

June 14, 2007

The Rt. Hon. Stephen Harper, PC, MP  
Prime Minister of Canada  
Ottawa, Ontario

Dear Prime Minister Harper:

The undersigned call upon the Canadian government to intervene in the case of Omar Khadr, the Canadian detained by the United States military at Guantánamo Bay since 2002. Now 20, Khadr was apprehended when he was 15 years old and has spent a quarter of his life in US detention.

Khadr has twice been brought before military commissions in Guantánamo – and twice the charges have been dismissed. In June 2006, the first case against him was dismissed when the United States Supreme Court declared the entire commission system set up by President Bush unlawful. Only days ago, the charges brought against him under the new Congressionally-authorized military commissions were also dismissed when the judge determined the commissions did not have jurisdiction to hear the case. Khadr has now been returned to detention without charge as the United States government tries to decide what to do next. Just prior to these events, a US government official declared that even if Khadr were acquitted of all charges against him, the United States could detain him indefinitely anyway. That same official also added that Canada has initiated no discussions with the United States over the transfer of Khadr from Guantánamo Bay to Canada.

The military commission's dismissal of charges against Khadr confirms our apprehension that the process devised by the United States to try detainees is fundamentally and irreparably flawed. Our concern about the unfairness of this ad hoc regime at Guantánamo Bay is underscored by the fact that the military commission is authorized to try only non-US citizens. If the system is not good enough for Americans, it should not suffice for Canadians either. We do not believe that Canada should remain silent while the US subjects a Canadian citizen—especially someone who was a minor when first detained—to such a process.

Every other ally of the United States, including the United Kingdom, France, Germany and Australia, has acted to protect their citizens detained at Guantánamo Bay. Each of these states has succeeded in repatriating its citizens and, in the case of Germany and the UK, permanent resident non-citizens. In all cases except that of Australian David Hicks, the country of citizenship undertook to investigate whether its citizen had committed any war crimes, crimes against humanity, or violations of domestic criminal law.

We urge the Canadian government to follow the precedent of other US allies and insist on the repatriation of Khadr. Like these states, Canada must assert its sovereign interest by providing diplomatic protection to its citizen. We are confident that the Canadian justice system is competent to adjudicate the appropriate legal consequences for Khadr, bearing in mind his age at the time the alleged acts occurred.

We are aware that, setting aside any of Khadr's own actions, the notoriety of his family makes him unsympathetic in the eyes of some. But it is plainly unjust to punish the son for the sins of the father, or to deny a citizen the protection of his government because of the words or deeds of family members. Passively allowing the travesty at Guantánamo Bay to continue not only deepens the damage done to Khadr, it also does a disservice to all those Canadians who, when abroad, expect their government to exercise its full influence in securing their proper treatment. Canadians rightly pride themselves on their global commitment to fair play and human rights. That commitment must now be brought home to Canada. And that means bringing Omar Khadr to Canada.

Yours truly,  
The Undersigned.

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