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COMMENTARY

A Terrorist's Big Payday, Courtesy of Trudeau

Canada's prime minister hands millions to Omar Khadr, whose victims may not be able to collect.



Canadian Prime Minister Justin Trudeau at the White House, Feb. 13. PHOTO: AGENCE FRANCE-PRESSE/GETTY IMAGES

By Peter Kent

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Ottawa

Omar Khadr pulled the pin from a grenade and tossed it at Sgt. First Class Christopher Speer, a U.S. Army Delta Force medic, on July 27, 2002. Those are the facts to which Mr. Khadr, a Canadian citizen, confessed when he pleaded guilty before a Guantanamo Bay war-crimes commission.

For several years Mr. Khadr had been living and training with al Qaeda in Afghanistan under the tutelage of his father, Ahmed. The Khadr reportedly lived in Osama bin Laden's Kandahar-area compound.

Speer died of his wounds 1½ weeks after the attack, which left another soldier, Sgt. First Class Layne Morris, partly blind. Mr. Khadr, badly wounded, was treated and transferred to the Cuba base. In 2012 the U.S. returned him to Canada to serve the remainder of his eight-year sentence.

Mr. Khadr was just shy of his 16th birthday at the time of the attack. In 2010 Canada's Supreme Court held that the interrogation of Mr. Khadr at Guantanamo Bay by Canadians in 2003-04 violated Canadian standards for the treatment of detained youths. These violations occurred during the mandates of Liberal Prime Ministers Jean Chrétien and Paul Martin. The Supreme Court left it to the government, then headed by Conservative Stephen Harper, to determine an appropriate remedy, and to the civil courts to rule on any damages.

A few months later Mr. Khadr entered his guilty plea on five war-crimes charges. He was sentenced to 40 years in prison, reduced by pretrial agreement to eight years. The Harper government determined that returning Mr. Khadr to Canada would be the appropriate remedy. In 2012 he was repatriated to serve the remaining years of his sentence. He was released on bail in 2015.

Mr. Khadr wasn't satisfied. He sued the Canadian government for 20 million Canadian dollars (about US\$16 million at current exchange rates).

Meanwhile in Utah, Sgt. Speer's widow, Tabitha, his two young children and Mr. Morris sued Mr. Khadr and received a judgment for \$134.1 million in damages. Their goal was to preserve possible future action against Mr. Khadr's assets—at the time a remote possibility.

But last week Liberal Prime Minister Justin Trudeau issued a formal apology to Mr. Khadr and a massive cash settlement, though no court had ordered him to do so. Mr. Trudeau refuses to disclose the amount of the settlement, but leaked reports peg it at C\$10.5 million. That's an extravagant sum in the Canadian justice system, which is much more restrained in awarding damages than U.S. courts.

Mr. Trudeau knew there was an outstanding judgment against Mr. Khadr in Utah. An insider told the Canadian Press wire service that Ottawa rushed the payment to Mr. Khadr to dodge compliance with the Utah judgment. The Speer family and Mr. Morris had filed for an injunction June 8 to enforce the Utah judgment in Canada. The Trudeau government had the money out the door before their petition could be heard in court.

Last week the Speer family filed an emergency injunction to freeze Mr. Khadr's assets. On Thursday an Ontario judge denied the request, describing it as "extraordinary." Had Mr. Trudeau waited for a court ruling, the Speers' claims could have been adjudicated without extraordinary measures. The prime minister's choice thus undermined the Speer family's legal options.

Mr. Trudeau's actions are an affront to the memory of Christopher Speer, to Tabitha Speer and her children, to Layne Morris, to our U.S. allies, and to all men and women in uniform. This payout was a cynical subversion of Canadian principles. Mr. Trudeau made Omar Khadr a millionaire, and he didn't have to.

Mr. Kent is a member of the Canadian Parliament and official opposition critic for foreign affairs.

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