

U.S. asked to ignore Khadr reports - thestar.com

Bruce Campion-Smith Ottawa Bureau Chief

OTTAWA—The federal government is asking the United States not to use evidence collected by Canadian agents in the prosecution of Omar Khadr after the Supreme Court ruled his Charter rights were trampled during repeated interrogations.

Justice Minister Rob Nicholson revealed on Tuesday that Ottawa made the request in a formal note to Washington.

"The government of Canada today delivered a diplomatic note to the Government of the United States formally seeking assurances that any evidence or statements shared with U.S. authorities as a result of the interviews of Mr. Khadr by Canadian agents and officials in 2003 and 2004 not be used against him by U.S. authorities in the context of proceedings before the Military Commission or elsewhere," Nicholson said in a statement.

Khadr, a Toronto native, was captured in Afghanistan in 2002 and is being held at Guantanamo Bay. He is charged with tossing a grenade that left a U.S. soldier dead.

Nicholson stood firm that Canada would not ask Washington to return Khadr to Canada, despite the Supreme Court ruling that Ottawa had violated his Charter rights.

Alex Neve, secretary general of Amnesty International Canada's English section, called Nicholson's response "profoundly disappointing."

"It does nothing to address the grave human rights violations Omar Khadr has experienced, including his plight as a child soldier, the torture and ill-treatment he has experienced, and the deeply unfair nature of the military commission process that still looms ahead," Neve said.

"The bottom line remains the same. The Canadian government is not prepared to stand up for Omar Khadr's rights. That should be of concern to all Canadians," he said.

CSIS and Canadian officials interrogated Khadr in 2003 and 2004 and handed over information to his U.S. prosecutors.

A foreign affairs official questioned Khadr in 2004 knowing that U.S. authorities had already subjected the teen to a regime of sleep deprivation known as "frequent flyer program" to make him less resistant to interrogation.

In his statement, Nicholson calls Khadr an "accused terrorist" and notes the 23-year-old faces charges that include "murder, attempted murder and conspiracy."

He said the federal government continues to provide consular services to Khadr.

Khadr's legal team will file an emergency motion in Federal Court on Wednesday asking that it quash the decision by the federal government to ask the U.S. government to refrain from using any evidence gathered by Canadian officials.

Lawyer Nathan Whiting told The Canadian Press the government's decision not to repatriate Khadr is an "egregious" violation of rights.