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Minister
of Foreign Affairs



Ministre
des Affaires étrangères

Ottawa, Canada K1A 0G2

The Honourable L'honorable
Bill Graham P.C., Q.C., M.P., c.p., c.r., député

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Dennis Edney, LL.B.
Edney, Hattersley and Dolphin
Barristers and Solicitors
1970 Sun Life Place
10123 99 Street
Edmonton, Alberta
T5J 3H1

Dear Mr. Edney:

Thank you for your letters of December 11, 2003, and January 20, 2004, concerning the case of Omar Ahmed Khadr and your request that the Government of Canada prepare an *amicus curiae* brief in the cases of *Shafiq Rasul et al v. George W. Bush, President of the United States et al.* and *Fawzi Khalid Abdullah Fahad Al Oqah et al v. United States et al.* presently before the U.S. Supreme Court. I regret the delay in replying to you.

As you know, the Government of Canada did not submit an *amicus curiae* brief. The issue before the Court is a narrow one, involving matters of division of powers between U.S. constitutional authorities, rather than the human rights of individuals. Accordingly, intervention by a foreign state is unlikely to be looked upon with interest by the Court. To our knowledge, none of the governments whose nationals are among the applicants are intervening at this stage of the proceedings.

The decision by the Government of Canada not to intervene on the jurisdictional point does not preclude the possibility of a future intervention in proceedings before U.S. courts that involve Mr. Khadr directly.

In the meantime, the Government continues to make representations to the relevant U.S. authorities on behalf of Mr. Khadr, including with regard to his health, consular visits, the conditions of his detention, and the requirements of due legal process. In particular, we have formally registered our opposition to the death penalty as an acceptable punishment or as a sentence for any Canadian detainee held at Guantanamo Bay.

Sincerely,

Canada

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

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