

RELEASED IN FULL

**EDNEY, HATTERSLEY & DOLPHIN**

Barristers and Solicitors

1970 8th Life Place  
10123 - 99 Street  
Edmonton, Alberta, T5J 3H1  
Phone (780) 423-7798  
(780) 424-4081  
Fax (780) 425-5247  
Email dedney@shaw.ca

DENNIS EDNEY, B.A., LL.B.  
J. MARTIN HATTERSLEY, Q.C., M.A., LL.B., A.Th.  
PATRICK DOLPHIN, B.A., LL.B.

(An Association for the Practice of Law)  
(Each Associate is a Professional Corporation)

Our File: 41314

LM82

January 20, 2004

Department of Foreign Affairs and International Trade  
Lester B. Pearson Building Tower A  
125 Sussex Drive  
OTTAWA, Ontario  
K1A 0G2

Attn: Minister of Foreign Affairs Bill Graham

Dear Sir,

Re: Omar Ahmed Khadr, Camp X-Ray, Guantánamo Bay, Cuba

This letter is further to our earlier correspondence dated December 11, 2003. To which we confirm you chose not to respond as requested. As had been noted therein, I, along with my co-counsel, Nathan Whitting, of the law firm of Parlee McLaws LLP, act on behalf of Mr. Omar Ahmed Khadr, a Canadian citizen currently detained in "Camp X-Ray" Guantánamo Bay, Cuba. For your further information, we enclose a copy of a photograph of our client taken prior to his detention, together with copies of his personal identification. We confirm that we have filed an *amicus curiae* brief on behalf of Omar in the Supreme Court of the United States in support of the Petitioners. Among other arguments we have submitted that the Court ought to interpret the Constitution of the United States in a manner consistent with Omar's rights under international law.

Although you have declined to participate in the proceedings now before the Supreme Court of the United States, this letter is provided as a request for you to take any and all available steps to assert and protect Omar's basic human rights as a Canadian citizen and as a child, including all steps taken to date on behalf of our client.

*Factual Circumstances*

We had advised you in our earlier correspondence that Omar has been detained in Guantánamo Bay since approximately late 2002. He is confined to a 2.4 metre by 1.8 metre cell for at least 23 hours per day. He receives 15-30 minutes of outdoor exercise approximately 2-3 times per week, and is interrogated regularly. Omar was injured at

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: SHARON E AHMAD  
DATE/CASE ID: 20 APR 2005 200303827

UNCLASSIFIED

## Department of Foreign Affairs and International Trade

January 20, 2004

Page 2

the time of his capture, and has lost approximately 90 per cent of the vision in his left eye. We understand that Omar has been shot twice and is wounded in the abdomen. The legality of Omar's detention has never been determined or reviewed by a competent tribunal. He has never been formally advised as to the nature of the charges laid against him (if any). Further, Omar has also been denied access to a Canadian consular representative guaranteed under the *Vienna Convention on Consular Relations*.

***Mr. Khadr's Ongoing Detention is in Violation of International Law***

We ask that you conduct an assessment as to the legalities of Omar's detention and treatment by the United States, and to provide us with the views of your Ministry in this regard. We suggest it is patently clear that Omar's rights as a juvenile and as a Canadian citizen are being violated by the United States, and we take this opportunity to provide our own updated assessment of this issue, although much of this material has been referred to you in previous correspondence.

As you are aware, the United States has taken the view that Omar and the other detainees in Guantánamo Bay are "enemy combatants", and as such, need not be accorded the rights conferred upon them by the *Geneva Convention relative to the Treatment of Prisoners of War*. This determination has been made on a blanket basis with respect to all the detainees rather than upon the circumstances relevant to each individual case. In this manner, the United States has attempted to evade those provisions which prohibit interrogation (Article 17), and which require the detainees to be accorded quarters, food, and clothing under conditions as favourable as those provided for the United States forces quartered in the area (Chapter II). This unilateral and arbitrary determination constitutes a direct violation of Article 5 of the *Convention* which provides:

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

Astonishingly, the United States' detention of Omar is in direct violation of even its own military regulations. See *Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees*, U.S. Army Regulation 190-8, Chapter 1-5, para. a, Applicable to the Departments of the Army, the Navy, the Air Force, and the Marine Corps, Washington, D.C. (1 October 1997) ("All persons taken into custody by U.S. forces will be provided with the protections of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War ("GPW") until some legal status is determined by competent authority."); *id.* at 1-6 para. b ("a competent tribunal shall

determine the status of any person . . . concerning whom any doubt . . . exists"); *id.* at 1-6 para. g ("Persons who have been determined by a competent tribunal not to be entitled to prisoner of war status may not be . . . imprisoned or otherwise penalized, without further proceedings to

UNCLASSIFIED

## Department of Foreign Affairs and International Trade

January 20, 2004

Page 3

determine what acts they have committed and what penalty should be imposed."); *id.* at 3-8, para. d ("Accused persons will be notified promptly of the charges in writing. . . . These persons will be tried as soon as possible."); U.S. Department of the Army Field Manual, FM 3- 19.40, 1-10 (1 August 2001) ("A person in the custody of US armed forces . . . is treated as an EPW [enemy prisoner of war] until a legal status is ascertained by competent authority."); *id.* at 4-33 ("A tribunal is held according to Article 5, GPW.

It determines the status of an individual who does not appear to be entitled to EPW status. . .").

The decision of the United States to detain Omar at Guantánamo Bay is of course a carefully constructed plan to evade its legal responsibilities. As the highly respected and independent association the American College of Trial Lawyers has stated in its *Report on Military Commissions for the Trial of Terrorists*:

It appears that the content of the Order and the Procedures, particularly the exclusion of U.S. citizens from their reach and the placement of the detainees at Guantanamo, were carefully designed to evade judicial scrutiny and to test the limits of the President's constitutional authority.

In the recent decision of *Gherebi v. Bush* 2003 U.S. App. LEXIS 25625 the Court of Appeals for the Ninth Circuit

Gherebi has not been subjected to a military trial. Nor has the government employed the other time-tested alternatives for dealing with the circumstances of war: it has neither treated Gherebi as a prisoner of war (and has in fact declared that he is not entitled to the rights of the *Geneva Conventions*,... nor has it sought to prosecute him under special procedures designed to safeguard national security... Instead, the government is following an unprecedented alternative. Under the government's theory, it is free to imprison Gherebi indefinitely along with hundreds of other citizens of foreign countries, friendly nations among them, and to do with Gherebi and these detainees as it will, when it pleases, without any compliance with any rule of law of any kind, without permitting him to consult counsel, and without acknowledging any judicial forum in which its actions may be challenged. Indeed, at oral argument, the government advised us that its position would be the same even if the claims were that it was engaging in acts of torture or that it was summarily executing the detainees. To our knowledge, prior to the current detention of prisoners at Guantanamo, the U.S. government has never before asserted such a grave and startling proposition. Accordingly, we view Guantanamo as unique not only because the United States' territorial relationship with the Base is without parallel today, but also because it is the first time that the government has announced such an extraordinary set of principles - a position so extreme that it raises the gravest concerns under both American and international law.

As you are of course aware, the *International Covenant on Civil and Political Rights* prohibits arbitrary detention. In particular, the *Covenant* provides:

UNCLASSIFIED

## Department of Foreign Affairs and International Trade

January 20, 2004

Page 4

"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."  
[Article 9 (4)].

Both Canada and the United States have signed and ratified the *Covenant*. The *Covenant* is a treaty by which the United States has made a legally enforceable promise to Canada not to detain Canadian citizens arbitrarily. Canada has a right to insist that the United States maintain this promise.

The United Nations *Convention on the Rights of the Child* provides:

**Article 37**

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

In *R. v. Sharpe*, [2001] 1 S.C.R. 45, L'Heureux-Dubé, Gonthier and Bastarache JJ. of the Supreme Court of Canada stated at p. 140-41.:

The protection of children from harm is a universally accepted goal. While this Court has recognized that, generally, international norms are not binding without legislative implementation, they are relevant sources for interpreting rights domestically. . . .

UNCLASSIFIED

## Department of Foreign Affairs and International Trade

January 20, 2004

Page 5

[A] balancing of competing interests [in constitutional interpretation] must be informed by Canada's international obligations. The fact that a value has the status of an international human right is indicative of the high degree of importance with which it must be considered...

Both legislators abroad and the international community have acknowledged the vulnerability of children and the resulting need to protect them. It is therefore not surprising that the *Convention on the Rights of the Child* has been ratified or acceded to by 191 states as of January 19, 2001, making it the most universally accepted human rights instrument in history.

In *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, the Supreme Court of Canada affirmed that Ministerial authority must be exercised in a manner consistent with the above *Convention*. In doing so, the Court stated as follows:

The values and principles of the *Convention* recognize the importance of being attentive to the rights and best interests of children when decisions are made that relate to and affect their future. In addition, the preamble, recalling the *Universal Declaration of Human Rights*, recognizes that "childhood is entitled to special care and assistance". A similar emphasis on the importance of placing considerable value on the protection of children and their needs and interests is also contained in other international instruments. The United Nations *Declaration of the Rights of the Child* (1959), in its preamble, states that the child "needs special safeguards and care". The principles of the *Convention* and other international instruments place special importance on protections for children and childhood, and on particular consideration of their interests, needs, and rights.

The illegality of Omar's detention has been repeatedly noted by international tribunals and foreign courts. Upon the initial transfer of prisoners to Guantánamo, the United Nations High Commissioner for Human Rights released a Statement which included the following:

It is appropriate to recall that there are international legal obligations that should be respected. In particular, I would like to recall that:

- All persons detained in this context are entitled to the protection of international human rights law and humanitarian law, in particular the relevant provisions of the *International Covenant on Civil and Political Rights (ICCPR)* and the *Geneva Conventions* of 1949.
- The legal status of the detainees, and their entitlement to prisoner-of-war (POW) status, if disputed, must be determined by a competent tribunal, in accordance with the provisions of Article 5 of the *Third Geneva Convention*.
- All detainees must at all times be treated humanely, consistent with the provisions of the ICCPR and the *Third Geneva Convention*.

UNCLASSIFIED

## Department of Foreign Affairs and International Trade

January 20, 2004

Page 6

Any possible trials should be guided by the principles of fair trial, including the presumption of innocence, provided for in the ICCPR and the *Third Geneva Convention*.

In denying Omar consular visits, the United States has also committed a direct violation of its obligations to Canada under the *Vienna Convention on Consular Relations*.

The United Nations' Working Group on Arbitrary Detention has recently prepared a "Legal Opinion Regarding the Deprivation of Liberty of Persons Detained in Guantánamo Bay". This opinion concludes that the conduct of the United States constitutes violations of both the *Geneva Convention* and of the *International Covenant on Civil and Political Rights*.

In *Abbasi v. Secretary of State for Foreign and Commonwealth Affairs*, EWCA Civ. 1598 (2002), 2003 U.K.H.R.R. 76, the English Court of Appeal described the situation of the Guantánamo detainees as a "legal black hole". The Court also expressed its "deep concern that, in apparent contravention of the fundamental principles of law [the prisoners] may be subject to indefinite detention in territory over which the United States has exclusive control with no opportunity to challenge the legitimacy of [their] detention before any court or tribunal." Similarly, the Inter-American Commission on Human Rights of the Organization of American States has ruled that it is contrary to international law for the Guantánamo detainees to be held "entirely at the unfettered discretion of the United States government", and requested the United States to "take the urgent measures necessary to have the legal status of the detainees at Guantánamo Bay determined by a competent tribunal."

The arbitrary detention of Omar and the other children in Guantánamo Bay raises issues and interests of grave concern to the international community. Mr. Olara Otunnu, Special Representative of the Secretary General of the United Nations for Children and Armed Conflict has publicly stated that both the participation of children in armed conflict and their detention in Guantánamo Bay are "equally prohibited under international law". Mr. Otunnu has also called upon the United States to allow "a very prompt determination of their case," and added that "Whatever the circumstances, children should be reunited with their families... We do not sentence children to jail. We do not punish them. We give them healing and get them rehabilitated."

Similarly, Omar's personal circumstances have raised serious concerns on the part of such respected non-governmental organizations as Amnesty International. In a letter addressed to President Bush, Secretary General Irene Khan stated:

It seems something of an irony that the USA, one of the first countries to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, is now treating these children in a way that undermines fundamental protections under the body of the main treaty itself.

[...]

UNCLASSIFIED

**Department of Foreign Affairs and International Trade**

January 20, 2004

Page 7

We call for all under-18-year-olds held in Guantánamo to have immediate access to lawyers and their families. They should be promptly charged and tried within a reasonable time in accordance with fair trial standards, or released into appropriate and safe circumstances.

The Parliamentary Assembly of Europe has expressly recognized that the arbitrary detention and treatment of Omar by the United States constitutes a "flagrant breach" of his rights under international law as reflected in the instruments above. In the Parliamentary Assembly of Europe's Resolution No. 1340 (2003) (Adopted June 26, 2003), it was stated:

**The Parliamentary Assembly:**

[...]

ii. notes that a number of children are being held in Guantánamo Bay, including a "handful" of children between 13 and 15 years of age transferred from the Bagram Air Base in 2003, and a 16-year old Canadian national transferred at the end of 2002;

iii. believes that children should only be detained as a last resort and that they require special protection; that the continuing detention of these young people is a most flagrant breach of the United Nations Convention on the Rights of the Child.

We ask that your Ministry assess the legality of Omar's treatment at the hands of the United States, and that you provide us with your own views as to whether or not the United States has in fact acted in contravention of international law.

**Omar's Plea for Action**

As you can see from the above, bodies such as the United Nations and the Parliamentary Assembly of Europe have already made far greater efforts to protect Omar's basic human rights than has the Canadian Government. Despite the obvious and egregious violations being perpetrated against Omar, Canada chosen to remain silent. This inaction communicates to each and every Canadian citizen that he or she will not be afforded protection when traveling abroad with a Canadian passport. This contrasts sharply to the message in your Ministry's publication entitled *A Guide For Canadians Imprisoned Abroad*.

In fact, I would suggest your silence in refusing to respond to our request for your participation in filing an amicus curiae before the U.S. Supreme Court on behalf of Mr. Khadr does a disservice to the reputation and security of Canadian society as a whole. You will recall that the question presented before the United States Supreme Court is as follows:

*Whether United States courts lack jurisdiction to consider challenges to the*

UNCLASSIFIED

## Department of Foreign Affairs and International Trade

January 20, 2004

Page 8

*legality of the detention of foreign nationals captured abroad in connection with hostilities and incarcerated at the Guantanamo Bay Naval Base, Cuba.*

Canada could have taken the opportunity to emphasize to the Court and through the Court, to the international community at large, the importance we Canadians place on the rule of law for all its citizens who are detained abroad. The Canadian government, being a signatory on the United Nations *Convention on the Rights of the Child*, could have had the opportunity to remind the U.S. Court of the special importance Canadian society and the International community accords to children to ensure their fundamental rights are not violated.

Our client's family members are perplexed the Canadian government chose not to address the above question by way of an *amicus curiae* brief. By your silence, you have failed in your duty to assist a Canadian citizen detained abroad. An abuse perpetrated on one of our citizens is an abuse against all of our citizenry. While no other foreign governments have applied for *amicus curiae* status, other countries such as Britain and Australia had forcefully lobbied for other detained nationals. In fact, Lord Goldsmith, the Attorney - General, obtained concessions that British nationals would not be executed and will be allowed confidential access to their lawyers. Meanwhile, Omar continues to be detained in harsh conditions with no access to legal counsel potentially facing the death penalty.

We are concerned at the apparent violation of Omar's right to silence and the right not to be questioned without access to legal counsel. Foreign Affairs spokesman Reynald Doiron acknowledged that Canadian intelligence officials were allowed to interview Omar while access to Canadian consular officials had been denied. The preamble to the *Canadian Charter of Rights and Freedoms* enshrines the principle of rule of law in our constitution. While the existence of ministerial discretion is not in and of itself contrary to this principle, the courts have decided that the necessity for the government and its officials to obey the law is a fundamental aspect of the rule of law. The Canadian Government chose to deny this right to the most vulnerable in our society at a most vulnerable time in Omar's life. Omar is a child and has been denied and continues to be denied the most basic of rights.

Foreign Affairs spokesman, Reynald Doiron, explanation for the denial of consular services to Omar provides no comfort to Canadian citizens abroad:

"It was refused along the same lines that consular access was refused to other countries ..."

"Canada is not singled out in that matter. It's an unusual situation in very unusual times."

It is indeed unusual times when foreign and Canadian nationals detained in Guantanamo Bay are being denied the most basic principles of international law while American detainees were afforded due process of law. There is simply no way for the Canadian public to judge whether the detention of Omar is justified when any charges against our client have not been made public, and stories told by prisoners eventually released from Guantanamo Bay suggest that the flimsiest reasons for detention sometimes suffice. Defeating terrorism means convincing the

UNCLASSIFIED



Department of Foreign Affairs and International Trade

January 20, 2004

Page 9

world of the importance of the rule of law. The conduct of the Bush administration towards our client and other detainees handicaps this effort if, in the process of fighting terrorism's violation of the right to life, we violate the fundamental rights of our citizens.

In that regard, we are concerned the Canadian Government is sending conflicting messages to the American authorities about its respect for the rule of law on behalf of its citizens detained abroad. Government conduct with regards to the Omar Khadr case demonstrates your department will remain silent when confronted by clear abuses of civil and human rights against Canadian citizens abroad. It will also be complicit with American authorities in denying fundamental rights by the unlawful questioning of a Canadian child protected under the United Nations *Convention on the Rights of the Child* and our own constitution.

We have many concerns in relation to Omar's situation and request that you take a number of steps in relation to our clients.

#### **Disclosure of All Available Non-Privileged Information**

On behalf of Omar and his family, we request that you disclose to us all information and materials currently in your possession or power which relate to Omar's current status. Without limiting the generality of the foregoing, we request specific confirmation that Omar is indeed being held by U.S. forces in Guantanamo Bay, without charge, and without access to legal counsel. We also request disclosure of all information in terms of his health and well-being.

We request particulars as to the dates of any past visits to Omar by Canadian officials as well as the names of those individuals who have spoken with Omar. In this regard, we request full particulars of any and all information obtained from and about Omar during these visits, subject of course to privilege on the basis of national interest and security.

A request pursuant to the *Access to Information Act* has already been sent by Mr. Whitting in this regard, and we ask that you take all steps to ensure that it is dealt with in a prompt and appropriate manner.

#### **Exercise of All Available Mechanisms Under International Law for Complaint and Redress**

We hereby request and demand that the government of Canada exercise its rights under international law to protect Omar's basic human rights, both as a child and as a Canadian citizen. In addition to the *Vienna Convention on Consular Access*, we refer specifically to the *International Covenant on Civil and Political Rights*, and Article 9.4 thereof quoted above.

Article 41 of the *Covenant* sets out an optional inter state complaint mechanism. Both Canada and the United States have accepted the Covenant Article 41 inter-state complaints mechanism. Canada made a declaration under Article 41 on 29 October 1979 in these words:

UNCLASSIFIED

**Department of Foreign Affairs and International Trade**

January 20, 2004

Page 10

"The Government of Canada declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Canada, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

The United States made a declaration under Article 41 in these words:

"The United States declares that it accepts the competence of the Human Rights Committee to receive and consider communications under article 41 in which a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

We suggest that a failure on the part of your Ministry to intervene on behalf of Omar, and to invoke his fundamental human rights under domestic and international law would constitute a violation of his rights under s. 7 of the *Canadian Charter of Rights and Freedoms*. We therefore request that you exercise the rights available to the government of Canada under international law.

**Consular, Family, and Legal Counsel Visitation**

We further request that you immediately make efforts to be accorded true consular visits with Omar, for the purposes of ensuring his physical and psychological health, and the observance of his basic human rights. In this regard we cite the *Vienna Convention on Consular Relations* to which both Canada and the U.S. are parties. Although we suggest that Omar's family as well as ourselves as his legal counsel ought to be permitted to attend any such visits, we suggest that at the very least, such visits ought to be arranged to be attended by representatives of your Ministry by whatever means necessary. We would then request a report of any information obtained from Omar in the course of such visits.

As you are aware, Omar has not been accorded any access to independent counsel. Obviously, this is Omar's fundamental right. We request and demand that you take any and all available attempts to facilitate Omar's access to independent counsel such as ourselves or other suitable and qualified persons.

**Protection Against Discrimination on the Basis of Canadian Citizenship**

We suggest that one of the circumstances which ought to be of immediate concern to your office is that Omar is being discriminated against by U.S. authorities on the basis of his Canadian citizenship. As you may be aware, those persons who have been detained by U.S. forces over the

UNCLASSIFIED

**Department of Foreign Affairs and International Trade**

January 20, 2004

Page 11

course of the War on Terror who are U.S. citizens have been accorded full due process rights, and fair trials in the U.S. domestic courts. However, all such rights are being denied to Omar simply because he is a Canadian rather than an American. We suggest that this is precisely the type of situation which ought to raise concerns on the part of your Ministry. In this regard, we refer you to the following statement contained at page 5 of your publication entitled *Guidelines for Canadians Imprisoned Abroad*:

[T]he Government of Canada will make every effort to ensure that you receive equitable treatment under the local criminal justice system. It will ensure that you are not penalized for being a foreigner, and that you are neither discriminated against nor denied justice because you are Canadian.

Omar's current situation is a clear case of a Canadian being penalized for being a foreigner. We therefore request and demand that you take any and all available steps to ensure that Omar is accorded the same rights, privileges and protections as the American citizens who have been arrested and detained by U.S. forces during the War on Terror.

**Legal Status and Jeopardy**

Generally speaking, Omar's family wishes to obtain any and all available information as to his current and future status, as well as information with respect to anything they can do to assist Omar. In this regard, we request that you seek to obtain any and all such information regarding Omar's status from the U.S. authorities and provide us with same. More specifically, we ask that you obtain answers to at least the following questions:

Why is Omar currently being detained?

How long is his intention expected to last?

Has he been designated as a prisoner of war for the purpose of the *Geneva Conventions*?

Will Omar be accorded a trial?

If so, when?

If so, what will be the nature of the tribunal, i.e. military, domestic, or other, and what rules and procedures will be applicable to the proceedings before this tribunal?

What evidence exists to support his ongoing detention?

Of particular concern to Omar's family is what to expect in terms of possible sentences or punishments, whether legal or extra-legal, which may be imposed upon Omar by U.S. authorities. In particular, Omar's family is obviously gravely concerned as to the possibility that capital punishment may be among the range of possible sentences to be imposed. We urgently request that you seek and obtain any and all information with respect to this possibility.

We request that you take all available steps to encourage the American authorities to process Omar's case without undue delay.

UNCLASSIFIED

Department of Foreign Affairs and International Trade

January 20, 2004

Page 12

---

### Living Conditions and Medical Care

We request that you take all available steps to ensure that Omar is being provided with adequate nutrition and medical care. In this regard we emphasize that to our knowledge Omar has sustained serious injuries and it is of great concern to his family that he receive the best available medical care, including access to specialists able to treat his particular types of injuries.

### Conclusion

As you have no doubt perceived, this letter constitutes an urgent plea for help from a juvenile Canadian citizen and his family. We suggest that there will never be a clearer case of international law violations than that which had been and continues to be perpetrated against Omar. We suggest that it is your obligation under to protect Omar's rights from violation and abuse, ask that you provide an initial response to the requests contained in this letter within 10 days of its receipt.

Yours very truly,

EDNEY, HATTERSLEY & DOLPHIN



DENNIS EDNEY

UNCLASSIFIED