

**The Effect of the War on Terror on Canadian Multiculturalism:
The Case of Omar Khadr**

Sarah Mackenzie

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Abstract

This paper explores the frames associated with Omar Khadr, one of the most controversial cases in recent Canadian history. It explores Canadian news coverage of Khadr while he was charged with terrorism as a child, held in Guantanamo Bay, as well as his eventual repatriation to Canada and settlement with the Canadian government. With specific attention given to Khadr's representation in the journalism, courts, and through images, I find that his case highlights the limits of Canadian multicultural policy, and exposes its racialized history.

Keywords: framing, content analysis, Canada, multiculturalism, islamophobia, Khadr.

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Introduction

Omar Khadr is one of the most controversial figures in contemporary Canadian politics. At the age of 15, Khadr, a Canadian citizen, was detained by the United States at Guantanamo Bay after being accused of killing U.S. Sgt. 1st Class Christopher Speer. In 2010, he pleaded guilty to five war crime charges including spying, attempted murder, provision of material support for terrorism, and conspiracy (Andy Knight & McCoy, 2012). He later appealed his conviction, claiming that he falsely plead guilty so that he could return to Canada. In 2015, Khadr was released on bail and is currently living with his lawyer's family in Edmonton, Alberta. In 2017, Khadr sued the Canadian government for infringing his right to protection under the Canadian Charter of Rights and Freedoms. He ultimately won this lawsuit, compelling the Canadian government to issue a CA \$10.5 million settlement and offer an official apology. Both the judge's decision to release Khadr and the Court's ruling, however, instilled outrage among many Canadians, some of whom believed that the payout was unjustified. Over the past twenty years, the Khadr case has become known as one of the most controversial in Canadian politics. By tracing the Khadr controversy through court proceedings, as well as two major Canadian historical newspaper archives, I demonstrate rising levels of anti-Muslim sentiment and policy in Canada, even while Canada continues to accept increasing numbers of immigrants from Muslim majority countries.

This paper explores the framing effects used to either support or oppose Omar Khadr's repatriation and successful civil lawsuit. The next section offers background on the Omar Khadr case, an overview of public opinion towards the issue based on historical evidence and discusses previous studies of his portrayal in media. The following section develops a set of quantitative indicators of how the media has discussed the Khadr case, using data collected from Khadr's

repatriation hearing at the Supreme Court of Canada in 2010, as well as the historical archive of major Canadian news outlets using the ProQuest Canadian News Stream database, followed by an analysis of photos used in both the social justice and counter arguments. It explains in detail the methodology chosen and discusses its likely accuracy. The following section presents the results, and their analysis. In the concluding section, I explain the significance of the findings, noting that Khadr is most often represented as either a child or a terrorist, with the terrorist frame gaining traction as islamophobia rises across Canada.

Background

Public Opinion Divisions over Omar Khadr

The Angus Reid Institute, a Canadian Public Opinion Polling Research Group, collected survey data from Canadians on Omar Khadr upon his repatriation to Canada in 2015, and following an Alberta Judge's decision to release him on bail while he waits to appeal his U.S. military conviction. In general, the survey found that Canadians were divided on the judicial decision to release Khadr, with just over one third of the population agreeing with the decision (38%), one third opposing (39%), and one quarter (23%) undecided, as illustrated in figure 1. Figure 2 shows that this division was consistent across geographic locations, even though Khadr was released in Alberta, and his civil and repatriation hearings were held in Ontario.

(Insert Figures 1 & 2 about here)

Divisions over the Omar Khadr issue fall along political lines, with 59% of Conservative voters disagreeing with the judge's decision, whereas roughly half of Liberal voters (52%) and half of socialist-leaning New Democrat voters (49%) agree with the decision, as illustrated in Figure 3. In October of 2010, Khadr pleaded guilty to five war crimes charges before a U.S. military tribunal in Guantanamo Bay. At the time of the plea, nearly half of Canadians (48%)

said in a poll from the same institute that they believed he did so because it was in his best interest, regardless of whether he was actually guilty (Angus Reid Institute, 2010).

(Insert Figures 3 & 4 about here)

Lastly, of greatest relevance to this research, Figure 4 illustrates how Canadians were divided over a series of statements commonly made by either Khadr's proponents or opponents. In 2015, over two thirds of Canadians (68%) agreed that Omar Khadr has the right to a proper trial in Canada. Two thirds (67%) of Canadians also agreed that Khadr was a "child soldier," and yet over half of Canadians (55%) believe that Khadr is still a radicalized threat. Canadians do not believe, however, that Khadr has served enough time (48% opposed, whereas 42% agree). These shifting opinions reveal early signs of framing effects: the child frame is strong, as is the terrorist threat frame. Without these framing effects, one could expect public opinion to remain consistent across these statements in accordance with people's stance on the Khadr case. The fact that these figures shift when exposed to different aspects of the Khadr case warrants further investigation, and thus identifies a gap in our understanding of public opinion that this research fills.

Framing Theory

This paper draws on existing framing literature in guiding its methodology. According to Nelson, Clawson, & Oxley, policy frames "shape individual understanding and opinion concerning an issue by stressing specific elements or features of the broader controversy, reducing a usually complex issue down to one or two central aspects" (1997, p. 568). In complex cases, such as Omar Khadr's repatriation, certain policy frames have simplified complex international law to a few key talking points. Importantly, the literature supports that frames select, organize, and emphasize certain aspects of reality while intentionally excluding others (de

Vreese, Peter, & Semetko, 2001). In the case of Omar Khadr, frames either exclude or include information that would portray him as victim or perpetrator.

The debate on Omar Khadr can, moreover, serve as a proxy for a larger political conversation in Canada surrounding immigration, citizenship, and race relations in the midst of growing rates of immigration to Canada from Muslim majority countries. The literature supports that specific cases, or ‘episodic frames,’ can capture public opinion and reveal the strength of certain frames with greater accuracy than general policy, or ‘thematic frames.’ In her 2011 study of immigration policy in Denmark, Lene Aarøe found that episodic frames gained more in capacity to influence opinions than thematic frames. Of particular relevance, Aarøe found that the intensity of the receivers’ emotions (compassion, pity, anger, or disgust) towards the case was a significant moderator of the effect of the episodic frames, but not the thematic ones (pg. 221). Similarly, Gross (2008) found that episodic frames regarding mandatory minimum sentencing elicited stronger emotional reactions than thematic frames. Thus an examination of the Omar Khadr case can offer insights into shifting attitudes and conflicts in Canadian society regarding immigration and citizenship in a way that framing Canada’s Syrian Refugee Policy, for example, cannot.

Episodic frames are so influential because they carry “human interest details” that evoke more emotion and personalize issues more than statistics (Baum, 2003, p. 37). Specifically, episodic frames put a real and specific “face” on a political issue (Semetko & Valkenburg, 2000, p. 95). In the case of Omar Khadr, his story raised questions and set the stage for anti-Muslim policy items to move through Canadian parliament in the last five years. In 2016, for example, the Conservative government under Stephen Harper introduced Bill C-24, Strengthening Canadian Citizenship Act, which established that Canadian citizenship can be rescinded for dual

citizens who are convicted of terrorism-related offences. Bill C-24 became law on June 20, 2014, officially empowering the government to revoke the citizenship status of those dual citizens accused of “bad behavior” (Bahrami, 2016). The majority of those affected by this legislation are Muslim Canadians (The Canadian Press, 2015). While the Omar Khadr case may not have directly influenced this legislation, Khadr’s framing certainly reflects an increasingly divided Canadian political landscape.

Framing of Omar Khadr

Two frames govern how different groups responded to the Trudeau government’s payout, and Omar Khadr’s release on bail in Alberta. The first frame, referred to throughout the paper as the “social justice frame” is that Omar Khadr was only a child, whom the Canadian government failed to protect from detention in Guantanamo Bay. In 2002, Khadr’s father, being affiliated with Al-Qaeda, took him from Canada to Afghanistan to fight with the Taliban. Khadr was fifteen years old at the time. His case made the US the first western nation since WWII to try a prisoner for war crimes committed as a child. Social justice proponents emphasize that Khadr was smuggled into war against his will, and that he endured the harsh conditions of Guantanamo Bay as a child.

The second frame, referred to throughout the paper as the “counter frame” is that Omar Khadr is a terrorist, and as such should not be rewarded for murder. The counter frame, and one which gripped much of Canadian society, is that Omar Khadr was fully aware of his actions and actively engaged in terrorist activity. In paying him the settlement, the Canadian government not only allowed him to get away with his crime, but actively condoned terrorist activities. This counter frame was quite popular in Canada, paradoxically, given Canada’s relative supportive of

immigrants in comparison to the United States or Europe. The bulk of this paper will be spent exploring this frame, and the broader implications it has for Canadian politics and society.

While Omar Khadr has been written about extensively in the realm of human rights and law, the extent to which framing shaped the debate over his settlement and release on bail has yet to be fully investigated. An evaluation of framing effects throughout Khadr's court proceedings and in Canadian news outlets will, therefore, fill a gap in the literature surrounding the Omar Khadr case and its effect on broader policy.

Data Collection and Measurement

This paper involves a mixed-methods approach to analyzing the effects of both the social justice framing and counter framing effects on Omar Khadr. First, I employ a quantitative approach in which I analyze the frequency of various keywords associated with either frame, and track them through the ProQuest Canadian News Stream database, dating back to Khadr's arrest in 2002, until the present. Second, I qualitatively analyze a series of court proceedings, with a specific focus on Khadr's repatriation hearing at the Supreme Court of Canada in 2009. An analysis of court proceedings is valuable to this research not only because it has obvious impact on the case itself, but the adversarial nature of court proceedings allows framing effects to be even more salient. In these proceedings, I find that the defense frequently invokes the social justice frame, whereas the Canadian government relies on aspects of the counter frame. I have chosen to focus on this Supreme Court hearing because it captures a national and high-profile debate over Omar Khadr, rather than a lesser-known provincial hearing over the conditions of his detention in Alberta, for example. Third, I qualitatively analyze a set of images used by either sides of the debate, with a specific focus on the use of images in the counter frame.

Components of Frames

First, in conducting background research I was able to identify the relevant components of both the social justice and counter frames. For the social justice frame, proponents evoked Khadr's rights as a Canadian citizen, as outlined in the Canadian charter of rights and freedoms. Scholars raised that by leaving him in Guantanamo Bay, Canada ignored its obligation to protect Canadians abroad (Pardy, 2012). As argued by Audrey Macklin, "Canada effectively renounced its relationship to Omar as citizen" (2012) and only took him back under pressure from the Obama administration. Additionally, arguments within the social justice frame emphasize Khadr's age – 15 years at the time of capture – and the US government's insistence to prosecute him as an adult rather than a juvenile. Proponents suggest this is in disregard of the 1989 United Nations Convention on the Rights of the Child (CRC), as well as the 2000 Optional Protocol on the Involvement of Children in Armed Conflict (Capurri, 2016).

Another social justice argument is the likelihood that Omar Khadr is innocent, and did not throw the grenade that killed Sergeant Spear. Activists argue that Canada was in fact complicit in the detention of one of its citizens, as Canadian Security Intelligence Service (CSIS) agents were sent "to interrogate Khadr under the pretext of aiding him and then turned the contents of that interview over to the US" (Engler, 2012). Khadr himself maintains that he only pleaded guilty when he was first detained in order to escape the conditions of Guantanamo Bay and return to Canada. Figure 5 outlines the components of both the social justice and counter frames, as well as the driving logic behind each component.

(Insert Figure 5 About Here)

Those who argue the counter frame emphasize the severity of Khadr's crime, as well as the fact that he was supposedly radicalized at a young age by his father. His ability to allegedly kill an American soldier in the name of a terrorist organization, therefore, indicates that he is not

capable of reform, and a continued threat to Canadian society. This view reflects an increased sense of paranoia and suspicion in the post-9/11 period, particularly towards Muslim Canadians. Canadian scholars argue that the aftermath of 9/11 witnessed racism being “fundamentally reconfigured” so as to incorporate “ideologies of terrorism,” with the result that people profiled as Arabs or Muslims were expelled from the “circle of the nation” (Davis, 2012). This is consistent with scholars who theorize that the large majority of the Canadian public “knew [Khadr’s incarceration and mistreatment] was illegal and did not care” (Macklin, 2012). Canadian scholars posit that Muslim men have been represented as coming from a foreign culture that “produces individuals with an inherent capacity for violence” (Razack, 2008), who must, therefore, be surveilled and detained.

Others who argue the counter frame occasionally use geopolitics to support their arguments against Khadr’s repatriation and eventual release. They argue that Canada refused to protect its citizen due to a need to maintain good relations with the United States (Badhi, 2007; Khan, 2012; Pardy, 2012). Additionally, Khadr’s opponents not only believe that Canada should not have intervened on behalf of Khadr due to their political partnership, but because the United States is uniquely qualified to deal with terrorist cases. In his 2011 article, for example, Ezra Levant stated that “the United States, Omar Khadr’s jailer, hardly qualifies as a country unable to fairly dispense the rule of law.”

Along a similar vein, some Canadians focus on the victim, Sergeant Spear, and the extent to which Khadr’s repatriation, release, and eventual payment from the Canadian government is disrespectful to Spear’s family. Lastly, and of specific relevance to the 2017 settlement, Khadr’s opponents argue that Trudeau government’s \$10.5 million settlement was condoning terrorist activities, and signaling that they were weak on terror. It is noteworthy that while the \$10.5

million was, in fact, a court ordered settlement that the Trudeau government paid in order to prevent a lengthy legal battle in which they would likely lose. Those who argue the counter frame consistently use “payout” to refer to this settlement, in order to suggest that it was an enthusiastically made choice by the Canadian government.

Measuring Salience of Social Justice & Counter Frames in Canadian News Media, Legal, and Image-Based Discourse

1 Canadian News Media Discourse

In reading relevant articles, studies, and literature on the Khadr controversy, I identified a series of keywords corresponding to each component of the arguments within the social justice and counter frames. Figure 6 outlines the billion searches I developed to identify these components of the argument, and in order to run them through the ProQuest Canadian News Stream database, an archive of all Canadian publications. I have selected this archive because it captures a national perception of Omar Khadr, rather than one skewed by region. Notably, I am also able to capture when certain stories are published by multiple news outlets. One threat to internal validity in using historical archives to capture media coverage of a particular social issue is that certain publications may have only existed for a certain number of years, or they have not digitally archived all of their stories before a certain time period. By focusing on a time period between 2002 and the present, I am able to ensure that each publication I track has existed since 2002, and that they have archived publications since 2002. Figure 6 and 7 highlight the search terms I use in order to collect my data.

(Insert Figure 6 and 7 about here)

For each of these search terms, I include “Omar Khadr” as the initial term, to ensure that all ensuing hits correspond specifically to his case. In some of the searches, I refined my search

to ensure that my terms provided relevant and valid results. For example, in the child frame, I use the search term “underage,” but clarify that it is not related to drinking, as that would sometimes pull hits from other stories within the same newspaper. Additionally, the counter frame occasionally pulled some stories referring to the repatriation or treatment of other men who have been accused of terrorism. In order to ensure accuracy, I explicitly exclude terms such as “Jihadi Jack.” After running each of these search terms, I then organize them by date (2002 – 2018) rather than relevance in ensure that I encounter true hits. By tagging “Omar Khadr” as the initial search term for each frame component, I am able to filter out much of the irrelevant coverage. A potential threat to the validity of this approach, however, is that I rely on only English language coverage of Omar Khadr’s case, therefore limiting my results to the Anglophone regions of Canada. This is a potentially significant threat because the province of Quebec in particular has a notoriously fraught relationship with immigrants from Muslim majority countries, having recently introduced legislation to ban all religious symbols, including the hijab (New York Times, 2019). Further research is needed to evaluate the framing effects of Omar Khadr’s case in Quebec, given the cultural differences between English and French-speaking Canada, as well as Quebec’s specific relationship to their immigrant population.

2 Legal Discourse: 2009 Supreme Court Repatriation Hearing

In this section, I qualitatively analyze the salience and strength of the relevant frame components using the transcript from Omar Khadr’s repatriation hearing at the Supreme Court of Canada on Friday, Nov 13th 2009. The adversarial nature of court proceedings is helpful to a study on framing, because it forces the defense to rely on components of the social justice frame to directly combat the Canadian government, who relies on components of the counter frame. Allowing the two frames to interact in a such a format allows for a greater understanding of their

relative strengths in a legal setting, and thus fills a gap identified in conducting keyword searches through historical newspaper archives.

3 Image Discourse: Popular Images of Khadr

Images evoke powerful emotions, and can add weight to certain frames. While the effect of framing through images in politics is relatively understudied, visual cues can evoke powerful emotions. Specifically, in the context of the news, journalists use frames as “interpretive packages” that allows them to highlight certain components of a complex story or phenomenon to a reader (Entman, 1993). Images are so powerful, moreover, because they appear to reproduce and document reality in a more authentic way than other modes of communication, and the public may find them more trustworthy or powerful as written word (Messaris & Abraham, 2001). By evoking an emotional response that appears more authentic, a reader may in turn find these photos to be more persuasive (Iyer & Vanman, 2014). While text possess a clear structure for inferring meaning, moreover, images purposefully suggest meaning, and hold more interpretive room for viewers to extrapolate ideas or opinions about a certain event or person, even with limited information (Entman, 1993).

Using an episodic case such as Omar Khadr allows me to evaluate the role of images in contributing to both the social justice and counter frames. The extended sixteen-year time period in which Khadr has been followed by the news, moreover, allows for unique opportunity to analyze which images are mostly widely used by the media and courts to portray certain character judgements about Khadr. For this section, I draw on Canadian scholar Chris Lewis in his analysis of Omar Khadr’s representation through images in popular Canadian media discourse, as well as his court proceedings.

Discussion and Analysis

1 Findings from Canadian News Media

Figure 8 illustrates the salience of a variety of social justice frames in the coverage of Omar Khadr's case, beginning at his arrest in 2002, until the present. The figure illustrates a peak in stories that rely on the child frame around the years 2008, 2009, 2015, and 2017. These years correspond to significant events in Khadr's case, such as his two supreme court hearings in 2008 and 2009, his release on bail in 2015, and his settlement with the Canadian government in 2017. It is to be expected that the child frame is the strongest among each component, as the literature supports that children are seen as particularly vulnerable and worthy of sympathy, particularly because they lack brain development to regulate their impulse control (Steinberg, 2008).

What is interesting, however, is the comparative weakness of other frames that are of significant legal import in his case. The citizenship frame, while consistently the next strongest, reaches its greatest importance not during debates over Khadr's repatriation, a question fundamentally concerned with the legal obligations of a nation to its citizen, but during the CA \$10.5 million settlement in 2017. One potential explanation for this is that the child frame had "worn off" at this point; Khadr was a full adult at this point, and his critics maintained that he did not deserve the \$10.5 million settlement. Perhaps the increase in use of the citizenship frame was used to bolster the argument that his government failed him when he was uniquely vulnerable, and he has a right to sue them for failing to uphold his rights as a citizen. Whether he "earned" the settlement or not seems to be deeply connected to his status as a citizen, and this has interesting implications for non-citizens and the government's obligation to non-citizens.

(Insert Figure 8 about here)

The relative weakness of the innocence frame after 2010 is interesting, moreover, given its potential power as a mechanism of absolving Khadr of his previous crime. Coverage using the innocence frame peaks around 2009, corresponding to the time when Khadr states that he did not throw the grenade that killed Sergeant Speare and was coerced into confession by both American and Canadian interrogators as a child under the assumption that he would be able to return to Canada if he plead guilty. After this point, the innocence frame does not reach the same level of salience as either the child or citizenship frames, even given the potential redemptive power it offers in Khadr's story. One potential explanation for this phenomenon is that Khadr's name had become so deeply connected to his admission of guilt and experience as a prisoner in Guantanamo Bay that he was unable to confront that reputation, even upon claiming innocence. While the issue of overcoming perceptions of guilt among the wrongly convicted has been relatively understudied from a social science perspective to the best of my knowledge, it has been well documented that perception is stronger than reality (Stone, 1989). A perception of guilt, therefore, can be hard to undo. Of course, a potential lurking explanation for the weakness of the innocence frame is that Khadr has not been found innocent by the American military tribunal that is hearing his case. The fact that Khadr's innocence claim did not grab more attention in the media given the involvement of Canadian forces in his coerced confession warrants greater investigation into an understanding of the power of reputation and guilt.

Finally, the two most irrelevant frames are perhaps the most telling because they are both legally and culturally strong in theory. The debt-paid-off frame is powerful because it is a common argument associated with punishment and incarceration. People who have been incarcerated deserve a second chance only once they have "paid their debt to society," as the common argument goes. Even when Khadr has served thirteen years of his sentence, and an

Alberta judge found him to be suitably worthy of release in 2015, proponents of the social justice frame did not rely on the debt-paid-off argument. This has interesting broader implications about expectations regarding time served for high profile crimes, or crimes involving serious charges such as homicide or terrorism: there may be an expectation that no amount of time is sufficient in undoing the harms associated with these crimes, and thus it is a weak argument for social justice advocates to use.

Of potentially greatest interest is that the islamophobia frame is largely irrelevant until 2017 during the settlement with the Canadian government. Even at this point, it only peaks slightly, not meeting the two most powerful child and citizenship frames. Claims that the other side is only opposing a social justice movement because of racism is a powerful and widely used frame in a variety of social justice causes involving marginalized ethnic, religious, and racial groups. While islamophobia has certainly been rising in Canada throughout Khadr's period of detention and eventual repatriation, the argument may have been seen as relatively weak either because (a) it is not effective in rebutting the arguments made by proponents of the counter frame or (b) Canadians have not yet confronted the potential pernicious effect that racism may have on its multicultural ideals.

Figure 9 illustrates the salience of components of the counter frame used to refute social justice support of Khadr's repatriation, release on bail, and settlement from the Canadian government. Throughout this time period, the terrorist frame is consistently the strongest, which is expected. What is interesting about the terrorist frame coverage in the media, though, is that it only becomes powerful once Khadr is repatriated to Canada, not during the immediate aftermath of the time in which he had actually been involved in terrorist activity. One potential explanation for this trend is that Khadr was being held in Guantanamo Bay and therefore was not a threat,

because he was not released. In September 2012, Khadr was officially transferred back to Canadian soil, though he remained in custody until 2015. This explains the peak in coverage invoking Khadr as a terrorist, as proponents of the counter frame used the terrorist argument to express their opposition to Khadr's return to Canadian soil. This trend also raises broader questions about government responsibility and belonging among Muslim communities in Canada, as I will explore further in Supreme Court Arguments section of this paper.

(Insert Figure 9 About Here)

In general, there is relatively little opposition to Khadr before his repatriation hearings in 2008 and 2009. After 2009, the justice to victim frames and weak on terror frames become more popular, though not in comparison to the terrorist frame. It is in some ways surprising that the justice to victim frame is not more powerful, considering that Sargent Speare was a highly respected American soldier. This could be explained by the fact he was an American soldier, rather than Canadian, but may also indicate that the patriotism frame commonly associated with military involvement in the United States is not as powerful in Canada. While the few stories that rely in this frame are strong, relying on headlines like "Time for Khadr to pay up; Terrorist owes victims \$130M, lawyer says" (The Ottawa Sun, 2014), they reach their greatest popularity around 2017, the time of his settlement with the Canadian government. This peak suggests that while supporters of the victim may be able to tolerate repatriation to some extent, the idea that Khadr, or any defendant, should be "rewarded" under any circumstances, even in the face of human rights abuses, is deeply disrespectful to the victim and his family. One headline read "Khadr payoff a slap in the face to all who serve" (Cochrane Times-Post, 2017).

It is worth noting that there are generally fewer stories from the counter frame during Khadr's hearings before the Supreme Court. One potential explanation for this phenomenon is that proponents of the counter frame may be reactive in their political engagement. The threat of Khadr as a terrorist, and the perceived challenge that he poses to traditional Canadian values can only be activated once he becomes Canada's problem. I explore this further in the upcoming section on implications for Canadian politics.

In Figure 10, I overlay the two most powerful frames used to represent Khadr: the child and terrorist frame. This figure shows that while the child frame is initially strong, the terrorist frame soon overtakes it upon Khadr's repatriation in 2012. While the child frame becomes powerful again during the settlement in 2017, the strength of the terrorist frame, showing that it is almost as powerful as the child frame. Furthermore, the distinct shift in dominance from perceiving Khadr as a child while under American jurisdiction, and then a terrorist when placed under Canadian responsibility illustrates the key problem of Canadian multiculturalism: Canadians have sympathy for members of marginalized ethnic and religious groups when they are at their worst moment, as long as it is not Canada's responsibility to address their needs.

(Insert Figure 10 About Here)

While I make no claims that these simple indicators capture the entire story, I suggest that this research is a starting point for further research on growing Islamophobia in Canada, and the fragility of Canadian multiculturalism as a means of creating social cohesion and tolerance. I suggest that these stories capture some essential aspects of the debate over immigration and belonging in Canada. Some of the stories also reveal opportunities for further research. These range from the extent to which populist immigration policies are beginning to emerge in Canada, as illustrated by the headline "Our elites still weep for terrorists" (The Ottawa Sun, 2017), to

understanding how Khadr's opponents use his case to further other causes that may be counter to social justice movements. This phenomenon is illustrated by headlines such as "Canada rewards terrorists; Israel punishes them" (The Winnipeg Sun 2017) and "Why a murderer may have a better future than a #MeToo accused" (National Post, 2018). The prominence of Khadr's case is not only a result of a changing political landscape in Canada, therefore, but it may also be driving future policy and political movements.

2 Legal Discourse: 2009 Supreme Court Repatriation Hearing

During Khadr's repatriation hearings, the Canadian relies on components of the counter frame that were not as powerful among Canadian news sources (Appendix 1). In particular, they rely on the notion that the Canadian government does not have an obligation to intervene on Khadr's behalf. The attorney acting on behalf of the government is quoted as saying:

"In serious cases of alleged human rights abuse, [the Convention Against Torture] said the Government has nothing more than a duty to consider."

This quote highlights the general opinion of the government and the public towards Khadr; Canadian citizens deserve the protection of their governments, but the governments reserve the right to decide who they view as citizens, and who they view as outsiders. This strategy allows the government to shift the burden of intervention to the United States:

"The ultimate process against Mr. Khadr may be beyond Canada's jurisdiction and control. Thus, you are not the Court of competent jurisdiction to impose a stay of

prosecution, directly or indirectly, nor are you in a position to make voir dire-like determinations of the circumstances surrounding the taking of the statements, nor are you in a position to consider whether there has been undo delay in bringing him to trial. The Respondent must look to the US courts for those remedies.”

2 Framing Khadr through Images

Canadian scholar Chris Lewis critically analyzed photos and images used to support arguments about Omar Khadr (2019). He found that proponents of Omar Khadr would soften images of him, even lightening his skin, and opponents showed images of Khadr as menacing, wounded in combat or hunched in a courtroom. In the context of these images, the social justice frame relies on Khadr’s passport photo from when he left Canada to Afghanistan, converting it to elicit sympathy and highlight the “child frame.” Figure 11, for example, shows the poster ‘Bring Omar Khadr back to Canada’ from a human rights organization around his repatriation hearing in 2010. the passport photograph has been converted to a black and white photo, which Lewis points out has been overexposed to make him appear “several shades lighter than his normal skin colour” (pg. 481). Figure 12 similarly shows Khadr’s passport photo illustrated to resemble Jesus Christ, with a crown of thorns around his forehead and blood dripping down his face, and the caption “Fighting the War on Error” (2008).

(Insert Figures 11 & 12 About Here)

For the counter frame, opponents relied on illustrations of Khadr as a grown man in military court proceedings. Figure 13 depicts one such example, in which Khadr is hunched over, heavily bearded, and his skin darkened, with patches of red around his eyes. Depictions of him in such a way serve to make him look menacing, predatory, and seeks to counter the empathetic

response triggered by exposure to the child aspect of the social justice frame. In this photo, he looks remorseless and tense.

(Insert Fig. 13 about here)

Lastly, Khadr's opponents would occasionally use photos of him as a child to make their case, but only in the event that it absolved the American military of any wrongdoing, or served to make Khadr appear guilty. For example, Fig. 14 shows a commonly used photo of Khadr taken by the American military while in the warzone in Afghanistan. Khadr has been shot twice, and is unconscious. What is useful to the counter frame in this photo is not how small and childlike Khadr appears, but the open bag of medical supplies near his head, and the extent to which the American medical team is leaning over him, offering him the critical medical care he needs. According to Lewis, this photo furthers the American military's case that they did not act egregiously toward Khadr, rather fulfilling his basic needs and human rights.

(Insert Fig. 14 & 15 about here)

Lewis points out that Fig. 14 is, however, a misleading depiction of the condition in which the American military found Khadr. Fig. 15 illustrates the initial condition in which the American government located Khadr while he was unconscious: face-down in a ditch, thus explaining the dust covering his face in Fig. 14. During the course of battle, Khadr was actually shot by the American military through his back, not his front. Fig 15. supports the defense's case that Khadr was not even facing the battle, making it "more difficult to believe the rhetoric that Khadr was throwing a grenade and shot in the process" (Lewis, pg. 489). This photo, though not released by the American military until 2017, well after Khadr's repatriation hearings in 2010, lends support to the defense's theory that Khadr was not capable of throwing a grenade. Thus, Fig. 14 is useful for the American army because it suggests that it was more of a "fair fight" in

which Khadr was shot only because he was a violent threat, who had just killed an American soldier (Lewis, pg. 489).

Implications for Canadian Politics

The case of Omar Khadr is indicative of shifting attitudes among the Canadian public towards multi-culturalism in the wake of the war on terror, and documents rising fear and islamophobia nationwide. Multiculturalism first emerged as a Canadian ideal in 1971, when Canada became the first country in the world to adopt multiculturalism as an official policy (Hogarth & Fletcher, 2018). Under this policy, Canada has advertised itself as a cultural “mosaic” rather than a “melting pot” like its American counter-part. The promise of Canadian multi-culturalism was that high-skilled immigrants could come to Canada to take advantage of the work opportunities without having to assimilate into Canadian society, or abandon the key cultural values that they hold dear to them. Canada continued with its migration mission principally as a means of driving its economic growth during the 1970s, with plans to surpass immigrant intake numbers every ensuing year (Hogarth & Fletcher, 2018). The continued increase in immigrants to Canada, as groups of people specifically marked by their cultural differences from the rest of Canadian society, evoked questions of belonging. Hogarth & Fletcher suggest that the key question of who belongs, and how belonging is negotiated, beyond simply visa status was never formally addressed.

Although this wave of immigration first began in the 1970s, Canada’s Muslim population is still relatively new, with large scale migration from Muslim majority countries picking up in the 1990s from countries such as Lebanon, who were fleeing from civil war. Omar Khadr’s father was part of this wave of immigrants. Despite increases in the number of Muslim immigrants to Canada, Strabac and Listuagh (2008) have argued that Muslims were seen as more

of an outgroup, even by other immigrant groups who arrived earlier, potentially threatening job security and ways of life. By 2014, Statistics Canada estimated that the percentage of those identifying Islam as their religion was around 3 percent of the adult population across Canada.

Scholars on Canadian multiculturalism have argued that Canada's multicultural policy lead to ethnic marginalization and stratification, because it emphasizes difference and subverts social cohesion in Canada (Huntington 1993, 1996). This "clash of civilizations" set the stage for islamophobia policies and violence across Canada over the past decade (Wong, 2008). In 2006, Quebec introduced legislation attempting to ban people from seeking exemptions in schools, courts, and other public arenas based on religion. In 2013, furthermore, Quebec attempted to introduce a "Charter of Values" in 2013 that largely villainized the province's Muslim residents (Helly 2012; Mathelat 2015; Nadeau and Helly 2016). This rise in islamophobic legislation is not limited to Quebec, with fears over Sharia law flaring in Ontario in 2004, as well as the 2015 federal election debate surrounding veiling and face covering during citizenship swearing-in ceremonies (Wong, 2008). Finally, hate crimes against Muslim Canadians have flared over the past five years, with the Quebec City mosque shooting of 2017 forcing the issue of islamophobia into the arena for public debate.

Omar Khadr's case, and his increased portrayal in the news media as a terrorist after 2010 is not only a product of the racialized policies associated with Canadian multi-culturalism, but its prominence across Canadian media has helped to drive islamophobic policy and sentiment. Shneider & Ingram (1993) posit that social construction of certain people determines what type of policy intervention may be used to address their problems. Deviants, such as those who have been charged of a crime, are given burdens by the government, or are ignored altogether.

Categorizing Omar Khadr as a terrorist, while also capitalizing on rising Islamophobia in Canada, was the easiest way to absolve the Canadian government of responsibility towards him.

Ultimately, the case of Omar Khadr illustrates the boundaries of Canadian multiculturalism, demonstrating the policy's key failure to protect the very people it purports to value: Canadians have sympathy for members of marginalized ethnic and religious groups when they are at their worst moment, as long as it is not Canada's responsibility to address their needs. When Canada becomes implicated, the limits of Canadian compassion show, exposing its propensity to other and racialize its most vulnerable.

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Fig. 1 – Canadian Public Opinion on Omar Khadr’s Release on Bail, Angus Reid Study (May 2015)

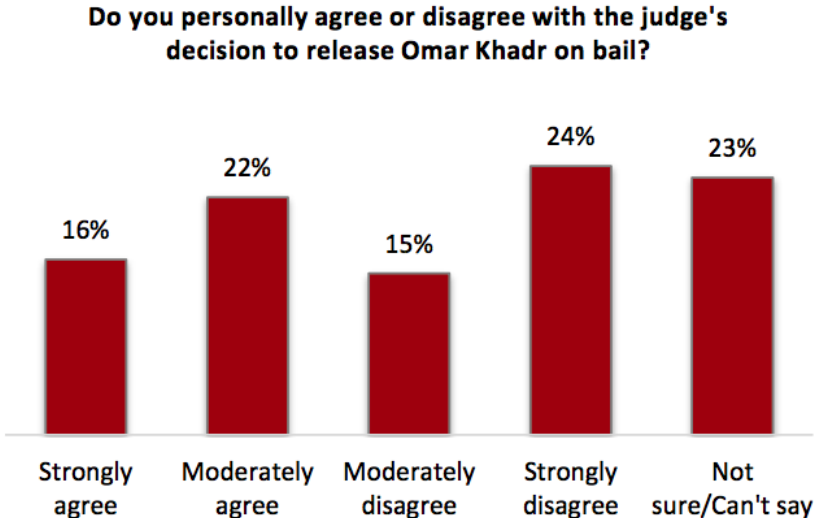


Fig. 2 – Canadian Public Opinion on Omar Khadr’s Release on Bail Across Provinces, Angus Reid Study (May 2015)

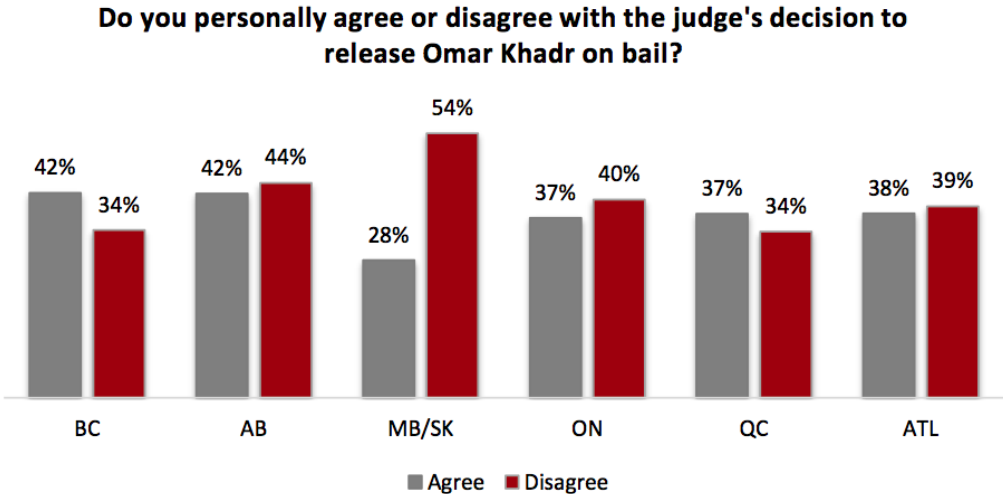


Fig. 3 – Canadian Public Opinion on Omar Khadr’s Release on Bail Across Political Parties, Angus Reid Study (May 2015)

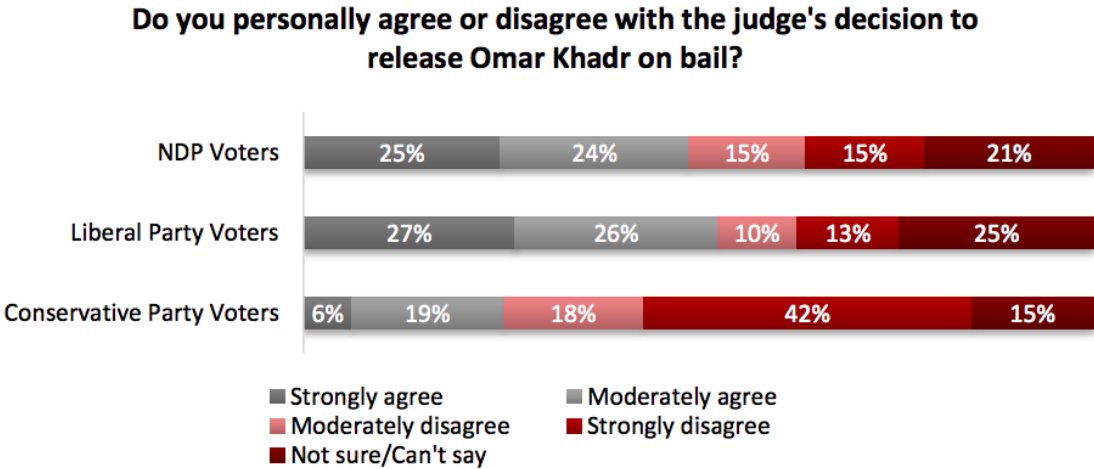


Fig. 4 – Canadian Public Support for Arguments in Omar Khadr’s Repatriation, Angus Reid Study (May 2015)

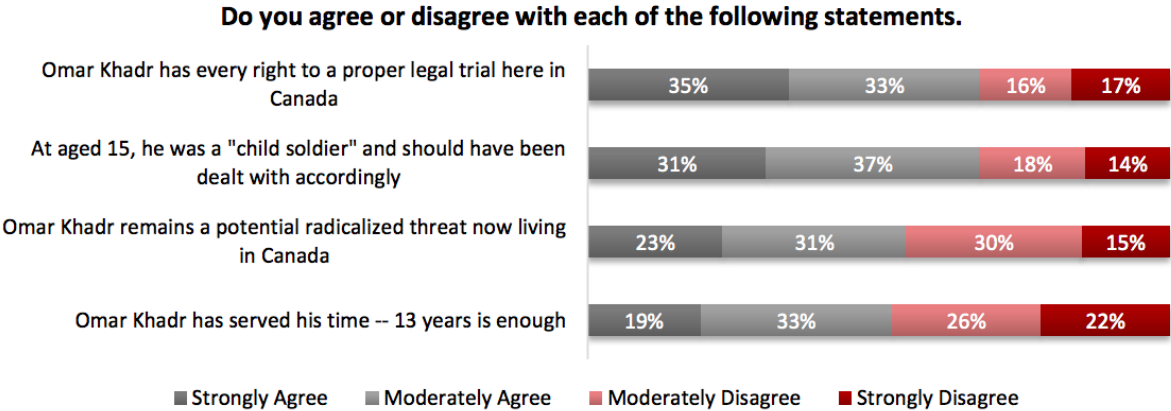


Figure 5. Social Justice Frame Components and Logic

Frame	Logic
Citizenship	Omar Khadr's rights as a Canadian citizen were not upheld while he was detained in Guantanamo Bay
Child	Omar Khadr was charged as a child, and is undeserving of harsh punishment he faced.
Innocence	Omar Khadr is innocent; he did not throw the grenade that killed Sgt. Spear, but was framed by the US government.
Islamophobia	Any opposition to Omar Khadr is a reflection of growing racism and islamophobia in Canadian society
Debt-Paid-Off	Omar Khadr has served enough time for what he was charged with, and does not need to be punished further.

Note: These searches were run on the results obtained after searching for Khadr-related stories through the search terms reported in Table 1.

Figure 5. Counter Frame Components and Logic

Frame	Logic
Terrorist	Omar Khadr is a danger to Canadian society and should not be released.
Geopolitics	The Canadian government was justified in not involving itself in Khadr's case because it needed to protect its close relationship with the United States.
US Jurisdiction	The United States knows best how to handle cases of terrorism, and Canada should not interfere in a crime that was committed against a US citizen.
Justice to Victim	Sgt. Spear and his family should get the justice they deserve in Khadr's incarceration and punishment.
Weak on Terror	In repatriating & paying Omar Khadr, the Canadian government demonstrates a weak commitment to fighting terrorism.

Note: These searches were run on the results obtained after searching for Khadr-related stories through the search terms reported in Table 1.

Figure 6. Social Justice Frame Search Terms

Frame	Search Terms
Citizenship	“Omar Khadr” AND (!citizenship OR “citizenship rights” OR rights AND “charter of rights and freedoms” OR “charter of rights” OR “fair trial” AND “rights as a Canadian” AND “duty to protect” AND NOT "Jihadi Jack")
Child	“Omar Khadr” AND ("only a child" OR “child soldier” OR "young child" AND (father w/1 forced) AND (underage AND NOT drinking) AND "prosecuted as a child" AND "detained as a child" AND "was smuggled" AND "rights of the child violated" AND "was only fifteen" AND NOT Norman AND NOT #MeToo)
Innocence	“Omar Khadr” AND (!innocent OR (!did not w/1 throw w/1 grenade) AND “coerced” OR “unlawfully questioned” AND "false confession" OR "arbitrarily detained" OR "right to counsel denied" AND NOT "Hassan Diab")
Islamophobia	“Omar Khadr” AND(!islamophobia OR !racialized OR !xenophobic)
Debt-Paid-Off	“Omar Khadr” AND (paid w/1 debt OR "punished enough" OR no w/1 further punishment OR served w/1 enough w/1 time OR "endured enough" or "13 years is enough" OR "served his time")

Figure 7. Counter Frame Search Terms

Frame	Search Terms
Terrorism	“Omar Khadr” AND (!radical AND “terrorist threat” OR “convicted terrorist” OR “war criminal” AND “security threat” OR "Jihadist threat" AND “national security threat” OR “islamist” AND !murder AND killer AND (danger to w/1 society) AND NOT "Jihadi Jack")
Geopolitics	“Omar Khadr” AND (“American ally” OR "American allies" OR "relationship with the United States" OR "American partners")
US Jurisdiction	“Omar Khadr” AND (“American counter-terrorism” OR “American experts” OR "American jurisdiction" OR "US jurisdiction" OR "US experts" OR "American military jurisdiction")
Justice to Victim	“Omar Khadr” AND ("justice to Speare" OR "Speare's family" OR “murdered” OR "killed in cold blood” OR “years not enough” OR "get away with murder")
Weak on Terror	“Omar Khadr” AND ("weak on terror" OR “terrorist payout” OR "pay terrorist" OR "payout to a terrorist" OR "condone terrorism" OR "support a terrorist" OR "free terrorist" OR "terrorist walks free" OR "Trudeau weak" OR "no consequences" OR "disgrace" OR "slap in the face")

Figure 8. Five Social Justice Frames on Omar Khadr

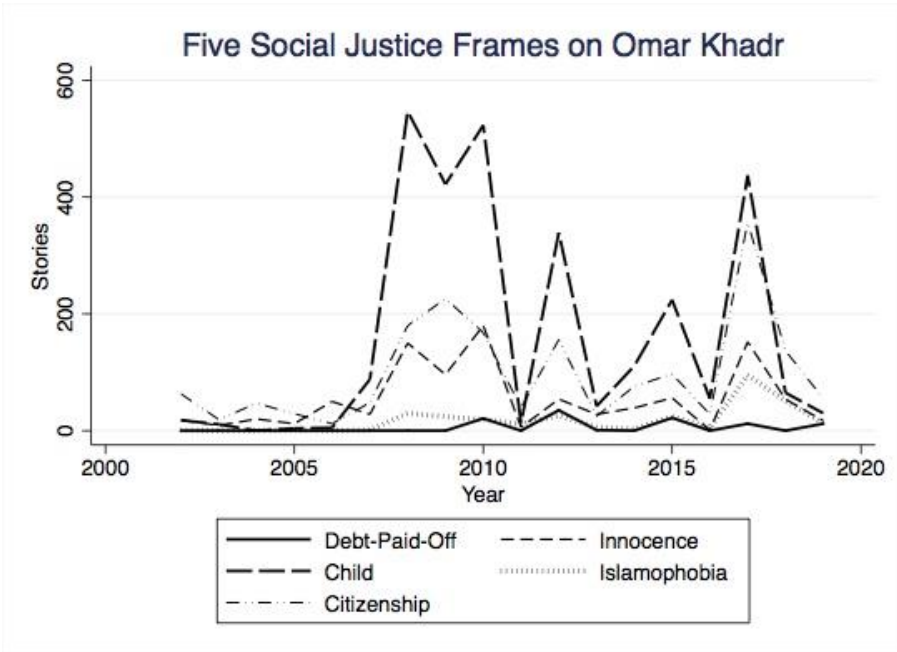


Figure 9. Counter Frames on Omar Khadr

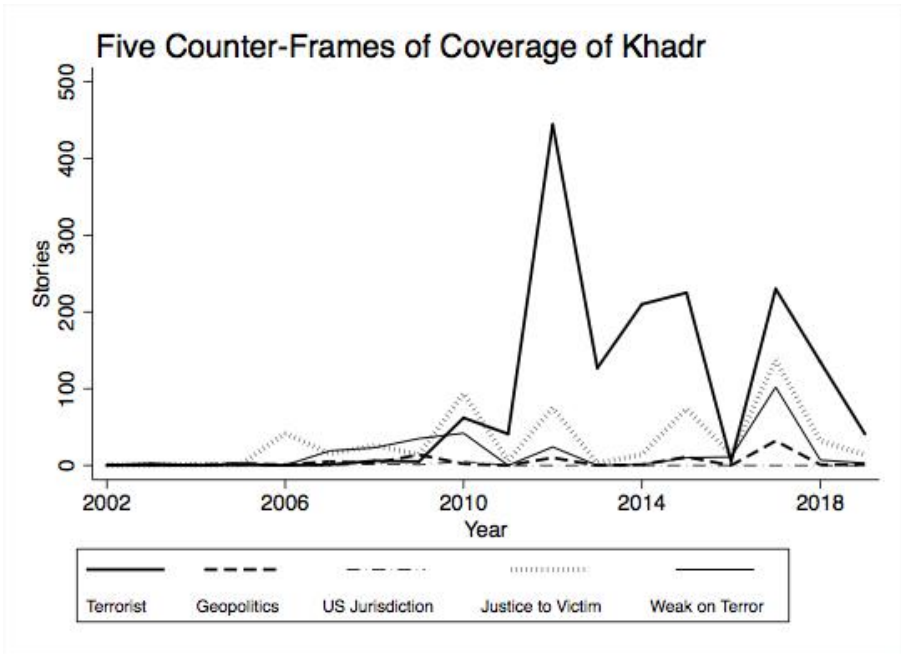


Figure 10. Terrorist v. Child Frames

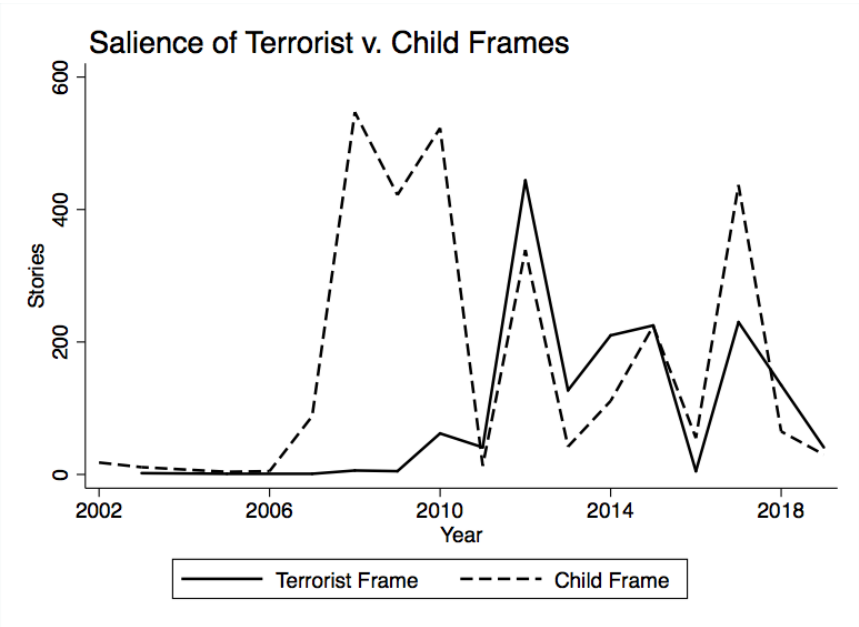


Figure 11. Human Rights Campaign Photo (2010)



Figure 12. Carter, R. (Artist). (2008, September/October) cover of briarpatch magazine.

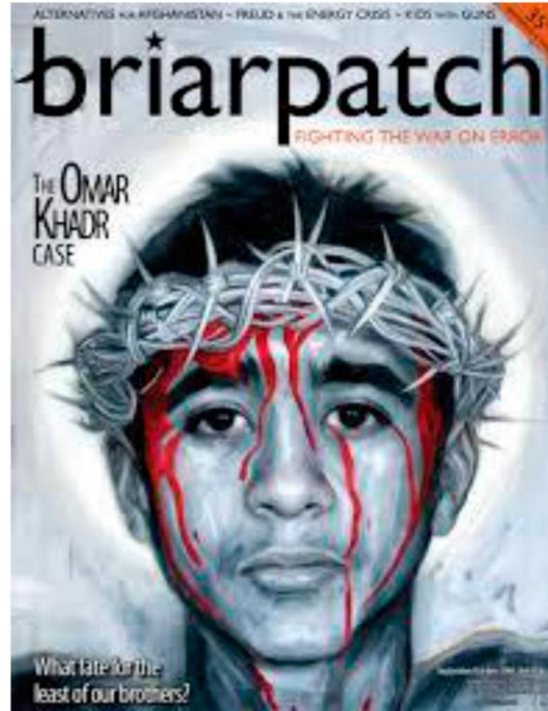


Figure 13. Hamlin, J. (Artist). (2010, October 10) Detail of Omar Khadr court sketch. Military approved image signed and cleared for public release.

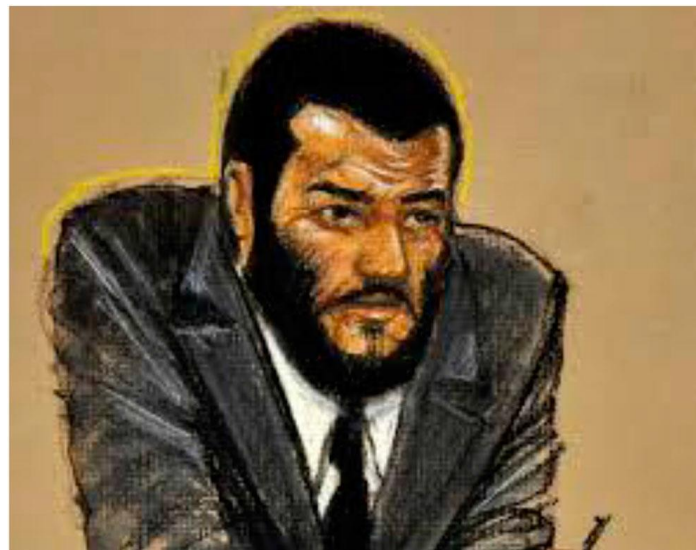


Figure 14. Photo Used in the Government’s Case Against Repatriation (2010)



Figure 15. Garossino, (2017) Later-Released Photo of Khadr’s Body When Found at Site



Appendix 1 – Supreme Court Data

SCC No. 33289, Prime Minister of Canada v et al. v. Omar Khadr
 Responding to President Obama’s executive order of Guantanamo’s Closing
 Appellant = Government
 Respondent = Omar Khadr
 Friday, Nov. 13th 2009

Proceeding Section / Speaker	Timestamp	Quote
Mr. Frater, for appellant	Pg. 1 -	<p>“Omar Khadr has the right to ask the Government of Canada to request his repatriation. The Government has the discretion to make such a request. Legal issues before you, however, is whether there is any legally enforceable obligation on the 18 Government to make such a request”</p> <p>“We are here today to ask you to recalibrate the balance struck by the lower courts, between the Court’s powers under the Charter and the executives in the conduct of foreign relations.”</p>
	Pg. 2 –	<p>“the courts have no more authority to order the Government to request the Respondent’s repatriation than they have the power to order the Government to recall the US ambassador in protest; or to order the Government to mass our war ships on the Baltic in support of such a request.”</p> <p>“State to State representation is an area in which the executive hold the full range of discretionary, under Section 9 of the Constitution; 1867. It is not for the courts to pick any single possibility from among the executive’s discretionary arsenal and demand that the Government pursue it.”</p> <p>“He has the same right than any other Canadian has to ask the Government to pursue his interest with another State. The Government has full discretionary to decide to pursue it or not. That is the constitutional answer.”</p>
	Pg. 5 –	<p>“Where the Government drew the line was on making a request for his repatriation, and the reason given was that it wanted to allow the process in the US to play out. That is a process involving serious charges: Terrorism and murder.”</p>
	Pg. 6 –	<p>“This is not a case where this is a one off sort of request and answer given. The steps taken by the Government on his behalf were many. They were regular and they were consistent . . . where Canada stopped was we did not agree with the request to seek -- to request his repatriation.”</p>
	Pg. 7 –	<p>“One of the conclusions that one could infer from this list of acts on behalf of the Government to attempt to assist Mr. Khadr is an ongoing acknowledgement that</p>
	Justice Abella, q for Appellant.	

Mr. Frater, for appellant	Pg. 8 –	<p>what was going on in Guantanamo was worthy of some form of intervention which took the form of these requests by the Canadian Government. Would it be reasonable then to say although these are positive acts on behalf of the Government, it doesn't explain why the next step in the face of the ongoing intransigence of the American Government to comply with these requests dealing with torture, detention, et cetera; why the next step isn't logically, in the face of that ongoing refusal, to then say -- to then make the request? (for repatriation)"</p> <p>"Even in International Law, the prohibition against torture, which is a peremptory norm of International Law, the position at International Law is that the State has a discretion to raise torture with another State. There is no -- there is no obligation at International Law; no mandatory obligation on the State."</p> <p>"The Government has chosen to give weight to the interest of the Americans to have a trial on serious charges."</p> <p>"So there was ongoing contact with Mr. Khadr in which we made a variety of further requests that his educational needs be looked at and other welfare-type things be done for him."</p> <p>"the ultimate process against Mr. Khadr may be beyond Canada's jurisdiction and control. Thus, you are not the Court of competent jurisdiction to impose a stay of prosecution, directly or indirectly, nor are you in a position to make voir dire-like determinations of the circumstances surrounding the taking of the statements, nor are you in a position to consider whether there has been undue delay in bringing him to trial. The Respondent must look to the US courts for those remedies."</p> <p>"All requests that are to be made to foreign States are matters of great diplomatic import. It is not simply trying to look at one request in isolation from the entire relations that Canada has with the United States."</p> <p>"In serious cases of alleged human rights abuse, [the Convention Against Torture] said the Government has nothing more than a duty to consider."</p> <p>"If we were the detainer, we would have full obligations, according to the protocol; but we are not. The obligations exist for the country that is dealing with them, if they are a party to that protocol. And if your contention is that that party is in violation of those obligations, go to their courts and enforce your rights."</p>
	Pg. 11 –	
	Pg. 12 –	
	Pg. 14 –	
	Pg. 17 –	
	Pg. 19 –	
	Pg. 21 –	

<p>Mr. Whitling, for Respondent</p>	<p>Pg. 31 –</p>	<p>“It was clear at this point in time that there were very serious illegalities that were going on in Guantanamo. And the Canadian Government knew or ought to have known that these violations were ongoing and they chose to participate in the system.”</p>
	<p>Pg. 31 –</p>	<p>“...the Respondent was a child at the time. He was 15 when he was first captured. He was 16 when he was first interrogated by the Canadians and 17 at the subsequent interrogations.”</p>
	<p>Pg. 31 –</p>	<p>“And indeed, in our submissions, and I think the Court of Appeal majority agrees with us on that point; we think that the interrogations themselves, even considered alone, constitute a violation of Section 7. And indeed we say it is more than that. It is a violation of Section 12.”</p>
	<p>Pg. 31 –</p>	<p>“What we do state is that when you have – quote, unquote – serious breaches of peremptory norms of International Law such as the prohibition against torture and the prohibition against arbitrary detention, when those violations are being committed against a child who is a Canadian citizen and who is conscripted as a child soldier, we say those are special circumstances which give rise to a duty to protect, both under International Law and under the Charter.”</p>
	<p>Pg. 33 –</p>	<p>“Yes, they were complicit. [The Canadian Gov’t] didn’t -- they weren’t the ones who captured Mr. Khadr; they didn’t first put him into this system and they didn’t write the rules governing the system, but they decided to step into that system and participate in it; to benefit from it; to share the benefits of that participation; and we say that is complicity.”</p>
	<p>Pg. 41 –</p>	<p>“They were told from the outset, from September of 2000 -- from February of 2003, by Mr. Khadr himself, that he had been tortured. He told them this over and over again, and they ignored it. So when you look at the judgments below, the courts below have found it sufficient to say: Well, prior to the March of 2004 interview, the Canadians were told about the frequent flyer program, and we agree that that is sufficient to ground a Charter violation, but we emphasize it was news at that point in time that Mr. Khadr was being abused, because Mr. Khadr had told them that repeatedly, way back in February of 2003, and they kept coming back for more interrogations.”</p>
	<p>Pg. 42 –</p>	<p>“So we say Canada certainly knew he was being arbitrarily detained. We certainly know he was being, having his right to counsel denied and so on and so forth. And they also certainly knew -- well, Mr. Khadr specifically told them he has been tortured in February of 2003.”</p>
	<p>Pg. 45 –</p>	<p></p>