



NEWS RELEASE

British Columbia Civil Liberties Association
January 29, 2010 – For immediate release

Canada violated Omar Khadr's Charter rights: Supreme Court

Vancouver, B.C. – The BCCLA is pleased by a Supreme Court of Canada decision that the Government of Canada violated the Charter rights of Guantanamo detainee Omar Khadr. Today the court allowed the government's appeal in *Prime Minister of Canada, et al. v. Omar Ahmed Khadr* in part, overturning the order to seek Mr. Khadr's immediate return but finding that the government must respond to the Charter violation somehow. The BCCLA appeared as an intervener on behalf of Mr. Khadr.

Joseph Arvay and Sujit Choudhry, co-counsel for the BCCLA: "The Government of Canada can take no comfort in this judgment. The Supreme Court has unequivocally held that Canada's interrogations of Omar Khadr were flagrant violations of the Charter, and that Canada's unconstitutional conduct contributes to Mr. Khadr's detention to this day. The Prime Minister must now act in accordance with the Charter. The Court has left open the door to ordering the Canadian government to do more."

The BCCLA argued that Canada's involvement in Mr. Khadr's abuse was illegal and a violation of his Charter rights, and that bringing Mr. Khadr home is the only effective way to remedy it. The government has argued that even if they ask, the U.S. might still refuse the request. Similar requests by other nations have been granted.

Grace Pastine, BCCLA Litigation Director: "The court found that asking for Omar Khadr's return would be an effective response to Canada's violations of Mr. Khadr constitutional rights. Asking for Mr. Khadr's return would be the right thing to do. The decision can be seen as a strong recommendation to the government—The court can't make you ask for Mr. Khadr's return, but you should."

Mr. Khadr is a Canadian citizen who has been detained by the United States in Guantanamo Bay since 2002, when he was 15 years old. Canadian officials who knew that Mr. Khadr had been abused interviewed Mr. Khadr in Guantanamo when he was 16, and gave summaries of what they learned to the American government. He now faces trial before a U.S. Military Commission that is a violation of international law.

The BCCLA was represented by Joe Arvay of Arvay Finlay Barristers, and Sujit Choudhry of the University of Toronto Faculty of Law.

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