

# Richard Deaton: An open contempt for Charter rights

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Omar Khadr speaks to the media outside his new home after being granted bail in Edmonton on Thursday, May 7, 2015. THE CANADIAN PRESS/Nathan Denette

**As evidenced by a number of recent letters ([The Guardian, July 13](#) and [J-P, July 13](#)) there is a tremendous amount of inaccurate and misleading information in the public domain as it relates to the recent Khadr settlement and the formal legalities associated with that case.**

The events leading up to that settlement have been decontextualized and sanitized, including the fact that the U.S. was engaged in an undeclared war in Afghanistan and was unilaterally rewriting the Geneva Conventions, as they saw fit, in terms of the rules of war.

The original involvement of Canadian officials initially occurred under the federal Liberals, while the Harper Conservatives — with their open contempt for the Charter rights of Arab-Canadians — failed, over the years, to deal with or rectify the matter until held accountable in court. Had an American or Canadian serviceman been subjected to the type of systematic torture that Omar Kahdr was, contrary to any of the long standing and accepted Geneva Conventions, regardless of whether he was a child soldier, would have created a roar of outrage. The Geneva Accords clearly forbid enemy combatants from being tortured. Subsequently, the U.S. Supreme Court twice declared the trial process at Guantanamo Bay unconstitutional under U.S. law and illegal under international law. Canadian officials were complicit in that rendition and were aware that Khadr was being tortured. In short, they were party to it.

Harper ignored this situation for seven years, between 2008-2015. In turn, the SCC ruled that Kahdr's rights had been “egregiously” violated. Now Canadian taxpayers are paying for the Harper government's callous

illegalities, indifference and arrogance. But their behaviour is no different than the Israeli's towards the Palestinians, including their use of administrative detention and collective punishment.

The Khadr case is not the first instance where the Harper government trampled upon the constitutional rights of an Arab-Canadian. Maher Arar was turned over to the Syrians in 2002 by the Americans, based on faulty information provided by the RCMP resulting in his special rendition, that is, torture. Subsequently, he was paid over \$10 million in compensation by the Harper government, the same as Khadr later received. Nobody condemned the Harper government for paying up. So why blame the victim in this instance?

In the interest of informed public discussion the best source dealing with the legalities involved in the Khadr case, in my opinion, is a recent CBC article found at: <http://www.cbc.ca/news/politics/omar-khadr-legal-analysis-aaron-wherry-1.4199409>.

The next major battle over the civil liberties of an Arab-Canadian is the case of Hassan Diab, a former University of Ottawa and Carleton University professor, who was extradited to France, based on dubious evidence, nearly three years ago for allegedly bombing a Paris synagogue in the 1970s. He has consistently denied this accusation. Since that time he has languished in a cell; his bail application has been granted six times and then overturned at the request of the French government. After 30 months of detention he has yet to be brought to trial. Recently, The Globe and Mail, The Toronto Star, The Ottawa Citizen, Amnesty International, and the Canadian Association of University Teachers (CAUT) have all called for Diab's release and have urged the Trudeau government to demand his release by the French authorities.

Prime Minister Trudeau has eloquently spoken about the Charter rights of Omar Khadr. Now it is time for his government to step up and defend the rights of another Arab-Canadian, Hassan Diab, against the judicial farce now being played out in France, where one suspects the connivance of the Canadian and Israeli governments.

It is time for him to, again, walk the talk. If the Trudeau government remains silent and refuses to protect the rights of Hassan Diab it may well cost taxpayers another \$10 million.

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