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CSIS says Khadr Guantanamo grilling necessary

Omar Khadr
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TORONTO — Canada's spy agency argues it needs to be able to interrogate a Canadian teenager held as an enemy combatant by American authorities at Guantanamo Bay as part of its fight against terrorism, documents show.

The Canadian Security Intelligence Service also says the interrogations are not intended to help in any prosecution of Omar Khadr, whose family was intimately connected to al-Qaida leader Osama bin Laden.

The Toronto-born Khadr is accused of killing an American soldier with a grenade in Afghanistan in July 2002, when he was 15, and could face the death penalty.

His lawyers want the Federal Court to order an end to the interrogations and instead force Ottawa to provide him "real and substantive" consular help in Cuba.

"Any efforts to limit or fetter the service's investigative powers ... will hamper the service's ability to advise the Canadian government," William Hooper, an assistant of director of operations with CSIS, said in an affidavit obtained by The Canadian Press.

"(It would be) injurious to the public interest from a national-security perspective."

Other heavily censored documents show Canada has made several low-key approaches to Washington about Khadr.

But while U.S. authorities rebuffed Ottawa's single request for consular access, they have allowed Canadian intelligence agents, including those from Foreign Affairs, to question him on several occasions.

In an interview Monday, Khadr's lawyer said the newly released information confirms Canada has not done enough to help.

"There have been some polite requests, it's all been under wraps (but) there have never been any public demands," Nate Whitling said from Edmonton.

"There's certainly never been any attempt to enforce Canada's and our client's rights."

Khadr's Canadian lawyers, who have not had access to him, have criticized Ottawa's "silent diplomacy" as ineffective.

Internal Foreign Affairs briefing notes show federal sensitivity to that kind of criticism.

"The plight of detainees being held by U.S. forces, particularly in Guantanamo Bay, continues to generate considerable interest by the public, media, non-governmental organizations and parliamentarians," says one e-mail by a senior Foreign Affairs official to Canada's U.S. embassy in Washington in June 2003.

Among the stated objectives of a visit by senior Foreign Affairs officials to Washington in December 2003 was to "reassure Canadians that our government is protecting the rights of Canadians abroad," said a departmental briefing note.

Ottawa's key concern appeared to be whether Khadr, now 18, would be executed if convicted, although he has yet to be charged or stand trial.

In a letter dated Oct. 6, 2003 to his American counterpart, then-foreign affairs minister Bill Graham said Canada's concerns were "particularly acute" given Khadr's age.

In his partially blacked-out response, then-secretary of state Colin Powell simply stated that "all enemy combatants detained at Guantanamo Bay are treated humanely."

Ottawa said recently it accepted those assurances.

However, Khadr's lawyers allege the teenager has been tortured at the U.S. prison in Cuba.

Khadr is one of four Canadian sons of Ahmed Khadr, who died in a shootout with Pakistani forces in Pakistan in 2003 in which the youngest brother Karim, then 14, was shot and paralysed.

Karim returned to Canada last year after his family went public with his plight.

Another brother, Abdurahman, was released from Guantanamo Bay after he worked for U.S. intelligence and also lives in Canada.

The eldest brother, Abdullah, was reported arrested Oct. 15 in Pakistan and later handed over to the FBI. His whereabouts are not known.

Among other things, Omar Khadr's lawyers say he has been shackled in painful positions for long periods and threatened with rape.

Khadr's lawyers are trying to force Ottawa to release all relevant documents.

The federal government argues doing so "would be injurious to international relations, national defence or national security."

Ottawa even threatened the lawyers with "contempt of proceedings" for releasing unclassified material.