

The Perpetrator as Victim: The Khadr Effect and Omar Khadr

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Abstract

The story of a young Canadian caught up in the world of International terrorism captured the attention and to some degree involvement of media outlets around the world. The person in question Omar Khadr was not even out of his teens when he was accused of killing an American military man. This action got him a place in the notorious extra-terrestrial prison at the Cuban port of Guantanamo Bay. He has languished there it seems indefinitely as the U.S. Authorities sought to send him to Canada while Canadian authorities tried to block his return. This is the story.

In the summer of 2002, a violent incident in Afghanistan thrust Canada into the “War on Terror” and ushered in a decade of disturbing legal and political implications. On July 27, a 15-year-old Canadian teenager named Omar Khadr was captured following a firefight with American soldiers in Afghanistan. He was treated for his injuries and kept in Afghanistan for three months. After that he was flown to Guantanamo Bay, Cuba and imprisoned there in the American detention camp for terrorism suspects. He was accused of killing American Sergeant Christopher Speer with a grenade ("Key events in the Omar Khadr case").

After a long and complex set of court cases at Guantanamo Bay, Khadr eventually pleaded guilty to various charges including war crimes. He was repatriated to Canada on Sept. 29, 2012 and transferred to Millhaven prison near Kingston, Ontario. ("Key events in the Omar Khadr case"). He will be eligible for parole in 2013 ("Khadr eligible for parole next summer").

The Khadr case is extraordinary on almost all levels. Khadr was a Canadian teenager in the middle of a war zone. He was found on the “wrong side” of the Afghanistan conflict. He was accused of war crimes. He was Guantanamo's “youngest prisoner and its last western detainee” (MacCharles and Shephard). From a media analysis perspective his case is also

unique and does not easily lend itself to common representational patterns of perpetrators or young offenders.

But Omar is also part of a much larger story. His case cannot be understood without looking at his family and specifically his father Ahmed Said Khadr. The actions of his father explain much of what happened to Omar. They also explain how Omar was represented through the news media. The force driving that representation is what academics and journalists have called “The Khadr effect” (Freeze A10). It will be defined in more detail below.

The media's treatment of Khadr also largely reflects the atmosphere that prevailed following the September 11, 2011 terrorist attacks. This paper argues that the media victimized Khadr because it passively acted under the assumptions of “the Khadr effect.” He was victimized in three ways: the media flouted legal and journalistic standards on naming minors and closely equated him with his family, it obscured his legal status behind confusing language, and it indicated the limits to which he can be rehabilitated. Those three themes will be integrated into a media analysis explained below. At the same time, this paper will explore the ways that the varying strength of the Khadr effect determined how the media represented Omar Khadr.

It is important to understand that this paper is not arguing that the media actively performed poorly at representing Omar Khadr and his struggles. To the contrary, many journalists performed well at portraying Khadr fairly in a complex and very singular situation. However, important perspectives and facts were missing from many media reports which ultimately did not serve his cause well.

Methodology

Numerous primary news sources were analyzed for this paper. The choice of

newspapers was confined to *The Canadian Press* wire service and such Canadian dailies such as *The Toronto Star*, *The National Post* and *The Globe and Mail*. A smaller number of articles from local papers such as *The Ottawa Citizen*, *The Hamilton Spectator*, and *The London Free Press* were also included in the analysis. *LexisNexis* and *Factiva* searches were used to find the articles.

Efforts were made to examine only weekday coverage of Khadr and to avoid editorials, columns and weekend stories. That was done under the assumption that hard news would in theory contain fewer opinions and more facts. But for the sake of accessing more perspectives, a small number of columns and Saturday articles were included. Four major periods were examined. The first was the September, 2002 coverage of Khadr's capture and initial detention in Guantanamo Bay. Khadr was captured in July, 2002 but news of his capture did not appear in the media until September, 2002. The second period was early June, 2007 when the military judge at Guantanamo Bay dropped the charges against Khadr on June 4, 2007. The third was the period from Khadr's guilty plea on October 25, 2010 until November 2, 2010. And the fourth period was from his return to Canada from Guantanamo Bay on September 29, 2012 until October 18, 2012. Those four periods were examined because they were among the most important dates in the Khadr affair. They were also periods when coverage of him peaked.

This paper is arranged into three sections corresponding to Khadr's capture, his time in court and his return to Canada. The three themes listed in the introduction fit into those three sections.

The Khadr Effect

Ahmed Said Khadr was born in Egypt and came to Canada in the 1970's. He worked as a computer technician with Bell Canada in Ottawa. Following the Soviet Union occupation

of Afghanistan, Khadr began doing charity work abroad with Muslim orphans.

But perceptions of Khadr eventually darkened as the years passed. He was suspected of cultivating a friendship with Osama bin Laden in the 1980's, of being involved in a bombing in Pakistan in 1995 and of channeling money to al-Qaeda (Freeze A10).

Khadr was arrested and imprisoned in Pakistan following the 1995 bombing. Prime Minister Chretien intervened on Khadr's behalf and he was released without charges in 1996. But, “members of the Khadr family drew the ire of Canadian officials after it was learned that Ahmed had links to al-Qaeda” (Knight and McCoy 290).

That “ire” transformed into the 'Khadr effect' – the public and government distaste for the Khadr family based on the historical dealings between the family and the government. This 'effect' was reflected in Canadian public opinion polls in which two-thirds of Canadians believed Omar Khadr would not receive a fair trial at Guantanamo, and yet only 43 percent of them wanted him repatriated to Canada for his legal proceedings (Knight and McCoy 291).

That effect correlates with the way the media covered Omar Khadr, as Sheema Khan explains, “the media and the government shied away from speaking on behalf of Omar due to his family’s notorious links to al-Qaida” (Khan 58). As time went on and more knowledge of Khadr's history and struggles at Guantanamo Bay emerged, the realization that he was a victim became more prominent in the media.

Capture

After Khadr’s capture on July 27, he was taken to the Bagram Air Base in Afghanistan where he was interrogated and treated for wounds sustained during the battle with American soldiers. But news of his capture did not begin appearing in the media until early September, 2002.

A *Reuters* release on September 5 leads with “U.S. forces in Afghanistan are holding a Canadian teenager, Omar Khadr, on suspicion of having killed a U.S. soldier in a combat operation in the country” (Palmer). Of 13 articles examined between September 5 and

September 16, all of them name Khadr and give his age, which was 15 at the time.

But as a 15-year-old Khadr was a minor, and yet he was named. Furthermore, his family was identified and linked with him in a way that immediately cast them in a negative light. The *Reuters* article mentioned above went on to add, “In an embarrassing twist, Canadian Prime Minister Jean Chretien happens to have intervened at a high level several years ago on behalf of the boy's father, linked by Washington last year to Osama bin Laden's al Qaeda group” (Palmer).

Such news would be extremely newsworthy no matter where in the world it happened. It would be very hard for any reporter to resist printing a story about a man suspected of terrorist connections and his teenage son caught in a military conflict. As Hayes explains, quoting Lacquer “It has been said that journalists are terrorists' best friends because they are willing to give terrorist operations maximum exposure...violence is news...and the media find in terrorism all the ingredients of an exciting story” (Hayes 135). But what about journalistic ethics and the law?

The Canadian government acknowledged early on that this case was unique. The Foreign Affairs Department was quoted in a *National Post* article on September 6 saying, “the situation in Afghanistan is a complex one and as a result, the principles usually followed when Canadians are detained in foreign countries in times of peace do not necessarily apply” (Alberts).

With regards to media ethics, *The Canadian Reporter* guide on journalism explains that “The Youth Criminal Justice Act requires that the news media not report the names of children or youths charged with a crime nor any information that might identify them. This almost always means the names of the parents and the address of the family also cannot be reported” (McKercher 237).

But Khadr's case raises the question of whether the law on naming minors applies in

such a rare and significant situation. Could there be justifications for suspending the law, such as concern for the safety of a minor in a foreign war zone? Perhaps publishing his name would have helped secure his release faster and attract attention to his cause.

The nature of the accusation against Khadr – that he killed an American soldier – also brings his case into a special realm. It is as if Khadr went from being “part of a news story to being part of a history book,” to use the metaphor of Swedish editor Martin Jonsson (Patterson and Fullerton 11).

The international and military character of Khadr's alleged actions further put him into a different category, comparable to that of murdering a public figure. The words of Dutch magazine editor Arenda Joustra apply here, “My view is that by killing a major politician you intervene in the public debate. Then your name should be in full” (Patterson and Fullerton 11-12).

It may have been unrealistic to expect that journalists could have withheld Khadr's name and family background. But identifying him and his family had consequences. Because Omar was in American custody as a “person under control” and the full story of the events of July 27 had not yet been released, journalists were left to fill in the context themselves (“Canadian teen held by U.S. military”).

The Khadr Effect Sets In

One consequence of publicizing the details about Khadr was that politicians added their own perspective on the affair which constructed and coloured public perceptions.

Stephen Harper, who at the time was leader of the Canadian Alliance, was quoted in the *National Post* article “Controversy grows over teen terror suspect.” Harper was said to be,

not concerned about the fate of the two Canadian teenagers. He said he was more worried about what the incident might say about Liberal government policies...The incident underlines the Alliance's concerns about 'Canada being a platform for activities that are dangerous to the Western alliance,' he said. Mr. Harper said the

Canadian Security Intelligence Service has issued reports claiming terrorist groups were active in Canada. There are significant security risks here.' Alexa McDonough, the NDP leader, urged the government to ensure the teen is given the protection of international law (Bell A1).

This excerpt is telling for several reasons. First, Harper is suggesting Canadians have reason to fear that terrorism is present. His lack of sympathy for the Khadr brothers is tied to that fear. Second, Harper's insinuation of terrorist activity in Canada marks terror as what Innes calls a "signal crime", a crime "'read' by the audience as a warning signal that something is wrong in society and some form of behavioral or cognitive adaptation is required" (Innes 52). In relation to Innes' definition, the problem with Canadian society in Harper's eyes is Liberal government policies that neglected to take adequate security measures. And the required adaptation is a tougher stance on security.

Third, the short, dull and predictable statement attributed to Alexa McDonough pales in comparison to the emotional impact of Harper's statements. If McDonough or any other politicians spoke out in support of more legal protection for Khadr, Stewart Bell did not quote them. Could Bell not find other official voices insisting on Khadr's legal rights? Harper's words were thus allowed to stand, and created a certain atmosphere of danger and disregard for Khadr.

Almost all articles analyzed in the capture period mentioned the al-Qaeda ties of Omar's father Ahmed Said Khadr and brother Abdul Rahman Khadr. But *The National Post* was particularly fixated on those Islamist connections. Three articles from September 6, 2002 stand out for concentrating suspicion on Khadr's family. Sheldon Alberts wrote the article "Ottawa seeks access to Canadian teenager: Suspected terrorist's son." And Stewart Bell wrote two articles titled respectively, "Canadian accused in Afghan shootout: U.S. detains Scarborough 15-year-old after one of its soldiers is killed: Older brother is also captured, had 'jihad' training" and "Al-Qaeda's Canadian Vanguard."

Bell's word choices of "jihad" and "vanguard" are not only striking, but imply

militaristic aggression and fundamentalist violence. And whether or not Khadr's brother did receive such “jihad training” in Afghanistan, the usage of that language deepens the association of the Khadr family with foreignness and terrorism.

“Jihad” is also a term that few Canadians understand except probably as a negative one. Brian Handwerk, writing in *National Geographic News*, writes that "jihad literally means 'exerted effort' to most Islamic scholars and Muslims, and represents a range of activities." He quotes Islamic author Maher Hathout who says that extremists have twisted the meaning of the word, ‘Both sides have been putting a spin on the text and using it out of context to justify their agendas’” (Handwerk).

One sentence from the “Vanguard” article singles out the father, Ahmed Said Khadr as a possible terrorist running from the law, “Mr. Khadr is one of a handful of Canadians who, since Sept. 11, have been identified as committed members of bin Laden's al-Qaeda network. Some of them have been arrested, either in Canada or abroad, while others such as Mr. Khadr are still on the loose” (Bell A1).

After going on to detail Khadr's suspected financing of terrorist bombing operations, Bell writes near the end of the article, “The case against Mr. Khadr is unproven and may in the end amount to nothing, as it apparently did with another high-profile al-Qaeda suspect from Toronto, Nabil al-Marabh, who was arrested shortly after Sept. 11 but has only been convicted of immigration violations” (Bell A1). But that caveat perhaps came too late, as Bell and others already listed enough alarming allegations about the Khadr family to plant deep mistrust in the minds of most readers.

A *Toronto Star* article encapsulates the public mood towards Omar at the time.

Thomas Walkom wrote that public sympathy for Khadr is low and that,

The rap on Omar seems to be that he is a terrorist from a terrorist family. His father can't be found. His 19-year-old brother, Abdul, was arrested in Afghanistan by Northern Alliance forces last November. And Omar himself was found fighting the Americans in Afghanistan. What other proof is necessary? A common refrain goes something like this: Toronto-born Omar has spent so much of his young life outside of Canada that he is not a real Canadian citizen and therefore deserves no help from this country (Walkom A29).

The damage the media inflicted on Khadr's reputation was probably not intentional. Canadian journalists found a set of disturbing characters who fit into a dramatic pattern involving Canada, Afghanistan and terrorism. But in so telling the story of Omar Khadr, journalists did little to engender concern for the 15-year-old who was by October, 2002 imprisoned in a facility at Guantanamo Bay, “not permitted to see a lawyer and was subject to torture by American authorities” (Khan 55).

Trial

Almost five years after Khadr had been captured in Afghanistan, media coverage was acknowledging the extremely difficult legal situation he was forced into at Guantanamo Bay. The “Khadr effect” was beginning to wane in its influence on journalists in that coverage was not as negative as before.

On June 4, 2007 military judge Col. Peter Brownback dismissed the murder charge against Khadr. One of the most obvious questions that emerges from the Khadr affair is how he could have been charged with murder in the first place. Fighters in a war kill each other, do they not? That question was not posed as much as it could have been in media coverage. What is even more fundamental is that Khadr was technically a child at the time, making him a child soldier.

Most newspaper coverage on June 4-5 does not address his status as a child. Indeed, the coverage in this period only obscures his status. An *Ottawa Citizen* article titled “Canadian in 'limbo' after terror charges thrown out at start of military hearing in Guantanamo” explained, “Mr. Khadr may have been legally fighting American forces under the laws of war, Col. Brownback said.” (Alberts) and as Sheldon Alberts remarked in “U.S. Wasted possible Khadr evidence,” new perspectives on Khadr were being publicized,

In Canada, opinion makers are increasingly viewing Mr. Khadr more as victim than villain. The emerging romanticized image of Mr. Khadr is that of a misguided child soldier who was indoctrinated into radical Islam by a terrorist father, got shot up in a free-for-all firefight with American troops, and was then deposited in a Caribbean gulag by a government intent on avenging 9/11 (Alberts A1).

What then, was Khadr's status? Was he a child soldier? A terrorist? Some reporters tried to define the complicated legal terms that the Bush administration used to classify Guantanamo detainees. For example, Tim Harper's article in the *Toronto Star* "Sent back to 'square zero'; Judge's ruling highlights 'serial bungling' by prosecutors, experts say" lays out three different classifications applying to detainees: "Those tribunals could come to two conclusions - 'enemy combatant' or 'no longer enemy combatant.' But the bill authorizing the commissions, signed by U.S. President George W. Bush last year, gave the commissions jurisdiction only over 'alien unlawful enemy combatants' (Harper).

To confuse matters even more, "Peter Brownback dismissed all charges against Mr. Khadr because the Pentagon had failed to establish the 20-year-old detainee was an 'unlawful enemy combatant'" (Roberts A1). In so employing the legal framework offered by the American government, the focus was too narrow and legalistic and hence confusing. Such language did not help Canadian readers understand Khadr's legal problems.

Ten of the fourteen articles from the early June, 2007 period quote and attempt to deal with Khadr's "enemy combatant" status. Only two articles note his possible status as a "child soldier" ("Khadr needs lawyers" and "It's time to step in"). That is not to imply that the journalists in this period accepted the legitimacy of "enemy combatant." Rather, it implies that they did not incorporate enough sources that could bring more understanding to Khadr's case.

Ironically, the explanation of a navy military lawyer -- Lt.-Cmdr. William Kuebler -- provides some clarity. Kuebler explained that the Bush administration, "created this concept of 'unlawful enemy combatant,' which was unknown both in international law of armed

conflict and...the United States' understanding of the armed conflict before 9/11, and it essentially says that anyone in Afghanistan who resisted the U.S. invasion was guilty of a war crime” (Shephard 216).

The fading Khadr effect

It took Khadr’s guilty plea three years later to shed more light on his status. On October 25, 2010 Khadr pleaded guilty to murder and terrorism. The language used in media coverage of his guilty plea noticeably shifted. Of the 21 articles analyzed between October 25, 2010 and November 2, “terrorist” was associated with Khadr eight times but “enemy combatant” was tied to him only once. The growing realization of his actual status was reflected in coverage as well: “child soldier” was used to describe Khadr seven times in this period.

Some articles continued to link Khadr with al-Qaeda but a significant number focused attention on the injustice of his case. In Michelle Shephard’s “Omar Khadr: Deal or No Deal?” she wrote, “Washington is reportedly eager to settle the case to avoid a trial of someone who was 15 at the time of his alleged crimes, making him a child soldier under international law” (Shephard A14).

Evidence that more Canadians recognized the need to rehabilitate Khadr also surfaced. *Canadian Press* reporter Colin Perkel, writing on October 28, noted that an English professor from Edmonton named Arlette Zinck “had corresponded with Khadr, and would back his enrollment in the Christian school, if he applied for entry” (“I’m really really sorry for the pain”).

The Khadr effect was showing signs of fading in places but not within the Conservative Canadian government. Retired Canadian general and senator Romeo Dallaire criticized the government, saying it had “‘acquiesced’ in the military trial - which denies

normal rights of due process – ‘in response to the panic that 9/11 created’” (“Trial a travesty, reverses progress on child soldiers”).

But in spite of some indications that public opinion was changing and media showing a more nuanced picture of Khadr’s case, other indicators demonstrated that change was very slow. An Ipsos Reid poll described in “Canadians split about welcoming home Omar Khadr”, conducted for *Postmedia* showed that “49 per cent of the population did not want the Toronto-born Khadr, who confessed to the 2002 killing of a U.S. soldier in Afghanistan, to serve any part of his sentence in Canada.” (DeSouza). The article went on to add that “only 25 per cent believe Khadr should serve all of his sentence in Canada, while 26 per cent believe he should serve some of it in this country. It adds up to 51 per cent who believe he should be repatriated” (DeSouza). “The panic” of 9/11 that Dallaire mentioned above and negative media coverage meant that in 2010 public opinion was not yet favourable towards the idea of Khadr’s return to Canada. He would have to languish in detention in Guantanamo Bay for another two years.

Return To Canada

On September 29, 2012, Omar Khadr, by then 26-years-old, was flown back to Canada and “immediately whisked off to a maximum-security facility in eastern Ontario” (“Convicted war criminal Omar Khadr 'very happy to be home’”). His sentence at Guantanamo was finished and he was to serve the rest of his time in Canada.

In Colin Perkel’s article “Omar Khadr eager to be normal Canadian”, he wrote that one of the first things Khadr asked his lawyer was “whether he could get a pen and paper so he could carry on his studies” (Perkel). Armina Ligaya also touched on Khadr’s motivation for learning, quoting his co-counsel John Norris, “Mr. Khadr has been a ‘model inmate’ and has shown a ‘thirst for knowledge and ability to get along with people’” (“Khadr has ‘excellent’ case for parole”).

The Khadr Effect: Diminished But Still Present

Though the Khadr effect might have waned insofar as journalists were willing to humanize Khadr to a degree, public figures and journalists still made it clear that Khadr was an Other. Public Safety Minister Vic Toews, ignoring the limited responsibility that Khadr had as a minor in 2002, said that "Omar Khadr is a known supporter of the al-Qaida terrorist network and a convicted terrorist" ... Toews also said Khadr idealizes his late father - a purported high-ranking al-Qaida financier - while his mother and older sister 'have openly applauded his crimes and terrorist activities'" ("Convicted war criminal Omar Khadr 'very, very happy to be home'"). The Khadr effect was evidently still active on Toews.

In the minds of others, Khadr was seen as someone almost beyond rehabilitation. In her article "Back in Canada, Khadr craves normalcy that may never come", Natalie Stechyson quotes University of Ottawa professor Errol Mendes who said Khadr will "always" be subject to "some kind of surveillance... people will just be trying to figure out what he's up to" (Stechyson).

And a *London Free Press* article "Rehabilitating violent extremist a challenge for Corrections, too," stated that it will be a "rare chore for corrections officials...to rehabilitate a violent political extremist" (Ferguson B1). Ferguson's language describing Khadr, like that of Toews', suggests that the Khadr effect was still active in his mind. His language is also inaccurate. How could a Khadr as a 15-year-old have been responsible enough to be labeled a "violent extremist"?

Khadr's crimes and their reception to Canadians are examples of what Greer and Jewkes call "exceptional offenses." And as such that makes him a unique kind of outsider:

media representations of exceptional offenses construct the 'outsider' status of perpetrators as unequivocal and incontestable. These deviants are the 'others' with whom we share the least in common... They are offenders with whom we actively

establish and outwardly maintain the greatest distance (Greer and Jewkes 20).

Omar Khadr's imprisonment in Cuba has ended and he is back in the country of his birth. But though he is here physically, he is still not yet fully welcome in the Canadian community. The Khadr effect will likely diminish in the years to come but few Canadians are likely to forget Khadr's status as an Other which could still haunt him in the future.

Conclusion

The news of Omar Khadr entered into the Canadian consciousness at a time when terrorism and the war in Afghanistan were making headlines and raising tensions. But just as it entered the public realm it collided with government embarrassment over its history with the Khadr family. That embarrassment manifested as a reluctance to deal with the serious legal issues around Omar Khadr and became known as "the Khadr effect."

Journalists fell under this effect as well and tended to equate Omar's alleged actions with those of his family. While they did that, the public was left in the dark as to what was happening to Omar. But as the Khadr effect began to diminish, reporters were able to view Omar more independently, although still not clearly. As more information came out and the effect diminished even more, journalists were able to present a more sympathetic representation of Omar.

Once Omar was back in Canada, the media was largely accepting that it was time to move on and correct legal injustices. But as the comments of Vic Toews and others demonstrate, there is still a long way to go. Focusing specifically on the Khadr effect, it manifested itself in four ways. First, it began as an expression of government embarrassment after Ahmed Said Khadr was believed to have al-Qaeda connections. Second, that embarrassment transformed into a lack of concern for Omar Khadr's legal rights after he was arrested, imprisoned by American military authorities and later transferred to Guantanamo

Bay, all in a set of locales where American authorities had questionable legal jurisdiction. That lack of concern was reflected in the news media in the types of questions it asked and failed to ask in its coverage of Khadr.

Third, journalist's treatment of Khadr was done under an atmosphere of post-9/11 “panic”, alluded to above in the comments by retired general Romeo Dallaire. Journalists tended to write stories equating Khadr with al-Qaeda terrorism more often than they wrote stories scrutinizing the complex legal and international circumstances in which Khadr had become entangled. Fourth, a combination of Conservative government neglect of Khadr's legal rights and media obscuring of Khadr's actual legal status magnified the Khadr effect on the Canadian population, as reflected in public polls mentioned above.

For the most part, journalists were not directly responsible for transmitting the Khadr effect, yet they did – often unwittingly – express ideas and report facts under the mood of post-9/11 tension. In that sense, the case of Omar Khadr is not unique. Journalists work under tight deadlines and when reporting news, do not always have ready access to experts in a given field who can offer dissenting perspectives. In reporting what their sources tell them, it is difficult for journalists to avoid repeating language used by official sources such as “terrorist”, “al-Qaeda” and “fundamentalist” while at the same time devoting equal space to language that challenges those labels.

The words of *Toronto Star* reporter Michelle Shephard serve as an instructive conclusion and a caution to Canadians:

Omar's case speaks to Canada's relationship with the United States. The fact that the Canadian federal government and the public have never been able to separate Omar from his family has left Canada standing virtually alone in its support of Guantanamo Bay, while other Western governments have condemned the prison and managed to bring their citizens home. The silence also means a Canadian teenager has been interrogated, abused and jailed in conditions worse than those afforded convicted rapists and murderers. Canada has lost the moral high ground we once enjoyed (Shephard xiv-xv).

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