

Center for Constitutional Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://ccrjustice.org/home/blog/2017/07/21/what-canada-s-apology-omar-khadr-tells-us-about-us-impunity>

Public Facing Advocacy Writing

The CCR blog

Omar Khadr should have never been brought to Guantanamo. At 15 years old, he was just a child when he was captured, and his 10-year detention, prosecution for purported war crimes, and torture by the U.S. government was unlawful. Yet 15 years later, it is Canada, not the U.S., that is owning up to its role in his abuse; when Khadr, a Canadian citizen, was brought to Guantanamo, Canadian federal officials [interrogated him](#). The Canadian government recently offered Khadr a formal apology and paid him 10.5 million [Canadian dollars](#) in damages in a settlement for the torture he suffered while detained. In 2010, the [Supreme Court of Canada ruled](#) that the actions of the Canadian federal officials who interrogated Khadr violated Canadian law regarding the treatment of child soldiers, and were complicit in his torture.

No apology or amount of money can reverse time or remove the psychological and physical scars of his experience, but they are vital steps toward justice. Like hundreds of men who have been released from the prison since 2002, Khadr is trying to move beyond Guantanamo. Right now, Im focused on my future, he said [in a recent interview](#), adding that he hopes this will be a time for reconciliation, remembrance, [and] healing.

Redress for victims of torture is a universal right enshrined in the UN Convention Against Torture a fact dismissed by both critics of Canadas widely publicized apology and the U.S. government. President Obama, who advocated for Guantnamos closure and publicly acknowledged that [we tortured some folks](#), failed in the same breath to say what would have mattered the most: that he was *sorry we tortured those folks*. Substantively, he failed to use his power to open any credible investigation and call former Bush officials responsible for the torture program to account. Over the last 15 years, more than 700 men have been released from Guantanamo, and to this day, not one has received compensation or an apology from the U.S.

Canadas apology to Khadr is part of the countrys history of complicity with post-9/11 U.S. torture. Canada conducted an extensive public commission of inquiry into the role of Canadian officials in the 2002 extraordinary rendition of CCR client [Maher Arar](#) to Syria, where he was tortured and held in brutal conditions of confinement for a year. In 2007, former Prime Minister Stephen Harper, part of the Conservative party, [formally apologized to Arar, a Syrian-born Canadian, and provided \\$10 million](#) to settle his claims. In 2011, when President George W. Bush visited Canada, CCR and the Canadian Centre for International Justice (CCJI) lodged a [detailed indictment](#) against him with the attorney general on behalf of four men who had been detained and tortured by the U.S. Under the principle of [universal jurisdiction](#), state parties to the Convention Against Torture are obligated to investigate and prosecute people responsible for torture present on their territory, even if they were committed in another country. Canada failed to do so, Bush left without incident, and CCR and CCJI filed a complaint with the Committee Against Torture, which unfortunately dismissed the complaint on procedural grounds.

As the Canadian government makes this crucial gesture toward Khadr, the lack of accountability and redress from the U.S. government across now three administrations stands in glaring contrast. Since 9/11, CCR has tried on several occasions to sue officials responsible for torture and detainee abuse, but Congress and the courts have blocked efforts to hold them liable. Victims denied relief from the U.S. have had to search elsewhere for it in foreign countries and international courts, and before human rights bodies such as the United Nations and Inter-American Commission on Human Rights.

And now that Donald Trump is in office, we are left wondering whether there will be anything resembling justice for torture survivors. Trump said torture [absolutely works](#), and campaigned on a promise to fill Guantanamo [with some bad dudes](#). Draft executive orders that were leaked earlier this year contemplated a return to CIA black sites, torture, and worsening conditions at Guantanamo, which currently houses only forty-one men. Earlier this month, Attorney General Jeff Sessions and his deputy, Rod Rosenstein, [traveled](#) to Guantanamo to get an up-to-date understanding of current operations, showing no sign that Trump intends to end 15 years of indefinite detention and lawlessness.

Recent history has shown that no branch of the U.S. government has supported meaningful accountability when those who have suffered are Muslim, but that doesnt mean we will stop demanding it. Accountability is as much about achieving justice for survivors as it is making sure such heinous crimes are never repeated. We will continue fighting for justice in the courts and supporting the global movement to resist the normalization of torture in the name of national security as the Trump administration ramps up the machinations of the war machine. The lives of so many like Omar Khadr are counting on it they too deserve their day in court and the opportunity to move forward.

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