

Omar Khadr: The Canadian Campaign to Raise Awareness

Background Information Compiled by Canadian and US Lawyers and Advocates.

By [Global Research News](#)

Global Research, May 09, 2015

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In 2002, Canadian Omar Khadr was captured by US forces in Afghanistan and transferred to Guantánamo Bay. He is alleged to have killed a US soldier during the battle that preceded his capture. He was fifteen years old when apprehended, and has now spent six years (a quarter of his life) in detention. The conditions of detention and the legal framework governing the treatment of detainees at Guantánamo Bay have been widely criticized inside and outside the United States as violations of international human rights, international humanitarian law, US military law, the US Constitution, and the rule of law. Omar Khadr is the only remaining citizen of a western state and NATO ally detained in Guantánamo Bay. The United Kingdom, France, Germany and Australia each successfully requested the return of their citizens and, in some cases, non-citizen permanent residents.



In March 2007, Professor Audrey Macklin hosted Omar Khadr's US defense team at the Law Faculty. Lt. Col. William Kuebler, Prof. Muneer Ahmad and Kristine Huskey addressed faculty and students about Omar Khadr's situation, then met with a group of local lawyers, graduate students, and NGO advocates to launch a Canadian campaign to raise awareness regarding the case of Omar Khadr and to advocate for his return to Canada. Since that strategy session, more individuals have become involved and we have undertaken several activities. In addition to publishing op-eds in Canadian newspapers, granting media interviews and holding press conferences, we have:

- Delivered an open letter to Prime Minister Harper and then-Foreign Minister Peter Mackay, calling for Omar Khadr's repatriation, signed by over twenty

present and former parliamentarians, and over a hundred Canadian academics, individuals and organizations

- Organized an address by Lt. Col. William Kuebler to the Canadian Bar Association at the 2007 annual conference
- Submitted an amicus brief on behalf of 32 present or former Canadian parliamentarians and over 60 legal academics to the United States Supreme Court in an appeal by several Guantánamo detainees (including Omar Khadr) challenging the legality of the denial of habeas corpus (Prof. Craig Forcese and Scott Christenson, counsel of record)
- Submitted to the Military Commission an amicus brief on behalf of Canadian parliamentarians, Canadian and international legal academics, national and international legal associations, arguing that the procedures under the Military Commissions Act fail to respect minimum international guarantees applicable to children (18 January 2008).
- Represented interveners in *Khadr v. Canada* on the issue of Canada's duty to disclose information obtained through the interrogation by Canadian officials of Omar Khadr at Guantanamo Bay; appeal to be heard by Supreme Court of Canada, 26, March 2008.

This website contains the open letter, the amicus brief, as well as background documents that provide context and legal analysis of relevant issues.

Background Information

Compiled by Canadian and US lawyers and advocates.

- Omar Khadr: [Summary + Timeline](#) (PDF)
- [Omar Khadr as Child Soldier](#) (PDF)
- [List of detainees transferred out of GTMO](#) (PDF)
- [Legal Inadequacy of U.S. Military Commissions for Trying Omar Khadr](#) (PDF)
- [Military Commissions Act of 2006](#)
- University of Ottawa Foreign Policy Practicum, "[Repatriation of Omar Khadr to Be Tried Under Canadian Law](#)" (Brief Submitted to Canadian Senate Standing Committee on Human Rights), January 2008 (PDF)
- [Omar Khadr Interrogation at Guantanamo Bay by Canadian Officials](#) (10 minute excerpt)
- [Wikipedia entry for Omar Khadr](#)
- CBC: [The Khadr Case - Legal Options](#)
- [UN Commission on Human Rights Report on Guantanamo Bay](#) (2006)
- "[The US vs. Omar Khadr](#)" (CBC TV documentary, first aired October 2008)

Legal documents

Plea Agreement, 24 October 2010

- [Pre-trial Agreement](#)
- [Diplomatic Notes between United States and Canada](#)
- "Ottawa Agrees to Repatriate Omar Khadr", Globe and Mail 1 November 2010

Canada

Khadr v. Canada (Prime Minister): Repatriation of Omar Khadr to Canada

- [Supreme Court of Canada judgment in Canada \(Prime Minister\) v. Khadr](#), 2010 SCC 3, 29 January 2010
- [Factum of Crown, Supreme Court of Canada](#), 21 September 2009 (PDF)
- [Factum of Omar Khadr, Supreme Court of Canada](#) 9 October 2009 (PDF)
- [Human Rights Watch/University of Toronto International Human Rights Program and Asper Centre for Constitutional Rights Intervener Factum](#) (PDF)
- [BC Civil Liberties Association Intervener Factum](#) (PDF)
- [National Council for Protection of Canadians Abroad Intervener Factum](#) (PDF)
- [Avocats Sans Frontières Canada, Le Barreau du Québec et Le Groupe d'étude en droits et libertés de la Faculté de Droit de L'Université Laval](#) (PDF)
- [Amnesty International Intervener Factum](#) (PDF)
- [Canadian Coalition on the Rights of Children/Justice for Children and Youth Intervener Factum](#) (PDF)
- [Criminal Lawyers Association Intervener Factum](#) (PDF)
- [Canadian Civil Liberties Association Intervener Factum](#) (PDF)
- [Leave to Appeal to Supreme Court of Canada](#) granted 4 September 2009, hearing scheduled 13 November 2009
- [Crown Application for Leave to Appeal, Supreme Court of Canada](#), 24 August 2009
- [Omar Khadr Memorandum of Reply to Crown Application for Leave to Appeal, Supreme Court of Canada](#), 27 August 2009
- [Crown Reply to Omar Khadr Memorandum of Reply, Supreme Court of Canada](#), 28 August 2009
- [Khadr v. Canada \(Prime Minister\), Federal Court of Appeal, 2009 FCA 246](#), 14 August 2009
- [Factum of Omar Khadr, Federal Court of Appeal](#)
- [Factum of Crown, Federal Court of Appeal](#)
- [Khadr v. Canada \(Prime Minister\), Federal Court, 2009 FC 405](#), 23 April 2009.
- [Factum of Omar Khadr, Federal Court](#)
- [Factum of Crown, Federal Court](#)
- [Notice of Application](#) to Federal Court, 8 August 2008 (PDF)
- [Affidavit of Omar Khadr](#) (PDF)
- [Affidavit of CDR William Kuebler](#) (PDF)
- [Affidavit of April Bedard](#) (PDF)

Motions, Applications and Decisions

- [Khadr v. Canada \(Attorney General\), Federal Court of Canada, 18 August 2004](#) (motion to strike statement of claim) (Word)
- [Khadr v. Canada \(Attorney General\), Federal Court of Canada, 13 October 2004](#) (motion to strike Charter claim arising from interrogation by Canadian officials) (Word)
- [Khadr v. Canada \(Attorney General\), Federal Court of Canada, 28 January 2005](#) (application for production of documents) (Word)
- [Khadr v. Canada \(Attorney General\), Federal Court of Canada, 8 August 2005](#) (injunction to bar further interrogations by Canadian officials) (Word)

- [Khadr v. Canada \(Minister of Justice\), 2006 FC 509, 25 April 2006](#) (mandamus ordering disclosure of documents)
- [Khadr v. Canada, Factum of Omar Khadr before Federal Court of Appeal](#) (PDF)
- [Khadr v. Canada Federal Court of Appeal, 10 May 2007](#) (non-disclosure of documents as Charter violation)
- [Khadr v. Canada, Application for Leave to Appeal to Supreme Court of Canada, 3 August 2007](#) (PDF)
- [Khadr v. Canada, Reply by Omar Khadr to A-G Application for Leave to Appeal to SCC](#) (Word)
- [Khadr v. Canada, Supreme Court of Canada, 25 October 2007](#), (leave to appeal granted) (PDF)
- [Khadr v. Canada, Factum of the Appellant, Attorney General of Canada, 20 December 2007](#) (PDF)
- [Factum of the Respondent, Omar Khadr, filed 14 February 2008](#) (PDF)
- [Factum of the Intervenor, University of Toronto International Human Rights Clinic / Human Rights Watch, 22 February 2008](#) (PDF)
- [Factum of the Intervenor, British Columbia Civil Liberties Association, 22 February 2008](#) (PDF)
- [Factum of the Intervenor, Criminal Lawyers Association \(22 February 2008\)](#) (PDF)
- [Motion by Government to Strike Parts of Respondent's Factum](#) (PDF)
- [Government Motion to Strike U of T IHRC-HRW Intervention](#) (PDF)
- [Respondent Reply to Motion to Strike](#) (PDF)
- [Additional Page in Respondent Reply](#) (PDF)
- [UofT IHLC - HRW Reply to Government Motion to Strike](#) (PDF)
- [BCCLA Reply to Motion to Strike](#) (PDF)
- [Supreme Court of Canada Decision on Motions by Appellant and Respondent, 20 March 2008](#) (PDF)
- [Canada \(Minister of Justice\) v. Khadr](#), 2008 SCC 28, 23 May 2008 (judgment)
- [Khadr v. Canada \(Attorney-General\)](#), 25 June 2008 (disclosure pursuant to Supreme Court of Canada judgment)
- [Khadr v. Canada \(Prime Minister, Minister of Foreign Affairs, CSIS Director, RCMP Commissioner\)](#), 23 April 2009, 2009 FC 405 (failure by government to request Omar Khadr's repatriation violates Khadr's Charter s. 7 rights).

Evidentiary Record in Canada (Attorney General) v Khadr, Supreme Court of Canada, 13 November 2009

Note: These PDF files are very large.

- [Joint Record, Volume I](#) (PDF)
- [Joint Record, Volume II](#) (PDF)
- [Joint Record, Volume III](#) (PDF)
- [Joint Record, Volume IV](#) (PDF)
- [Joint Record, Volume V](#) (PDF)
- [Joint Record, Volume VI](#) (PDF)
- [Joint Record, Volume VII](#) (PDF)

Evidentiary Record in Canada (Minister of Justice) v. Khadr, 2008 SCC 28, 23 May 2008

Consolidated Evidentiary Record

- [Appellant's Record](#) (PDF) (30 MB)

Fresh Evidence filed by Respondent, Omar Khadr

- [Affidavit of William Kuebler](#)(PDF)
 - [Exhibit A](#) | [Exhibit B](#)
- [Affidavit of Muneer Ahmad](#)(PDF)
 - [Exhibit A](#) | [Exhibit B](#) | [Exhibit C](#) | [Exhibit D](#) | [Exhibit E](#) | [Exhibit F](#) | [Exhibit G](#) | [Exhibit H](#) | [Exhibit I](#) | [Exhibit J](#) | [Exhibit K](#) | [Exhibit L](#) | [Exhibit M](#) | [Exhibit N](#) | [Exhibit O](#) | [Exhibit P](#) | [Exhibit Q](#) | [Exhibit R](#) | [Exhibit S](#) | [Exhibit T](#) | [Exhibit U](#) | [Exhibit V](#) | [Exhibit W](#) | [Exhibit X](#)
- [Affidavit of William Hooper](#)(PDF)
 - [Cross Examination of William Hooper](#) (PDF)
 - [Exhibits for Cross Examination of Hooper](#) (PDF)
- [Affidavit of Serge Paquette](#)(PDF)
 - [Cross Examination of Serge Paquette](#) (PDF)
 - [Exhibits for Cross Examination of Paquette](#) (PDF)

United States

- [Boumediene v. Bush; Al Odah v. United States](#)(PDF) (US Supreme Court, 12 June 2008):
 - [Brief submitted to the United States Supreme Court on behalf of Omar Khadr in upcoming appeal regarding the right of Guantanamo detainees to habeas corpus](#) (PDF)
 - [Canadian Parliamentarians and Professors of Law Amicus Brief](#) (PDF)
 - [Child Soldier Amicus Brief](#) (PDF)
 - [Note on English law issues raised by government brief and supporting amici](#) (Word)
 - [Reply Brief by Petitioners Lakhdar Boumediene, et al.](#) (PDF)
 - [Reply Brief by Petitioners Khaled A. F. Al Odah, et al.](#) (PDF)
 - [Reply Brief by Petitioners Khaled A. F. Al Odah, et al.](#) (PDF)
- [Omar Khadr v. Bush, US Dist. Ct. \(DC\)](#), 12 July 2005 (application for preliminary injunction barring further interrogation or torture, requiring 30 days notice to counsel of any transfer to foreign country)
- [Military Commission Documents in Relation to Omar Khadr](#)
- [US Court of Military Commissions Review \(USCMCR\) Documents With Respect to Omar Khadr](#)
- [Instructions to counsel on the conduct of the military commission in US v. Khadr](#) (25 September 2007) (PDF)
- [Defense Motion For Dismissal Due to Lack of Jurisdiction Under the MCA in Regard to Juvenile Crimes of a Child Soldier, 18 January 2008](#) (PDF)
- [Amicus Brief on Behalf of Canadian Parliamentarians and Law Professors in Support of Defense Motion Before MCA on Omar Khadr as Child Soldier, 18 January 2008](#) (PDF)
- [Amicus Brief by Sen. Robert Badinter and Other International Law Professors and Jurists](#) (PDF)
- [Amicus Brief by Juvenile Law Center](#) (PDF)

- [“Omar Khadr Motion for Habeas Corpus”](#) District Court, District of Columbia, 20 August 2008 (Doc)
- [Ruling on Defense Motion to Suppress Evidence, Military Commissions Judge Parrish, 17 August 2010](#)

UK and Australia

- [Hicks v Ruddock](#), [2007] FCA 299 (action to compel Australian government to seek his release from Guantanamo Bay) (Word)
- Briefs by Eminent Jurists on Legality of US Detention of David Hicks and of Charges Against Him [[A](#) and [B](#)] (Word and PDF)
- Oxford Pro Bono Publico, [The Hicks Project](#), Opinion on the Indispensable Judicial Guarantees Required by Common Article 3 of the Geneva Conventions (Word)
- [Secretary of State for Home Department v. Hicks](#), [2006] EWCA Civ 400 (power of Secretary of State to grant and revoke Hick’s British citizenship) (Word)
- [Abbasi v. Secretary of State for Commonwealth and Foreign Affairs](#), [2002] EWCA Civ 1598 (Application to compel UK government to make representations on UK citizen’s behalf) (Word)
- [Al Rawi v. Secretary of State for Commonwealth and Foreign Affairs](#), [2006] EWCA Civ 1279 (Application to compel UK government to request release of UK permanent residents). (Word)

Advocacy

- [Amnesty International Online Action, Bring Omar Khadr to Justice. Bring Him to Canada](#) (Amnesty International Canada)
- [Open Letter to Prime Minister Stephen Harper](#), 14 June 2007 (PDF)
- [Prime Minister’s reply to Open Letter](#), 3 August 2007
- [Minister of Foreign Affairs Reply to Open Letter](#), 17 October 2007
- [Press Statement](#) (PDF)
- [Letter from Canadian Bar Association to Prime Minister Stephen Harper](#), 12 August 2007 (PDF)
- [Letter from former Chair of UN Committee on the Rights of the Child to PM Harper Re: Omar Khadr](#) (PDF)
- [Human Rights Watch, Omar Khadr: A Teenager Imprisoned at Guantánamo](#) (PDF)
- Amnesty International, [UNITED STATES OF AMERICA: Justice delayed and justice denied? Trials under the Military Commissions Act](#) (PDF)
- Amnesty International, [Media Releases and Reports of AI Observer for Military Commissions](#) (Selected)
- [Guantánamo Testimonials Project](#) (University of California, Davis)
- [“Public Letter by Canadian Legal Academics for a Government of Canada Intervention before the US Military Commission in the Omar Khadr Case on the Issue of Child Soldiers”](#), 17 January 2008 (PDF)
- [Letter to Prime Minister Harper from British Parliamentarians calling on the government to follow the lead of the UK and other US allies and repatriate Omar Khadr to Canada](#) (PDF)
- [Canadian Lawyers Abroad Petition: “Bring Omar Khadr to Justice in Canada”](#)
- Amnesty International, USA: “In whose best interests? Omar Khadr, child ‘enemy combatant’ facing military commission,” 16 April 2008. [Summary of Report](#) (PDF); [Full Report](#) (PDF).

- [Letter from Law Society of Upper Canada to Prime Minister Stephen Harper](#), 6 November 2008.

Media Coverage, Op-Eds and Other Documents

- Angus Reid Poll: Canadians Doubt DFAIT Would Help Abroad
- *Toronto Star*: [Act on Khadr, Harper urged](#)
- BBC: [Guantanamo detainee loses appeal – A Canadian Guantanamo Bay detainee must face a military commission after a previous ruling is overturned.](#)
- Op-Ed, “[Reclaim the high ground in case of Omar Khadr](#),” 24 August 2007, *Toronto Star* (Muneer Ahmad)
- Op-Ed, “[Stop putting relations with the U.S. ahead of human rights](#),” 6 June 2007, *Montreal Gazette* (Maude Barlow, Alex Neve, Roche Tassé)
- Op-Ed, “Bring Omar Khadr home,” 30 March 2007, *Ottawa Citizen* (Audrey Macklin)
- [Jamais deux sans trois: After two failed attempts, the U.S. military is hoping they can finally put Omar Khadr on trial for war crimes](#), 6 December 2007, *Maclean's*
- Campaign to free Khadr escalates, 7 January 2008, *Toronto Star*
- Cracks Appear in Murder Case Against Khadr, 5 February 2008, *Globe and Mail*
- “Railroading a Canadian child-soldier,” William C. Kuebler And Rebecca S. Snyder, *National Post*, January 15, 2008
- “[Children as Terrorists: Wrong to Train, Wrong to Charge](#),” David Crane, *JURIST*, February 12, 2008
- “A case built on lies,” Lt. Cmdr. William C. Kuebler and Rebecca S. Snyder, *National Post*, March 26, 2008
- “Bring Omar Khadr home,” Romeo Dallaire, *National Post*, March 31, 2008
- [Department of Foreign Affairs Report on Visit with Omar Khadr, March 2008](#) (PDF)
- [Department of Foreign Affairs Report on Visit with Omar Khadr, April 2008](#) (PDF)
- [Department of Foreign Affairs Report on Visit with Omar Khadr, May 2008](#) (PDF)
- [Report of the Standing Committee on Foreign Affairs and International Development, Subcommittee on International Human Rights, “Omar Khadr”, June 2008](#) (PDF)
- “[Harper should seek release of Khadr](#),” Audrey Macklin, *The Calgary Herald*, July 12, 2008
- “[The Omar Khadr Case: Redefining War Crimes](#),” Audrey Macklin, *Jurist*, October 31, 2008.
- “[A chance to do the right thing](#),” Diana Juricevic, Cheryl Milne and Prof. Audrey Macklin, *Globe and Mail*, February 1, 2010

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