

Re: The Right Honourable Stephen Harper
Prime Minister of Canada
To: Office of the Prime Minister
80 Wellington Street
Ottawa, ON
Canada
K1A 0A2

Date: 10 October 2007

Your Excellency,

I am writing as the past chairman of the UN Committee on the Rights of the Child (2001-2007) to express my deep concern regarding the on-going detention of Omar Khadr at Guantanamo, and the fact that the treatment of this Canadian citizen constitutes serious violations of the rights enshrined in the UN Convention on the rights of the child. I urge your government to actively seek his release and return to Canada.

As you know, Omar Khadr, was apprehended in Afghanistan by US forces in July 2002. He was 15 years old at the time of his apprehension. After detention and interrogation in Bagram he was transferred to Guantanamo prison where he now has stayed for approximately 5 years.

Let me, on the basis of the available information, mention some of the most serious violations of Omar Khadr's rights under international law:

- . Omar has been deprived of his liberty for more than 5 years and kept in solitary confinement for long periods of time and otherwise housed with adult detainees.
- . Omar has been interrogated hundreds of times in a manner which his lawyers claim rise to the level of torture. Your government concluded that Omar's allegations of abuse are consistent with these made by released detainees.
- . Omar has not been provided with any meaningful opportunity to challenge the legality of the deprivation of his liberty before a court or other competent independent and impartial tribunal.
- . Other than brief, censored letters, Omar's only contact with his family was a brief phone call in March 2007.
- . Omar has not received educational instruction or age appropriate recreation while at Guantanamo.



All the above constitutes serious violations of the rights of the child and other international standards for the treatment of prisoners. I refer to article 37 and 40 CRC, article 9 and 10 ICCPR, article 1 and 2 CAT, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules 1985), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules 1990), The Standard Minimum Rules for the Treatment of Prisoners and to General Comment No 10 (February 2007) of the UN Committee on the Rights of the Child on Children's rights in Juvenile Justice.

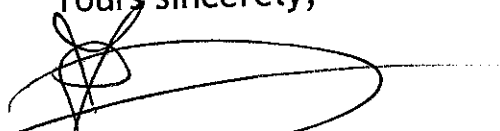
Omar now faces charges before a military commission system that makes no specific provisions for the treatment of persons who were under age 18 at the time of the alleged offences and that is widely criticised for its lack of due process protection. In addition: it is the widely accepted rule of international human rights law that persons who are accused of war crimes committed at the time they were under 18 are not brought before courts or similar bodies established for dealing with these crimes (art. 26 Rome Statute of the International Criminal Court). These children should be dealt with under special rules of juvenile justice in accordance with the CRC and related international standards.

Finally I would like to note with appreciation that your government has ratified the Optional Protocol to the CRC on the involvement of children in armed conflict and that it did submit its initial report on the implementation of this protocol. In its Concluding Observations presented to your government after the examination of this report the UN Committee on the Rights of the Child made among others the following recommendations (2 June 2006):

"The Committee recommends that the State Party ensures that - when detained persons under the age of 18 captured in areas of armed conflict are transferred to other national authorities - this transfer occurs only as long as there is a reason to believe that their human rights will be respected and as long as the State Party is satisfied that the receiving State is willing and able to apply the Geneva Conventions"

In the light of the above I urge your government to undertake all necessary measures for the release of Omar Khadr from Guantanamo and his return to Canada, the country of his citizenship.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive name that is difficult to decipher, followed by a horizontal line.

Jaap E. Doek
Former Chairperson of the UN Committee
on the Rights of the child (2001-2007)

cc:

The Honourable Maxime Bernier, P.C., M.P.
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