



The Rt. Honourable John Baird,  
Minister of Foreign Affairs and International Trade  
Foreign Affairs and International Trade Canada  
125 Sussex Drive, Ottawa, ON, Canada, K1A 0G2

February 8, 2012  
Victoria, BC, Canada

Dear Minister Baird,

We are writing to you today as a group of interested youth who are striving to become more informed, responsible and active citizens. We have been investigating the controversial case of our fellow Canadian, Omar Khadr, with great interest and concern. We are hoping that you, as our Minister of Foreign Affairs, can shed some light on how our government plans to address the serious human rights and justice issues that remain unresolved in this case.

As you are surely aware, Omar Khadr, a Canadian citizen, is currently incarcerated in an American prison after pleading guilty to various terrorism charges in a special American military court. Khadr was originally apprehended in 2002 as a fifteen year-old by American forces operating in Afghanistan, and was held for eight years facing a series of charges before being finally convicted and sentenced to serve eight years after a plea-bargain.

As members of the Justice Action Group at St. Michaels University School, an independent school in Victoria, British Columbia, it is our mission to explore and take action in situations where we feel justice is not being done.

In the course of our two-year investigation of the complex and controversial Khadr case, we have sought advice from a range of experts, including a professor of religious conflict from the University of Victoria, a published international negotiations expert, a retired high-level CSIS/Department of Justice official, a Member of Parliament and a renowned constitutional lawyer.

After much discussion, we have reached several important conclusions:

- 1. We believe that it is impossible to know for sure whether Khadr is truly guilty of the crimes to which he confessed in his plea agreement.*
- 2. We agree with the Supreme Court that, regardless of his guilt or innocence, many of Khadr's most basic Charter rights as a Canadian were violated by the extraordinary, untimely, and often adhoc process through which he was tried.*
- 3. We feel strongly that our government has, for various reasons, failed to adequately protect Khadr's rights.*
- 4. We believe that we, as a country, are obligated under our commitments in international law, and domestic legal tradition, to actively promote the rehabilitation of Khadr.*

It is our understanding that Canada has traditionally approached the incarceration of young offenders with a particular emphasis on rehabilitation (rather than retribution). This approach has been rooted in the appreciation that young offenders are not yet fully formed adults, and can, with enough support, successfully reform and reintegrate into society to live out the rest of their long lives as productive, law-abiding citizens.

We also understand that the “Optional Protocol” to the UN Convention on the Rights of the Child, to which Canada is a long time signatory, commits states to promote the rehabilitation – rather than incarceration – of youth combatants.

Similarly, we understand that it has been a longstanding tradition that the Canadian government actively seek the repatriation of Canadians convicted of crimes abroad, so that they may serve out the balance of their time in Canadian correctional institutions, where we can, as a society, be assured that their basic human and legal rights are being respected.

Even more fundamentally, though, we assume and expect that our government will seek, at all times, to promote the safety and security of its citizens, and particularly it’s more vulnerable youth, both at home and abroad. As we understand it, it is specifically the responsibility of the Minister of Foreign Affairs to promote the interests of Canada – and Canadians – in our interactions with other states. For all of these reasons, we felt it appropriate to address the following questions to you:

- *What – if any – steps has the Government of Canada – and specifically your Ministry – taken to remedy the clear breaches of Omar Khadr’s basic civil rights (as outlined in the rulings of Canada’s Supreme Court)?*
- *What – if any – concrete steps has the Government of Canada taken to propose and facilitate the repatriation of Omar Khadr after he finishes his mandatory sentence of incarceration in the United States? Have you made a formal request to the United States government?*
- *What – if any – support has the Government of Canada – and specifically your ministry – extended to Omar Khadr and his legal team to facilitate his application for repatriation?*
- *What – if any coordination – has your Ministry undertaken with the Department of Justice, to plan for Khadr’s return and ultimate reintegration into Canadian Society?*
- *Is Canada committed to respecting the terms of the “Optional Protocol” to the “UN Convention on the Rights of the Child”, which emphasizes the importance of rehabilitation in the demobilization of child combatants? If so, how might this commitment play out in the case of Omar Khadr?*
- *Finally, what – if any – actions have you undertaken to ensure that, in the future, no other Canadian youth suffer a fate similar to Omar Khadr?*

We eagerly await your response to our inquiries. We trust that you will devote the time and thought necessary to properly address the genuine questions we have raised.

Sincerely,

The SMUS Justice Action Group  
(and other members of our school community)  
St. Michaels University School  
Victoria, British Columbia.