

Canada Continues to Ignore Obligation to Investigate Omar Khadr Torture, and to Act to Prevent Future Abuses

OTTAWA, October 15, 2018 – The Canadian government continues to neglect its obligations to investigate and bring to justice those complicit in the torture and illegal sentencing of Omar Khadr, to fully apologize, and to ensure such an incident does not happen again, according to two leading Canadian civil liberties organizations in a new report to the United Nations Committee against Torture.

Although compensation was paid, the redress necessary to prevent recurrence and restore the dignity, reputation and rights of Omar Khadr have not been provided. Canada has yet to investigate and disclose the facts, fully acknowledge its responsibility or clearly apologize for the acts and omissions of Canadian officials that contributed to the torture and ill treatment, prolonged arbitrary detention and illegal sentencing of Omar Khadr in Guantanamo Bay prison. These issues are raised in a report submitted today to the Committee against Torture by Lawyers' Rights Watch Canada (LRWC) and the International Civil Liberties Monitoring Group (ICLMG).

"When Canadian officials participate in the torture and illegal detention and sentencing of a citizen, the Convention against Torture requires Canada to ensure both the rehabilitation of the victim and an investigation aimed at identifying and holding accountable those responsible," says Gail Davidson of LRWC.

In response to a previous joint 2012 report filed by LRWC and the ICLMG, the Committee against Torture found that the Canadian government must "ensure that [Omar Khadr] receives appropriate redress for human rights violations that the Canadian Supreme Court has ruled he experienced."

"Canadian officials have full knowledge of the torture and other grave rights violations suffered by Omar Khadr during more than 10 years in the notorious Guantanamo Bay prison" says Tim McSorley of the ICLMG. "All that time, they have never made efforts to fully investigate or bring to justice those who were complicit in his interrogation and torture. Instead they have falsely portrayed him as a dangerous person deserving of the most brutal rights violations."

In its report, the Committee against Torture also recommended concrete steps that Canada should take to ensure that no other Canadian citizen suffers the same fate and that Canada live up to its obligations under the Convention against Torture. These included incorporating all provisions of the Convention into law, and educating the judiciary and the public about Canada's obligations. Despite having this report for the last five years, the Canadian government has failed to address these recommendations.

"Canada's inaction on this case is alarming and contravenes the Convention and the rule of law. It signals a refusal to investigate, punish and fully redress torture and other prohibited treatment, to which Canadian officials have contributed," says Gail Davidson of LRWC.

Together, LRWC and the ICLMG are calling on the government, among other things, to:

Establish a Public Commission of Inquiry to investigate, identify those responsible and make recommendations to remedy the acts and omissions of Canadian officials that contributed to violations of Omar Khadr's rights, and to hold those involved accountable;

Educate and train law enforcement personnel, lawyers, judges, prison officials, medical personnel and others who may be involved in the treatment of detained persons about their duties under the Convention;

Ratify the Optional Protocol to the Convention;

Enact legislation to put in place procedures for: complaints of torture and/or ill treatment by State and non-state actors; investigation of complaints and identification of suspects; and prosecution of suspects;

Allow those who face torture outside of Canada to bring suit within Canadian courts.

The full report and recommendations can be read online here:

http://iclmg.cfswpnetwork.ca/wp-content/uploads/sites/37/2018/10/Report-to-CAT_re_Khadr_Oct2018_LRWC_ICLMG.pdf

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