

The Khadr payout: bad politics

THE OUTRAGE THAT FOLLOWED disclosure of the federal government's decision to settle a lawsuit launched by lawyers for Omar Khadr for a rumored \$10.5 million plus a formal apology should have been expected.

There's little doubt that the Trudeau government chose the July 4 timing in hopes of minimizing the damage, and equally little that the public statements by Attorney General Jody Wilson-Raybould and Public Safety Minister Ralph Goodale had been carefully crafted with the same purpose in mind.

However, their suggestion that the payout would cost taxpayers less than a continued legal battle which they saw as hopeless seems to have fallen on deaf ears, with polls suggesting most Canadians oppose the out-of-court settlement.

As we see it, the government's choice, while based on sound legal principles, was clearly bad politics.

Although there's little doubt that prolonging the legal action, in which the Khadr lawyers were seeking \$20 million in damages, would have involved millions more in legal bills for the government beyond the \$5 million already spent, having the matter ultimately determined by a jury would have got the government off the hook, no matter how big the ultimate award.

To that extent, we're in full agreement with some of the critics of the deal, albeit not with those, like Conservative leader Andrew Scheer, who called the settlement 'a slap in the face to the men and women in uniform,' or portrayed the deal as rewarding a 'convicted terrorist.'

All we really know is that the only issue in the lawsuit is the Canadian government's involvement in the unique treatment Mr. Khadr received after being treated for potentially lethal wounds received in a firefight during which an estimated 100 U.S.-led troops raided a house containing militant supporters of the Islamist Taliban regime that had taken control of Afghanistan following the removal of Russian invaders.

At the time of the firefight, Omar Khadr was 15 and although born in Toronto had spent nearly half of his life in Afghanistan, where his father had been helping refugees while allying himself with Osama Bin Laden. In the circumstances, only Omar knows whether he saw himself as helping terrorists or defending Afghanistan from new foreign invaders.

The 'odious' settlement is apparently not precedent-setting. In 2007, then prime minister Stephen Harper formally apologized to Maher Arar for the torture he suffered in a Syrian prison and said the government would pay him and his family \$10.5-million, plus legal fees, to compensate them for the 'terrible ordeal.'

Granted, there is no evidence that Mr. Arar was guilty of anything, but he was an adult, and the award's current value might be close to \$15 million.

As well, it's known that both Australia and the United Kingdom have made similar payments in settlements with their citizens who were tortured at Guantanamo Bay.

Is Omar Khadr a continuing security threat as a potential terrorist? Well, only he knows what his current beliefs really are, and he alone is in a position to plan his future life. Proceeds from the settlement have apparently been banked, and only time will tell what portion of the \$10.5 million will be kept by Mr. Khadr.

One would hope that most of the money will go to the Canadian lawyers who have thus far received nothing for the seemingly endless work on his behalf for nearly 15 years, as well as that none will wind up with his family.

In an ideal world, some of the proceeds would go to organizations like Innocence Canada (formerly the Association in Defence of the Wrongly Convicted or AIDWYC), and Mr. Khadr would keep just enough to proceed with his plan to marry, buy a home and pursue a career in nursing.