Omar Khadr, Canada and the rule of law

IN OTHER WORDS

AMITAVA KAR

MOST of us say "I'm sorry" many times a day for a host of trivial affronts—accidentally bumping into someone or sneezing during a business meeting. These apologies are easy and usually readily accepted. Apologies needed to right wrongful words, acts or inactions, on the other hand, are harder to come by. Similarly, when it comes to nations saying the S word, examples are in short supply.

Canada is an exception. Last week it offered an apology and a USD 10.5-million compensation package to Omar Khadr, a Canadian citizen, for abuses he was subjected to while detained in the US military prison at Guantanamo Bay, Cuba.

This comes after the 2010 ruling by the Supreme Court of Canada that the actions of Canadian federal officials who participated in the US interrogations of Khadr had offended "the most basic Canadian standards about the treatment of detained youth suspects."

Justin Trudeau, Canada's affable prime minister, defended the government's move. "The Charter of Rights and Freedoms protects all Canadians, every one of us, even when it is uncomfortable," he said at the end of the G20 Summit in Germany. "This is not about the detail of the merits of the Khadr case. When the government violates any Canadian's charter rights, we all end up paying for it."

Khadr was captured in Afghanistan in 2002, following a shootout with American troops where he was severely wounded. Only 15 at that time, he was accused of throwing a grenade that killed a US soldier and was sent to Guantanamo Bay. Khadr, now 30, spent more than 10 years in US and Canadian custody, much of that time at Guantanamo Bay. After accepting a plea bargain, he was transferred to Canada in 2012.

PHOTO: REUTERS/BLAIR GABLE TPX IMAGES OF THE DAY

Canada's Prime Minister Justin Trudeau poses for a selfie on Parliament Hill in Ottawa, Canada July 1, 2017.

Dennis Edney, his high-profile defence lawyer said that his client was subjected to sleep deprivation, solitary confinement and extreme physical pain and humiliation at Guantanamo. He was coerced into fighting by his father, an al-Qaeda operative who was later killed in a gunfight with Pakistani troops in 2003, he said.

The whole affair is debatable. How much is someone owed for being tortured? How much should Canada pay Khadr for his sufferings as a guest of Uncle Sam—given that Canada had little more than a walk-on role in the episode? On the other hand, how responsible was he for where he was and what he did given that the adults in his family had placed him in that situation?

Go ahead and debate.

Is USD 10 million too much? To some, it is. Then again, if the government hadn't settled the case, maybe a judge would have awarded even more. Judges in this country can make decisions independent of which way the wind is blowing.

And then there are the things that are not up for debate. A legal justice system operating under the rule of law does not torture people—innocent or guilty. It does not extract confessions with torture or threats. It provides for special protection to children. Under no circumstances does it deny habeas corpus. All of these things are part of Canadian law, not to mention international treaties and the customary international law that Canada and its allies subscribe to. At Guantanamo, Uncle Sam violated all of these.

Why then must the Canadian government pay? What did it not do? Well, a number of things. Beginning in 2002, it could have demanded that one of its citizens, a child soldier, be given humane and legal treatment under international law. It could have asserted that it did not accept the conditions of detention or the illegitimate court process—after all, the US courts themselves repeatedly ordered the US government to make changes to the trial system at Guantanamo.

What did the government do instead? In 2003 and 2004, agents from the Canadian Security Intelligence Service and the Department of Foreign Affairs went to Guantanamo—not to help Khadr, but to cooperate with his jailers.

The apology and the settlement is thus aimed at righting a terrible wrong. "A state is known by the rights it maintains," said British political theorist Harold Lasky. By protecting the rights of its citizens including those who fought against it, Canada is setting a high moral standard for the rest of the world to follow.

And its ideals extend well beyond its borders. It has opened up to those fleeing wars in the Middle East and Africa. It is a happy contrast to what is happening in other affluent countries, where xenophobia helped bring about Britain's vote for Brexit, Donald Trump's election in the US and the rise of populist parties across Europe.

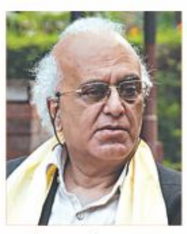
Canada is at ease with her openness. It is reassuring to see newly-arrived elderly men from Syria or Somalia hang out in local cafes. They love their newfound home for it has given them dignity.

"The world needs more Canada," says Bono, the activist and lead singer of U2.

Amitava Kar is a member of the editorial team at The Daily Star, and is currently travelling in Canada.

Literary camaraderie

Why not make connections among writers more effective despite political non-cooperation in South Asia?



ABHI SUBEDI

I have met and worked with literary writers of South Asia over the decades. I have seen their efforts to develop what I would call literary camaraderie among themselves. They have made efforts to exchange their creative writings among themselves, although on a limited scale. Going beyond that would require institutional support as that would involve government facilities to send and receive books. That is simply not happening in South Asia.

We in Nepal are fortunate that we get books from all over the world via India, but we cannot export Nepali books to India or any other South Asian country. The reasons may be complicated in terms of how these relations have developed among the countries' publication and distribution mechanisms. Writers have always worked with pious desires. Exchanging a few translated texts among themselves—some translated badly—satisfies them.

Mytho-poetic boundaries

I remember some interesting events that show how writers want to transcend the borders not only of the nation state but also of the mytho-poetic dimensions. I have one telling experience of the latter. Madhablal Maharjan, the Mandala Book publisher of Nepal, and I were attending one important seminar of publishers and writers in Delhi several years ago. Among the diverse number of speakers was the great Hindi fiction writer and translator, late Nirmal Verma, and a writer and publisher from Sri Lanka. The Sri Lankan publisher claimed in the course of his speech that Ravana was the first man to fly a plane in human history, because as the epic Ramayana says, Ravana flew to India and abducted Sita. The publisher was just transcending the mytho-poetic boundaries in that speech. The claim speaks volumes, because there exist several theories about that.

My next experience is with an eminent Hindi novelist of India named Kamleshwar. His novel *Kitne Pakistan* or literally "how many Pakistans" is a great literary work. The novel is not what the title suggests; it does not count Pakistans. It explores the layers of human experience with different moments in historical and mytho-poetic times. He was moved when I admired him in my talk at a literary meeting in Lahore, in March 2004.

Revolutionary romanticism

Writers and publishers have great desires to transcend liminal lines and cross over to other times and territories. The great short story writer of South Asia, Saadat Hasan Manto, wrote one story about an inmate Toba Tek Singh who lay dead aslant the Indo-Pakistan border in the process of exchanging citizens, a spectre of the colonial past that still haunts. I have attended receptions given by politicians in power in South Asia and heard their vows to take the messages of the writers for achieving reconciliation between the hostile polities.

In the beginning, I used to believe that things were going to change, that the writers' voices would be heard and peace would reign in the region. But those were all vacuous expressions. Suneet Chopra is an Indian friend of mine. He is a very senior CPI Marxist person, and a poet who comes to literary readings, and sometimes reads out his admiration for Hugo Chavez, a reminder of revolutionary romanticism.

We talk frankly when we meet. I asked him once how successful he had been in winning friends in South Asia. Suneet clearly drew a line between the bourgeoisie and the socialists, and believed the line to be un-crossable. Despite the long history of the communist party in India, and their competent leaders, their electoral gains have not picked up dramatically in any national or state elections. But Suneet says, no matter how small the scale of election victory for the CPI may be, "we keep the identity distinct". I agree with Suneet; that is precisely what they have done. There is a history of writers and theatre groups associated with the Indian communist party. But the coin has another side. I ask Suneet if they have a particular reason to keep the ideological geographies unchanged. He has no dynamic answer to that.

More ceremonial than serious

Nepal Academy should have done more work in this direction by establishing contacts with the literary institutions and organisations of South Asia to institutionalise contacts by meaningful exchanges of publications, printing matters, writings and occasional seminars of creative nature. I presented a working paper last month at the request of the Nepal Academy on the features and challenges of Nepali literature from the past to the present. In a short paper of about 6,000 words, I tried my best to present what I called the "vignettes of Nepali literary literature."

The occasion was a visit by Shamsuzzaman, Director of Bangladesh Academy, with his team as part of the exchange with Nepal Academy. Shamsuzzaman is a great scholar and a close friend whose literary-cultural achievements have impressed me for many years. In my paper, I cited the words of Khademul Islam, also a friend and editor of a literary magazine entitled Bengal Lights published in Dhaka. The editorial reflects the desire of the Bangladeshi writers and publishers to extend the literary experience and contacts. The first editorial says, "It includes writers from outside Bangladesh since we have to free Bangladeshi writing…from its domestic confines, set it in a wider regional context, and connect to the web of writing that spreads from country to region, and from region to world. Our writing, distinct as it is, must nonetheless be on the same page as that of works from other countries in the region and exist within a common framework."

I have associations with Bangladeshi writers and publishers who have published a number of my essays, poems and translations. The Nepal Academy's attempts are good but my experience says they have established more ceremonial than serious contacts so far with academies in the region.

> *In our times, when it comes to facing challenges, writers find themselves powerless in giving their camaraderie a position of strength, and creating leverage in society.*

Literary camaraderie is a creative matter par excellence and has a history of working despite political interventions or indifference. But in our times, when it comes to facing challenges, writers find themselves powerless in giving their camaraderie a position of strength, and creating leverage in society. The unanswered question resonates: why not make literary camaraderie effective despite political non-cooperation in the region?

Abhi Subedi is a Nepali poet, playwright, linguist, columnist, translator and critic.

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QUOTABLE *Quote*

SATYAJIT RAY

INDIAN FILMMAKER AND AUTHOR.

The only solutions that are ever worth anything are the solutions that people find themselves.

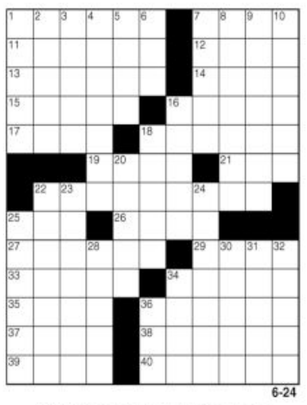
CROSSWORD BY THOMAS JOSEPH

ACROSS

1 Academy attendees
7 Debt reminder
11 "Twelfth Night" heroine
12 Valentine trim
13 Energetic
14 Vicinity
15 Scrub, as a mission
16 Smarts
17 Spot
18 Craving
19 Criticize harshly
21 Musical ability
22Country group
25 Charter
26 Fallon's predecessor
27 Conforms
29 Traveler's aids
33 Odometer units
34 Roll into a ball
35 Yale students
36 So far
37 Louver piece
38 Source
39 Salon offerings
40 New

DOWN

1 Fizzy drinks
2 Suspect's defense
3 Course chunk
4 Neighbor of K2
5 Incline
6 Utter
7 Pole name
8 Cross-country runner
9 Freezer item
10 Movie ad
16 Swaggering fellows
18 Stuns
20 Buoyant tune
22 Francois has one
23 Rome native
24 Wandering
25 Least believable
28 Gnats, e.g.
30 Maxim
31 Russian leader
32 Wasn't thrifty
34 Had on
36 Craggy hill



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YESTERDAY'S ANSWER

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BEETLE BAILEY — BY MORT WALKER

BABY BLUES — BY KIRKMAN & SCOTT