

THE CANADIAN BAR ASSOCIATION  L'ASSOCIATION DU BARREAU CANADIEN

August 12, 2007

The Right Honourable Stephen Harper P.C., M.P.
Prime Minister of Canada
Langevin Block
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister:

I am writing on behalf of the Canadian Bar Association to urge you to negotiate with the U.S. government the release of Canadian citizen, Omar Khadr, from Guantanamo Bay. Khadr should be released into the custody of Canadian law enforcement officials, to face due process under Canadian law.

Khadr was 15 years old when he was captured by U.S. forces in Afghanistan in 2002. He is alleged to have thrown a grenade, killing a U.S. special operations officer, and was categorized by the U.S. military as an "enemy combatant." He was transferred to Guantanamo Bay and now has been detained there for five years without trial.

In an April 2006 letter, the CBA urged you to condemn the failure of the U.S. to meet the underlying principles of the Rule of Law through its detention of "enemy combatants" at Guantanamo Bay. We remain convinced that the procedures for holding detainees, including denial of due process and the interference with privileged communications with their solicitors, constitute an affront to the Rule of Law.

The fact that Omar Khadr was a minor at the time of his capture only makes his situation more urgent. As a signatory to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Combat, Canada has an obligation to ensure that the Protocol is being applied to its citizens.

Canada is the only Western country with a citizen still detained at Guantanamo. Both Australia and the U.K. acted to repatriate their detained citizens. It is not enough to accept assurances from the U.S. government that "due process" is being followed. This situation demands immediate action on behalf of the Canadian government.

Thank you for your attention to this matter. I look forward to an early response.

Yours truly,

(original signed by J. Parker MacCarthy, Q.C.)

J. Parker MacCarthy, Q.C.

cc. The Honourable Peter MacKay, P.C., M.P., Minister of Foreign Affairs