

This is Exhibit "A" referred to in the Affidavit of

Sean Robertson

PROTECTED B

Sworn before me this 8th day

September

A.D. 2008

REPORT OF WELFARE VISITS WITH OMAR KHADR

June 17, 19 & 20, 2008

A Notary Public in and for the Province of Ontario

**SUMMARY:** On June 17<sup>th</sup>, 19<sup>th</sup>, & 20<sup>th</sup>, 2008, I met with Omar Khadr for approximately 3.5 hours over the course of three welfare visits carried out at Camp Iguana in Guantanamo Bay, Cuba (0.75 hours on June 17<sup>th</sup>, 1.5 hours on June 19<sup>th</sup> and 1.75 hours on June 20<sup>th</sup>).

In keeping with previous visits, we continued to build a strong rapport, which allowed for an open and trusting meeting environment in which Omar has expressed comfort. As stated in prior reports, both defence counsel and JTF GTMO Staff have indicated a firm belief that ongoing welfare visits with Canadian Officials have meaningfully impacted upon Omar's overall positive outlook in life, comportment within Camp IV and participation in his legal proceedings.

Given this view, I was contacted separately by both JTF GTMO Staff and defence counsel on Tuesday, June 17<sup>th</sup> in reaction to Omar's initial refusal to meet with his counsel. Although no welfare visit had been planned for this day, I agreed to meet with Omar at their request, to discuss with him his reluctance to meet with counsel in anticipation of his hearing the next day, without, however, pressuring him to do so. The reasons for Omar's refusal appeared twofold: firstly, he was, by his own account, and as confirmed by my observations, physically not feeling well; secondly, he expressed a reluctance to meet his counsel because of the impact he felt these meetings had on his emotional and mental state-of-mind (i.e. rehashing difficult and traumatic experiences and contemplating an uncertain future). He did, however, reiterate his trust in and respect for his counsel, indicating that his reluctance to meet 'wasn't personal'. Further to our brief meeting, in which I encouraged him to discuss these views with his counsel directly, he agreed to meet with them and, despite continuing to feel unwell, chose also to participate in the hearing two days later (delayed to allow counsel further preparation time with Omar given how physically unwell he was feeling that day).

June 19<sup>th</sup> and 20<sup>th</sup> comprised visits in which I had an opportunity to further discuss with Omar his overall mental and emotional well-being, follow up on issues raised in past visits and track the provision of comfort items which have been provided to Omar by Canadian Officials. We further spent quite a bit of time discussing his physical health, as he complained about a variety of symptoms which manifested themselves in a generally weaker and less cheerful Omar than I have observed on earlier visits. Overall, the thrust of our visits focused on Omar's physical well-being, his emotional and mental state, and his hopes for the future out of Guantanamo Bay, particularly vis-à-vis educational opportunities, having a family and living a 'normal life'.

Continued knowledge of the media and parliamentary coverage of his case seem to be providing him with a modicum of hope, although he also expressed frustration that this awareness and attention will amount to nothing if it leads to no tangible impact on his life. As such, throughout our visits, expressions of hope were tempered by despondency. Omar was, however, particularly affected by the advocacy of the school group calling themselves "Kids for Khadr", seeking assistance in obtaining their address so that he can write them a letter, and indicating on several occasions how profoundly touched he was by their actions. I have followed up by providing CNO with the address to be sent to JTF Staff.

Finally, I observed continued positive interactions between Omar and both the JTF GTMO Staff and the Military Police at Camp Iguana. In keeping with this dynamic, US interlocutors representing various elements of the Detainee Operations continued to seek me out on several occasions to strongly reiterate past messages regarding their views on Omar (a more detailed discussion on this point is set out in a separate report).

**CONDITIONS OF MEETINGS:** As outlined in previous welfare reports, pursuant to a Court Order, which ordinarily limits contact by Canadian officials to consular personnel, observers to the Military Commission proceedings in Guantanamo are permitted to carry out welfare visits with Omar Khadr. Under the terms of the Order, this report and any related notes are provided to

Omar's legal counsel within 30 days of the meeting. Further to a waiver of privacy provided by Omar to his counsel in May, in which he authorized the release of his personal information, I reiterated to Omar that upon providing my report and related hand-written notes to his counsel, I had no control over the further dissemination or potential publication of that information; I understand that his counsel have provided him with news clippings referencing the fact that past welfare visit reports have been published in the media. I also reminded him that we could not talk about any legal issues or any of the details leading to his detention, that he was free to end the visit at any time, and that he had the right to refuse to answer any questions I posed. Omar confirmed his understanding of all of the above.

As before, all of our visits took place at various locations within Camp Iguana, in the "habeas huts". At one point during our visit, Omar indicated that coming to Camp Iguana was 'heaven' for him, as it allowed him a rare glimpse of grass and ocean, both of which cannot be seen from Camp IV. The Military Police unit running the Camp was, as usual, extremely professional, helpful and accommodating in facilitating all aspects of my visits. Our visits were conducted in privacy, but monitored throughout by a camera in one corner of the hut, which remained focused on Omar throughout. I understand that although the cameras are not recording sound, they are equipped to be able to do so.

**REPORT:** I offer the following observations based on my interactions with Omar during the aforementioned visits, but note that I am not a trained consular or medical expert.

As during prior visits, Omar's defence counsel expressed support for the benefits to Omar of ongoing welfare visits, and manifested this support by modifying their meeting schedule with Omar to accommodate the welfare visits. JTF GTMO Staff have also demonstrated support for these visits, for reasons discussed above, and generally go out of their way to organize them on my behalf even without a formal request being made.

#### General Psychological & Emotional Well-Being

Omar indicated at the outset that he had been looking forward to my visit, and was in good spirits throughout most of the course of our time together. Nevertheless, physical illness (discussed below), coupled with ongoing mental and emotional stress, clearly seem to be taking their toll. During our first visit, in response to my enquiries as to how he was doing, Omar responded, "not good". At the outset of our first visit, Omar expressed frustration and gloominess, bursting out at one point, "6 years I've been here. I've lost my childhood. What else do they want from me?" By the end of our visit, however, he had brightened up considerably, and when I left on Friday, indicated that despite anticipating being sad and depressed over the weekend, he was making an effort to focus on upcoming positives in his life. To that end, he was looking forward to the approaching movie night in which he had heard they would be shown the first Narnia movie.

As mentioned above, Omar expressed, for the first time to me, emotional concerns related to the ongoing legal proceedings against him. Though conscious that we could not talk about the proceedings themselves in any way, Omar guardedly shared with me feelings reflective of his mounting anxiety and tension vis-à-vis the process. US interlocutors also speculated that this process is becoming increasingly stress-inducing for Omar, as it continues to be fraught with uncertainty, therefore making it difficult for him to relax. To this end, Omar indicated that he has not been sleeping as well, which in turn has made him more tired, weak and lethargic during the day, and is contributing to the fact that he has been sleeping for long periods most afternoons.

Based on our interaction over the course of all of our previous visits including this one, and the sum of my related observations, I continue to have concerns about Omar's overall psychological and emotional well-being. A lack of educational opportunities and emotional support networks, compounded by ongoing detention, seem to be hindering his social and developmental maturation to a certain extent. Nonetheless, in spite of these barriers, Omar's natural intellect, perceptivity, humour and interpersonal skills all appear to be contributing in a positive way to his growth. On one occasion, a US interlocutor who has regular contact with Omar, indicated a belief

that "we are close to losing him", and that his positivity and sense of hope are very much 'hanging in the balance'.

As raised regularly over a number of years, *it is absolutely imperative that an independent psychological examination be conducted without delay to accurately assess Omar's mental state.*

#### General Physical Well-Being

Details about Omar's height, weight and other physical features can be found in prior reports, and haven't changed in any noticeable way since my last visit with him in May, 2008. Otherwise, our discussion about his physical health dominated much of our conversation as he was clearly feeling unwell and had a number of issues which he wished to raise with me.

Despite ongoing and repeated requests that Omar be seen as soon as possible by an eye specialist, this consultation has not yet happened. As a result, after almost four months, he continues to be denied shaded glasses to minimize the impact of the bright sun on his eyes and to mitigate any effects of the light on existing eye damage. Continued exposure to the sun is causing Omar increasing discomfort and pain; in particular, it is causing him painful headaches, blurry vision and dizziness. The impact that this has on his daily life is meaningful; it has an effect on the amount of time he can concentrate on the educational materials we have been providing him, it lessens the amount of time he can spend reading and it undermines his ability to play sports with the other detainees and generally stay active. Furthermore, he feels that it is weakening his already fragile eyesight and is responsible for the fact that recently his hands have begun trembling uncontrollably at times.

In the absence of detailed information from the JTF Staff about security specifications, I have brought down different kinds of sunglasses with me on two occasions, in the hopes that they might meet acceptable standards. Both of these sunglasses have been rejected on the grounds that they constitute a security risk. However, no other appropriate follow-up has been done with Omar to allow for the provision of the approved shaded clip-on glasses, which are designed to be worn over his regular glasses (which very much resemble old-fashion swimming goggles). *I would strongly reiterate that measures should be taken at once by CNO to ensure with appropriate US interlocutors that Omar has access to those remedies that can delay or prevent the onset of further deteriorating vision.*

He did indicate that some of his eye-related issues had been exacerbated in the five days prior to my arrival in Guantanamo by general flu-like symptoms, which included shortness of breath, laboured breathing and light-headedness. By the end of the week, he stated that he was feeling somewhat better. On the Wednesday night prior to the hearing, in response to concerns expressed by Omar, myself and defence counsel, ██████████ assisted in organizing a last-minute medical visit for Omar. According to the JTF Staff (and as reflected in the press statement the SJA's Office issued), Omar was seen by a doctor and informed the doctor that he was fine. According to Omar, however, he was seen by a nurse, whom he felt rushed through the visit, and mistakenly took comments that he was eating well and sleeping decently to mean that there wasn't anything wrong with him. In Omar's view, the questions of the nurse touched only upon whether he potentially had the flu or a bad cold, and not upon his other concerns, which relate more to his head, eyes and eyesight. On the morning of the hearing, Omar, in behaviour that represented a departure from his normal comportment in Court, appeared slumped over in his chair at some points, and leaned his forehead towards the table at other moments. Afterwards, he told me that this had been related to feeling weak and dizzy.

Shrapnel is slowly working its way out of Omar's body. The week prior to my arrival, another piece of shrapnel had pushed itself out of the skin in Omar's left ear. Omar described the feeling as bearable, but painful, and once the shrapnel exits the skin it leaves a bleeding wound. By the time Omar showed me the scar it had stopped bleeding and had healed over, but was still visible. This particular piece of shrapnel was quite small, but other pieces still embedded in his ear between the skin and the cartilage, which are clearly visible as dark marks beneath the skin,

appeared larger. These remnants of shrapnel are not restricted to his ear, but rather are scattered throughout his body.

Omar's ankle is feeling fine, as is his knee, although it still bothers him occasionally. He indicated that he still hasn't seen a doctor with regard to the knee (relating to issues described in past reports). He is getting a lot of use out of the shoes we brought down in February; however they do not offer him sufficient support for the arch of his foot to be able to use them for sustained exercise or activity, despite the insoles JLH/Amégan provided for him in April. He has requested another pair in a size 10.5 with stronger support. The usual security requirements such as no hard plastic or metal parts, and no laces, would also apply. He has not received the ankle brace brought down on a previous visit.

After almost four months of requests, as outlined in prior reports, Omar still has not been given a pillow or additional blanket. For security reasons, the original pillow that I bought was deemed unacceptable, but the SJA's Office undertook to order Omar a 'Sure-Chek' pillow which has been pre-approved by security. Several weeks before my visit, we were advised that this pillow had arrived and would be issued to Omar. At the time of my visit however, the pillow still had not been sent to him. I raised this issue several times during my stay, but on Friday morning, Omar had been given neither the pillow, nor the additional blanket. *We have indicated both orally and in writing that we consider the use of a pillow and an additional blanket related to Omar's overall physical well-being. Firm follow-up on this issue by CNO is merited.*

#### Educational Opportunities

Classes appear to have resumed in Camp IV. As a result, Omar now has access to Arabic classes once a week and to English classes once a week. He finds the Arabic class enjoyable, and feels that he is learning from the Instructor, who is a native Arabic speaker. This same Instructor also teaches the English classes, although Omar doesn't feel that the Instructor has much to offer him in this language. Nevertheless, he is choosing to continue to attend the class and generally tries to work out of his workbooks during this period.

Apart from these two weekly classes, there are no educational opportunities available to Omar beyond the self-study materials Canadian Officials have brought down. To this end, almost all of the materials I had provided on my last visit were brought to him. Unfortunately, the workbook I brought down on the United Nations had not yet been delivered; an issue I raised while I was there but which merits further follow up given the general dearth of educational materials otherwise.

In keeping with the excitement Omar demonstrated during our past visit about learning French, he continues to pursue the language through self-study and tutoring sessions with other detainees. Upon request, Camp officials had also recently provided him with a French-English travel phrasebook which he was pleased to receive.

Omar continues to read voraciously, and had recently finished a number of books including 'Climb', 'Life of Pi', 'The Runaway Jury' and 'To Kill a Mockingbird'. He was particularly impressed with the latter, and asked for more books that were 'as good'. Though he enjoyed 'Life of Pi', he felt it paled in comparison to the adventures of 'The Swiss Family Robinson'. Given the great number of books Omar now possesses and given his limited storage space, he has agreed to institute a trading system with Camp officials whereby he exchanges an old book for a new one, and they agree to store the old books elsewhere. As almost no other detainee can read English, there is very little interest for putting his books into the library.

In March 2008, pursuant to discussions with US interlocutors, I was told explicitly that if Canada were to suggest initiatives related to providing Omar with further educational opportunities funded by the US, something could more than likely be arranged. Despite having raised this in all of my subsequent reports, as of this month, no action appears to have been taken to follow up on the openness shown by US interlocutors. *Educational opportunities are of paramount importance;*

*Omar has been without any formal education for over six years, and the absence of such opportunities seems to be having a direct impact on his psychological well-being. It is crucial that this issue be pursued in a timely fashion.*

General

Further to my last visit, Omar has been given several more novels and magazines, the First Aid book, the Tin-Tin comics, the Chronicles of Narnia and the anise and sesame seeds. He has not yet received the UN workbook, some of the other books and magazines, the origami paper (which appears to be an oversight which has not yet been corrected), the cologne (for security reasons), the English Koran and the book 'Guantanamo's Child' (which has not been delivered but had not been sent back to the JTF Staff from the censors, leading the former to speculate it may yet be sent to him). Omar expressed understanding that this book might not be given to him, but wanted to be told this if it was indeed the case, so that he would not be anticipating it.

Upon request, I purchased a number of toiletries and food items for Omar which I then left with JTF Staff including: body wash, soap, toothpaste, shampoo, conditioner, facial cleaner, deodorant, several magazines, assorted candies, juice packs, chips and condiments. Invoices related to the purchase of these items will be provided to CNO shortly.

**NEXT STEPS:** For future visits, Omar has requested new running shoes, dried mint for his tea, mint seeds (to plant in the small gardens the detainees are allowed to tend), tabouleh salad, more condiments, a bottle of olive oil, a container of olives, Ben & Jerry's ice cream and hot dogs. Omar further expressed an interest in calligraphy, and has requested books on this and on cursive writing generally. He also loves the National Geographic-style magazines as he is interested in photography, and requested not only further magazines of this genre but also magazines and books about photography and cameras generally. After a discussion about books in which I told him about the Gordon Korman Bruno & Boots series, he has specifically requested copies of these books as well. As before, DFAIT Officials will continue to collect books for this purpose.

As reported last month, Omar would like to make use of his allotted phone call with his family. He has raised this with Camp Officials, but has not been given any further information as to when this could take place. He is under the belief that if the phone call is arranged by DFAIT, as opposed to the ICRC, it can take place much sooner. I indicated to him that a) I'm not sure if DFAIT is still organizing phone calls, or if this responsibility has been assumed entirely by the ICRC; and b) even in DFAIT can arrange the phone call, it will necessitate his family travelling to Ottawa which might further delay the process. He asked simply that I look into it, that the appropriate mechanisms be followed to begin organizing the call, and that information be reported back to him during the next welfare visit.

**Grateful if Consular could make specific and active efforts to pursue the following issues, including by Diplomatic Note, if necessary:**

- Eye Exam & Shaded Glasses
- Educational Opportunities
- Independent Psychological and Medical Examinations
- Pillow & Extra Blanket
- Phone Call to his Family

**Drafted:** JLH/Millington

**Approved:** JLH/Nölke