by the highest courts in Canada and the US. Canadian courts found that Canadian officials were complicit in the US torture of Khadr and had contributed to his continued detention. The Special Rapporteur on Torture recently called for a complete ban on the solitary confinement of juveniles and a limit of 15 days for adults. Khadr has been in solitary confinement for almost 10 years.

These violations of Khadr's rights were carried out as part of a US program to strip arbitrarily designated non-Americans of rights and access to remedies and to shield US perpetrators of consequent crimes from accountability. Khadr's transfer to a Canadian prison—in furtherance of a farcical plea arrangement and illegal sentencing—will not provide the remedies required by law.

Council must ensure those remedies. In addition to ensuring Khadr's release and repatriation to Canada, Council must act to ensure an exhaustive investigation of these violations of his rights, the identification of perpetrators and recommend the civil and criminal remedies required by international law. Thank you.