

January 17, 2008

Hon. Maxime Bernier  
Minister of Foreign Affairs and International Trade  
House of Commons  
Ottawa, Ontario  
K1A 0A6

[BerniM@parl.gc.ca](mailto:BerniM@parl.gc.ca)

**Re: Public Request by Canadian Professors of Law for a Government of Canada Intervention before the US Military Commission in the Omar Khadr Case on the Question of Child Soldiers**

Dear Minister Bernier,

We the undersigned respectfully request that the Government of Canada issue a diplomatic note to the United States Department of State signaling your support for the *amicus curiae* submission made by fifty-five Canadian legal scholars, twenty-two parliamentarians and many international experts and authorities on January 18, 2008 in the proceedings being conducted against Omar Khadr before a U.S. military commission at Guantánamo Bay, Cuba. A copy of the draft *amicus* accompanies this letter. Alternatively, we request that the government submit its own *amicus* brief supporting the international legal principles raised in the above-noted submission.

As you know, Omar Khadr is a Canadian citizen who is currently being detained and prosecuted by the United States at Guantánamo Bay for his alleged acts of violence against US-led forces in Afghanistan in June and July 2002. He is the only Canadian – and indeed the only citizen of a Western state – still detained at Guantánamo. Every other Western nation has sought and obtained the repatriation of their citizens.

Mr. Khadr was 15 at the time he is alleged to have committed the acts for which he is now being prosecuted. As a matter of international law, Mr. Khadr was, therefore, a child soldier. This *amicus curiae* submission of January 18 points to issues of international law raised by Omar Khadr's status as a child soldier.

We write to you today to urge the intervention of the Canadian government in support of this *amicus curiae* submission for several reasons.

**A. Detainees at Guantánamo Have Been Maltreated to the Point of Possible Torture**

There are now many reports of maltreatment of detainees at Guantánamo Bay. For example, in July 2006, the U.S.-based Center for Constitutional Rights published its "Report on Torture and Cruel, Inhuman, and Degrading Treatment of Prisoners at Guantánamo Bay, Cuba," which examined detainee interrogations at Guantánamo. It noted detainees were:

- Held in solitary confinement for periods exceeding one year;
- Deprived of sleep for days and weeks and, in at least one case, months;
- Exposed to prolonged temperature extremes;
- Beaten;
- Threatened with transfer to a foreign country to be tortured;
- Tortured in foreign countries or at U.S. military bases abroad before transfer to Guantánamo;
- Sexually abused and humiliated or threatened with rape;
- Deprived of medical treatment for serious conditions, or allowed treatment only on the condition that they “cooperate” with interrogators;
- Routinely “short-shackled” (wrists and ankles bound together and to the floor) for hours and even days during interrogation.”<sup>1</sup>

On February 16, 2006 the United Nations Commission on Human Rights issued a report on the situation of detainees at Guantánamo Bay.<sup>2</sup> This high-level joint study was conducted by the UN Chairperson of the Working Group on Arbitrary Detention, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health.<sup>3</sup> This UN report called on the U.S. government to close the Guantánamo Bay detention facilities without further delay. It concluded U.S. interrogation techniques and degrading detainee treatment were/are in violation of international law, including the UN Convention against Torture.

In April 2007, Amnesty International released a report titled “Cruel and Inhuman: conditions of isolation for detainees at Guantánamo Bay.”<sup>4</sup> In this report Amnesty concluded that despite repatriation of hundreds of detainees to their country of citizenship, over 350 detainees still remain at Guantánamo without charge or trial and continue to be incarcerated in prolonged isolation, confined in steel cells.<sup>5</sup> In addition to physical and psychological abuse of the detainees, Amnesty also found that the detention facilities at Guantánamo, particularly Camp 1-3, 6 and Camp Echo, fell short of international standards; cells measured only 6x8 feet; access to natural light or fresh air

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<sup>1</sup> See Center for Constitutional Rights “Report on Torture and Cruel, Inhuman, and Degrading Treatment of Prisoners at Guantánamo Bay, Cuba” (July 2006), reproduced online at: <[http://humanrights.ucdavis.edu/documents/library/documents-and-reports/Torture\\_Report\\_Final\\_version.pdf](http://humanrights.ucdavis.edu/documents/library/documents-and-reports/Torture_Report_Final_version.pdf)>.

<sup>2</sup> See UN, *Situation of Detainees at Guantánamo Bay*, E/CN.4/2006/120 (February 2006).

<sup>3</sup> *Ibid.*

<sup>4</sup> Amnesty International, *Cruel and Inhuman: conditions of isolation for detainees at Guantánamo Bay* (April 2007). at 5-11, Online: <[http://www.amnesty.org/en/alfresco\\_asset/9a08de3d-a2cd-11dc-8d74-6f45f39984e5/amr510512007en.pdf](http://www.amnesty.org/en/alfresco_asset/9a08de3d-a2cd-11dc-8d74-6f45f39984e5/amr510512007en.pdf)>.

<sup>5</sup> *Ibid.*

was absent; and the prolonged confinement of detainees led to a wide range of mental and physical health problems.<sup>6</sup>

## **B. These Findings Inform Training Documents Used Within The Canadian Government**

We note that a Department of Foreign Affairs internal training document entitled “Torture Awareness Workshop” has now been made public. Among its list of “possible torture/abuse cases”, that document includes “Guantánamo Bay”. Officials in the government are, therefore, obviously alive to the situation at Guantánamo Bay, including the observations cited above concerning maltreatment of detainees.

## **C. Serious Allegations Have Been Made About the Maltreatment of Omar Khadr Himself**

While detained at Guantánamo, Mr. Khadr has allegedly been subjected to treatment that is at best degrading and abusive and at worst amounts to torture. Appendix I of the letter details publicly available allegations of mistreatment. Read together, these assertions suggest that Mr. Khadr may have been treated in a manner that is, at best, cruel, inhuman and degrading and possibly crosses the threshold to torture, as these expressions are understood in international law.

## **D. The U.S. Military Commission Process Allows Confessions Extracted Through Cruel, Inhuman and Degrading Treatment to be Used in Evidence**

Despite these acute concerns about conditions of detention at Guantánamo Bay in general and the more specific concerns about the treatment of Omar Khadr, the Canadian government has repeatedly urged that the U.S. military detention and prosecution process should be left to run its course. That U.S. process – trial before a US military commission – is plainly unacceptable. Not least, information obtained by the United States before the introduction of the *Detainee Treatment Act* in 2005 can be admitted at the discretion of the military judge where deemed reliable, even if obtained through means that were cruel, inhuman and degrading.

## **E. The U.S. Military Commission Process Has To Date Ignored Questions of International Law Relating to Children and Armed Conflict**

Moreover, the U.S. military commission has to date ignored entirely the implications of Mr. Khadr’s age for his prosecution. As noted, Mr. Khadr was 15 at the time he is alleged to have committed the actions leading to his capture and trial. As a matter of international law, he was and (for the purposes of his prosecution) remains a child soldier.

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<sup>6</sup> *Ibid.* at 14-15.

As the *amicus curiae* submission to be filed on January 18 notes, it is a principle of customary international law that children are to be accorded special protections in all criminal proceedings, and in any prosecution for participation in warlike acts. This principle also holds true under international humanitarian law, which affords special status to children in armed conflict and recognizes the need to distinguish them once captured. In appreciation of the unique issues related to children in armed conflict, no international criminal tribunal established under the laws of war, from Nuremberg forward, has prosecuted a former child soldier for violating the laws of war. To the extent that international law recognizes the limited culpability of children as combatants, it does so with an eye towards rehabilitation and reintegration, and not punishment. The procedures established under the U.S. Military Commissions Act fail to provide the minimum guarantees afforded to children under clearly established norms of international law applicable to the United States.

**F. In Other U.S. Proceedings Raising Less Pressing Concerns, the Canadian Government Has Intervened or Filed Diplomatic Notes**

All of the foregoing demands a prompt and meaningful Canadian response. We note that in many circumstances much less dire than the situation at Guantánamo Bay, the Canadian government has either intervened itself in, or issued a diplomatic note in relation to, U.S. court proceedings. A table showing a sampling of several such cases is appended to this letter as Appendix II.

**G. In These Circumstances, A Canadian Government Failure to Intervene in the Military Commission Process Cannot be Explained by A Simple Wish by the Government to Allow the U.S. Process to “Run its Course”**

To suggest that the Canadian government wishes simply to allow the U.S. process to run its course does not justify any failure to make a strong statement on the child soldier issue. There is no inconsistency between issuing a diplomatic note or *amicus* submission urging the United States to take into account international law pertaining to child soldiers and expressing a desire to allow the U.S. process to run its course. Again, the Canadian government has frequently taken positions in U.S. court proceedings, even while letting them run their course.

The Canadian government has been cognizant of the serious allegations of abuse at Guantánamo Bay and the critical shortcomings of the US military commission system for a considerable period of time, and is well aware of pertinent international law, international human rights law and international humanitarian law. It is also aware that the time is now particularly ripe to raise the child soldier issue with U.S. authorities. Under these circumstances, a failure by the Canadian government to issue a diplomatic note or *amicus* submission on the child soldier issue can only be taken as further evidence that the Canadian government’s policy on Omar Khadr reflects, not a principled position of deference to a foreign government, but an indifference to Mr. Khadr’s fate.

We can only speculate on the reasons for this indifference. A number of invidious motives for such a stance do, however, suggest themselves, including personal

animus towards Mr. Khadr and his family, or the subordination of the rights of a Canadian citizen to relations with a powerful foreign state.

Canadians, including Omar Khadr, deserve better. We the undersigned believe that the Canadian government's position on important principles of international law and Canadian foreign policy – not least those concerning the welfare of children – must be guided by a commitment to political integrity and the rule of law.

We urge, therefore, the prompt intervention of the Canadian government with U.S. authorities on the question of Mr. Khadr's status as a child soldier.

Yours sincerely,

[in alphabetical order]

**Professor Sharryn J. Aiken**, Faculty of Law, Queen's University

**Professor Amir Attaran**, Faculty of Law, University of Ottawa

**Adjunct Professor David Baker**, Faculty of Law, University of Toronto

**Professor Reem Bahdi**, Faculty of Law, University of Windsor

**Professor Vaughan Black**, Dalhousie Law School, Dalhousie University

**Professor Michael Byers**, Canada Research Chair in Global Politics and International Law, UBC Department of Political Science

**Professor Sujit Choudhry**, Scholl Chair, Faculty of Law, University of Toronto

**Mr. Paul Copeland**, Bencher (Director) of the Law Society of Upper Canada (Ontario)

**Professor François Crépeau**, Canada Research Chair in International Migration Law, Centre for International Studies (CÉRIUM), Faculty of Law, University of Montreal

**Professor John Currie**, Faculty of Law, University of Ottawa

**Professor Catherine Dauvergne**, Canada Research Chair in Migration Law, Associate Dean of Graduate Studies and Research, UBC Faculty of Law

**Professor Richard F. Devlin**, Associate Dean Graduate Studies and Research, Dalhousie Law School, University Research Professor, Dalhousie University

**Professor Aaron A. Dhir**, Osgoode Hall Law School, York University

**Professor Bernard M. Dickens**, Professor Emeritus, Faculty of Law, University of Toronto

**Professor Craig Forcese**, Faculty of Law, University of Ottawa

**Professor Evan Fox-Decent**, Faculty of Law, McGill University

**Professor M. Michelle Gallant**, Associate Dean, Faculty of Law, University of Manitoba

**Professor Donald Galloway**, Faculty of Law, University of Victoria

**Professor Noemi Gal-Or**, Director, Institute for Transborder Studies (ITS), Department of Political Science, Kwantlen University College

**Adjunct Professor Jason Gratl**, UBC Faculty of Law, President, BC Civil Liberties Association

**Professor Rebecca Johnson**, Faculty of Law, University of Victoria

**Professor Nicole LaViolette**, Faculty of Law, University of Ottawa

**Professor Sébastien Lebel-Grenier**, Vice-Dean, Research and Graduate Studies, Director of the Common Law and Transnational Law Program, Sherbrooke University

**Professor Yves Le Bouthillier**, Faculty of Law, University of Ottawa

**Professor Audrey Macklin**, Faculty of Law, University of Toronto

**Professor Ravi Malhotra**, Faculty of Law, University of Ottawa

**Professor Maeve McMahon**, Department of Law, Carleton University

**Professor Catherine Morris**, Institute for Dispute Resolution and Faculty of Law, University of Victoria

**Professor Bradford W. Morse**, Faculty of Law, University of Ottawa

**Professor Delphine Nakache**, Faculty of Law, University of Alberta

**Adjunct Professor Grace Pastine**, UBC Faculty of Law, Litigation Director, BC Civil Liberties Association

**Professor Jim Phillips**, Faculty of Law, University of Toronto

**Professor René Provost**, Faculty of Law, McGill University

**Professor Tim Quigley**, College of Law, University of Saskatchewan

**Professor Teresa Scassa**, Faculty of Law, University of Ottawa

**Professor Peter Showler**, Director, The Refugee Forum, Human Rights Research and Education Centre, University of Ottawa

**Professor Penelope Simons**, Faculty of Law, University of Ottawa

**Professor David M. Tanovich**, Faculty of Law, University of Windsor

**Professor Joanne St. Lewis**, Faculty of Law, University of Ottawa

**Professor Sheila Wildeman**, Dalhousie Law School, Dalhousie University

**Professor Stepan Wood**, Osgoode Hall Law School, York University

**Professor Jacob Ziegel**, Faculty of Law, University of Toronto

## Appendix I: Alleged Maltreatment of Omar Khadr at Guantánamo Bay

Based on personal interviews with Mr. Khadr in November 2004 and April 2005, and a letter Mr. Khadr sent them on January 13, 2005, Richard Wilson and Muneer Ahmad (at the time, Mr. Khadr's U.S. non-government appointed lawyers) urged that Mr Khadr has been "severely" abused physically and mentally throughout his detention.<sup>7</sup>

With respect to Mr. Khadr's detention at Guantánamo, the mistreatment documented by Mr. Wilson and Mr. Ahmad can be divided into two time periods. The first period extends from October 2002 to October 2003. In March 2003, Mr. Khadr says that he was removed from his cell in the middle of the night, brought to an interrogation room, and "short-shackled." Military Police then forced him into stress positions for periods of hours. One of these positions required him to lie on his stomach with his hands and feet cuffed behind his back. While in these positions, Mr. Khadr says he was not allowed to use the bathroom and, as a result, he eventually urinated on the floor, himself and his clothing. The Military Police then poured pine oil on him and used him as a 'human mop', dragging him back and forth across the floor through the mixture of urine and pine oil.<sup>8</sup> After Mr. Khadr was returned to his cell, he was denied a change of clothes for two days.<sup>9</sup>

During this same period, Mr. Khadr says that an interrogator displeased with his responses spat in his face, pulled his hair, and threatened to send him to Israel, Egypt, Jordan, or Syria if he did not cooperate.<sup>10</sup> Mr. Khadr understood this to be a threat of transfer to places where he would be tortured.<sup>11</sup> The interrogator also told Mr. Khadr that if he were sent to Egypt, the Egyptian authorities would send in "Askri raqm tisa" - Arabic for "Soldier Number 9" - and that this man would rape him. The interrogator then shackled Mr. Khadr's hands and ankles and forced him to sit down and stand up many times in a row. Mr. Khadr found this difficult and when he finally refused to stand up again, the interrogator called two military police officers into the room. They grabbed Mr. Khadr, lifted him up, and then dropped him to the floor. They repeated this sequence several times at the instruction of the interrogator.<sup>12</sup>

Several months later, in September 2003, Mr. Khadr states he was interrogated by two individuals claiming to be from Canada.<sup>13</sup> Following this interrogation, Mr. Khadr's security level was changed from Level 1 to Level 4; as a result, everything was taken from him, and he spent a month in isolation. On October 24, 2003, Mr. Khadr says he was interrogated by a man claiming to be from the Afghan government but wearing an

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<sup>7</sup> Memorandum submitted by Muneer Ahmad and Richard Wilson for *O.K. v. Bush* (21 March 2005) at 3, Online: <[http://obsidianwings.blogs.com/obsidian\\_wings/files/ok\\_injunction\\_petition.pdf](http://obsidianwings.blogs.com/obsidian_wings/files/ok_injunction_petition.pdf)>.

<sup>8</sup> *Ibid* at 4.

<sup>9</sup> *Ibid* at 5. <[http://obsidianwings.blogs.com/obsidian\\_wings/files/ok\\_injunction\\_petition.pdf](http://obsidianwings.blogs.com/obsidian_wings/files/ok_injunction_petition.pdf)>.

<sup>10</sup> *O.K. v. Bush*, 377 F. Supp. 2d 102; 2005 U.S. Dist. LEXIS 13758 at 4, online: International Commission of Jurists <<http://ejp.icj.org/IMG/AppendixG.pdf>>.

<sup>11</sup> Amnesty International, "The Global Struggle Against Torture: Guantánamo Bay, Bagram and Beyond," online: Amnesty International <<http://news.amnesty.org/pages/torture-case8-eng>> [AI Case Studies].

<sup>12</sup> *O.K. v. Bush*, 377 F. Supp. 2d 102; 2005 U.S. Dist. LEXIS 13758 at 4, online: International Commission of Jurists <<http://ejp.icj.org/IMG/AppendixG.pdf>>.

<sup>13</sup> *Ibid*.

American flag on his pants.<sup>14</sup> Growing dissatisfied with Mr. Khadr's answers, this man short-shackled Mr. Khadr's hands and feet to a bolt in the floor, moved Mr. Khadr's hands behind his knees, and maintained him in that position for hours. At one point, he told Mr. Khadr that a new detention center was being built in Afghanistan for uncooperative detainees. He also threatened to send Mr. Khadr to Afghanistan and told him that they liked 'small boys' there. Mr. Khadr understood this to be a threat of sexual violence.<sup>15</sup> The man then took a piece of paper, wrote "This detainee must be transferred to Bagram" on it, and left the room.

The second period of mistreatment documented by Mr. Wilson and Mr. Ahmad extends from November 2004 to June 2005. After they visited Mr. Khadr in November 2004, Mr. Khadr says that he was subsequently interrogated regarding the lawyers' visit.<sup>16</sup> Following this event, Mr. Khadr says that he was interrogated again for four consecutive days from December 7 to December 10, 2004. During the first day, interrogators threatened to strip him to his underwear if he did not confess to certain terrorist acts. They also used extreme physical force against him for refusing to provide answers which they demanded.<sup>17</sup> During the second day, Mr. Khadr was forced to sit on an extremely cold floor and was prevented from performing his daily prayers.<sup>18</sup>

Several months later, Mr. Khadr says he was pushed to the floor and held face-down when he complained to guards during his exercise period. He also reports that he has been questioned by psychologists and believes they are sharing this information with his interrogators.<sup>19</sup>

Concerned with the effects that Mr. Khadr's detention conditions and treatment by U.S. authorities might be having on his mental and physical integrity, Mr. Wilson and Mr. Ahmad gave him a series of psychiatric tests during their visit with him in November 2004.<sup>20</sup> After being cleared with the U.S. Department of Justice, the information was then provided to Dr. Eric W. Trupin, an expert in the developmental psychology of juveniles in confinement.

Dr. Trupin made a number of observations about Mr. Khadr's mental health. First, he found Mr. Khadr's symptoms - including delusions and hallucinations, suicidal behaviour, and intense paranoia - indicated "he likely suffers from a significant mental disorder, including post-traumatic stress disorder and depression," and such symptoms

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<sup>14</sup> Memorandum submitted by Muneer Ahmad and Richard Wilson for *O.K. v. Bush* (21 March 2005) at 6, online: <[http://obsidianwings.blogs.com/obsidian\\_wings/files/ok\\_injunction\\_petition.pdf](http://obsidianwings.blogs.com/obsidian_wings/files/ok_injunction_petition.pdf)>.

<sup>15</sup> *O.K. v. Bush*, 377 F. Supp. 2d 102; 2005 U.S. Dist. LEXIS 13758 at 4, online: International Commission of Jurists <<http://ejp.icj.org/IMG/AppendixG.pdf>>.

<sup>16</sup> *Ibid.*

<sup>17</sup> Memorandum submitted by Muneer Ahmad and Richard Wilson for *O.K. v. Bush* (21 March 2005) at 7, online: <[http://obsidianwings.blogs.com/obsidian\\_wings/files/ok\\_injunction\\_petition.pdf](http://obsidianwings.blogs.com/obsidian_wings/files/ok_injunction_petition.pdf)>.

<sup>18</sup> *Ibid.*, at 4.

<sup>19</sup> *Ibid.*

<sup>20</sup> *O.K. v. Bush*, 377 F. Supp. 2d 102; 2005 U.S. Dist. LEXIS 13758 at 5, online: International Commission of Jurists <<http://ejp.icj.org/IMG/AppendixG.pdf>>. The test is known as the "Folstein Mini Mental Status" examination.

are “consistent with those exhibited by victims of torture and abuse.”<sup>21</sup> Second, he noted Mr. Khadr was at a “moderate to high risk for suicide” and that if Mr. Khadr were subjected to further interrogation, he would be “likely to deteriorate and become increasingly thought disordered and suicidal.”<sup>22</sup> Third, Dr. Trupin found the harsh interrogation techniques used against an adolescent like Mr. Khadr could be “potentially catastrophic to his future development,” placing him at “significant risk for future psychiatric deterioration,” including “irreversible psychiatric symptoms and disorders.”<sup>23</sup> Finally, Dr. Trupin noted the harsh interrogation techniques to which Mr. Khadr has already been subjected, coupled with the threat of future mistreatment, make Mr. Khadr “particularly susceptible to mental coercion.”<sup>24</sup>

Following Dr. Trupin’s assessment, Mr. Ahmad and Mr. Wilson gave Mr. Khadr another psychiatric test during their second visit with him in April 2005. This time, they submitted the results to Dr. Daryl Matthews, a forensic psychiatrist, who concluded Mr. Khadr’s self-reporting symptoms met the “full criteria for a diagnosis of Post-Traumatic Stress Disorder.”<sup>25</sup>

In addition to affecting his mental health, Mr. Khadr’s detention conditions and treatment by U.S. authorities have also negatively affected his physical integrity. For example, Mr. Khadr continues to have recurring health problems associated with the injuries sustained during the July 2002 firefight with U.S. forces in Afghanistan.<sup>26</sup> During a hunger strike in July 2005, Mr. Khadr did not eat for 15 days. As a result, he lost 30 pounds and was taken to the camp hospital on two occasions and fed intravenously.<sup>27</sup> After one of these hospital visits, on July 9, 2005, Mr. Khadr was allegedly kicked by Military Police approximately ten times while collapsed on the ground from weakness. One of the Military Police allegedly followed up the kicks by applying strong pressure on a pressure point on Mr. Khadr’s neck for approximately one minute, resulting in severe pain and restricting Mr. Khadr’s ability to breathe.<sup>28</sup>

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<sup>21</sup> See Trupin Declaration, at paras. 19, 24. In Memorandum submitted by Muneer Ahmad and Richard Wilson for *O.K. v. Bush* (21 March 2005) at 10, online: <[http://obsidianwings.blogs.com/obsidian\\_wings/files/ok\\_injunction\\_petition.pdf](http://obsidianwings.blogs.com/obsidian_wings/files/ok_injunction_petition.pdf)>.

<sup>22</sup> *Ibid.* at paras. 22-23.

<sup>23</sup> *Ibid.* at paras. 26-27.

<sup>24</sup> *Ibid.* at para. 25.

<sup>25</sup> *O.K. v. Bush*, 377 F. Supp. 2d 102; 2005 U.S. Dist. LEXIS 13758 at 5, online: International Commission of Jurists <<http://ejp.icj.org/IMG/AppendixG.pdf>>. The test is known as the “Proxy Psychiatric Assessment.”

<sup>26</sup> William Kuebler and Rebecca Snyder (Pentagon-assigned defence lawyers) meeting with law students involved in the Guantánamo Repatriation Network (GRN) on 20 September 2007.

<sup>27</sup> Amnesty International, “The Global Struggle Against Torture: Guantánamo Bay, Bagram and Beyond,” online: Amnesty International <<http://news.amnesty.org/pages/torture-case8-eng>> [AI Case Studies].

<sup>28</sup> Center for Constitutional Rights, *The Guantánamo Prisoner Hunger Strikes & Protests: February 2002 - August 2005*, at 12.

## Appendix II:

### Sample Cases in Which the Canadian Government Has Filed Amicus Submissions or Diplomatic Notes in U.S. Courts

Case	Year	Court	Subject
<i>Teck Cominco Metals, Ltd. v. Pakootas</i>	2007	United States Court of Appeals for the Ninth Circuit	Lawsuit concerning the enforcement by the U.S. Environmental Protection Agency of an order against a Canadian company for upriver pollution of the Columbia River.
<i>Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am. v. USDA</i>	2007	United States Court of Appeals for the Ninth Circuit	Case concerning a challenge to the U.S. government's regulation of Canadian cattle imports in the wake of the "mad cow disease" scare of the late 1990s.
<i>Presbyterian Church of Sudan v. Talisman Energy, Inc.</i>	2006-7	United States Court of Appeals for the Second Circuit  United States District Court, Southern District New York.	Current and former residents of Republic of Sudan brought action under Alien Torts Statute, alleging that Canadian energy company collaborated with Sudanese government in policy of ethnically cleansing civilian population to facilitate oil exploration activities.
<i>Government of the province of Manitoba v. Gale A. Norton, Secretary, United States Department of the Interior, et al.</i>	2005	United States District Court for the District of Columbia	"Plaintiff Canadian province sued defendants, federal agencies and officials, challenging their compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C.S. sections 4321 et seq., in connection with their consideration and approval of a water transfer project." Manitoba's motion was supported by <i>amici curiae</i> the Government of Canada.
<i>In re : Vitams Antitrust Litigation</i>	2004	United States District Court for the District of Columbia	Settlement proceeding in a competition law lawsuit.
<i>F. Hoffmann-La Roche Ltd. et al v. Empagran S.A. et al.</i>	2004	Supreme Court of the United States.	Antitrust class action was brought on behalf of foreign and domestic purchasers of vitamins, alleging international price-fixing conspiracy by manufacturers and distributors. Canada's brief was supporting the argument that "a decision permitting independently injured foreign plaintiffs to pursue treble-damages remedies would undermine foreign nations' own antitrust enforcement policies by diminishing foreign firms."
<i>Michigan v. United States</i>	2001	United States Court of Appeals for the District of Columbia Circuit	Litigation in relation to U.S. pollution rules on the emission of nitrogen oxide.
<i>American Bayridge Corp. v. United States</i>	1998	United States Court of International Trade	Trade litigation connected to lumber trade.
<i>Faulder v. Texas</i>	1996	United States Court of Appeals for the Fifth Circuit	Litigation concerning the administration of the death penalty to a Canadian citizen in Texas

<i>North W. Life Assur. Co. of Can. v. Commissioner</i>	1996	United States Tax Court	Tax dispute under U.S taxation law involving a Canadian company operating in the United States
<i>Confederated Tribes &amp; Bands of the Yakama Indian Nation v. Baldrige</i>	1995-96	United States District Court for the Western District Of Washington  United States Court of Appeals for the Ninth Circuit	Lawsuit concerning salmon harvesting in Alaska.
<i>Barclays v. Franchise Tax Bd. Of California</i>	1994	Supreme Court of the United States	Corporate tax payers brought action challenging constitutionality of California's worldwide combined reporting requirement for calculation of corporation franchise tax.
<i>United States v. Humberto Alvarez-Machain</i>	Argued in 1991 and decided in 1992	Supreme Court of the United States	Mexican national had been forcibly kidnapped and brought to the United States to stand trial for crimes in connection with the kidnapping and murder of a United States Drug Enforcement Administration special agent and his pilot. Mexico and Canada filed amicus briefs urging that "the extradition treaty governs comprehensively the delivery of all persons for trial in the requesting state for an offense committed outside the territory of the requesting Party."
<i>Corrosion Proof Fittings v. E.P.A.</i>	1991	United States Court of Appeals for the Fifth Circuit.	Petition was filed for review of final rule promulgated by Environmental Protection Agency under Toxic Substances Act section prohibiting future manufacture, importation, processing, and distribution of asbestos in almost all products. Certain petitioners and <i>amici curiae</i> (Canada) contended that the EPA rule was invalid because it conflicted with international trade agreements and may have adverse economic effects on Canada and other foreign countries.
<i>Railway Labor Executives' Ass'n v. U.S. R.R Retirement Bd.</i>	1984	United States Court of Appeals for the District of Columbia Circuit.	Association of railway labor executives sought review of decision of Railroad retirement Board which determined that Canadian employees of the United States railroads operation in Canada ceased to be covered by the Railroad Retirement Act and the Railroad Unemployment Insurance Act on the effective date of certain Canadian immigration regulations.
<i>Re Uranium Antitrust Litigation</i>	1980	United States Court of Appeals for the District of Columbia Circuit.	Dispute concerning the extraterritorial reach of a production order tied to US prosecution of an alleged uranium cartel.