



The Right Honourable Stephen Harper
Prime Minister of Canada
Langevin Block
Ottawa, Ontario
K1A 0A2

The Honourable Lawrence Cannon
Minister of Foreign Affairs
Foreign Affairs and International Trade Canada
Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario
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August 17, 2009

Dear Prime Minister and Minister Cannon:

Re: Omar Khadr

On behalf of the British Columbia Civil Liberties Association, I write to urge you to comply with the April 23, 2009 order of the Federal Court directing the federal government to seek the repatriation of Omar Khadr to Canada, in light of the Federal Court of Appeal's decision last Friday to dismiss the government's appeal from that order. The federal government is obliged to abide by the judiciary's rulings, and in this case, the judiciary has clearly ordered that attempts finally be made to seek Mr. Khadr's repatriation.

The system of detention and adjudication in place at the U.S. Navy base in Guantánamo Bay, Cuba has been long condemned as contrary to fundamental principles of the rule of law. Most of the detainees there have languished for years without being charged with any offence, while those who do have charges pending against them face adjudication in military courts presided over by military lawyers, prosecuted by military lawyers, and defended by military lawyers. The documented abuse of detainees and use of interrogation tactics long prohibited by international humanitarian law and the U.S. military's own historic guidelines demonstrate that the Guantánamo regime is completely out of step with Canadian values as enshrined in the *Charter of Rights and Freedoms* and as articulated in our international commitments to uphold human rights and the rule of law.

Last year, the Supreme Court of Canada concluded that the Guantánamo regime “constituted a clear violation of fundamental human rights protected by international law,” and that the Canadian government’s participation in this regime did not comport with the principles of fundamental justice. Despite the Supreme Court’s condemnation of the Guantánamo regime and the Canadian government’s conduct, the federal government still refused to seek Mr. Khadr’s repatriation.

In April of this year, the Federal Court held that the Canadian government’s continued refusal to request Mr. Khadr’s repatriation “offends a principle of fundamental justice and violates Mr. Khadr’s rights under s. 7 of the *Charter*”. Yet, rather than complying with the Federal Court’s order to seek Mr. Khadr’s repatriation, the government appealed Mr. Justice O’Reilly’s decision and order. Now, the Federal Court of Appeal has affirmed Mr. Justice O’Reilly’s findings of fact and law, as well as his order to the federal government that it present a request to the United States seeking Mr. Khadr’s repatriation as soon as practicable. It is time to bring Mr. Khadr home.

We call on you to uphold the Canadian government’s obligations under international law and the *Charter*, and comply with the Federal Court’s order and seek Mr. Khadr’s immediate return to Canada. The federal government’s continued refusal to rescue a Canadian citizen from a regime of detention and adjudication that has been universally condemned as violating fundamental principles of due process and the rule of law is appalling, and, in light of the court order in place, untenable.

Yours truly,



Jason Gratl
Vice President