

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

Sean Robertson

Sworn before me this 8th day

of September, A.D., 2008

A Notary Public, A Commissioner for Oaths
and for the Province of Alberta

**REPORT OF WELFARE VISIT WITH OMAR KHADR
FEBRUARY 3 AND 4, 2008**

SUMMARY

I met with Omar Khadr twice during my short stay in Guantanamo, once for nearly 2 ½ hours and once for app 45 minutes. He looked physically fit and in better shape than I have seen him before. Some health issues remain, and his complaints about the food continue. He was clearly anticipating my visit and had a mental list ready of things to ask for – mostly comfort and food items. I purchased a number of the items but some will have to be obtained in Canada given limited shopping opportunities on the base. He was friendly and talkative, and described his overall treatment as "fair enough". At the express request of his lawyers I suggested that it would be in his interest to meet with them (I made clear that it was his choice).

CONDITIONS OF MEETINGS

Pursuant to a Court Order, which ordinarily limits contact by Cdn 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 notes taken are provided to Khadr's legal counsel within 30 days of the meeting.

Both meetings took place at Camp Iguana, in the huts erected for meetings between counsel and their clients, a.k.a. the "habeas huts". The huts are air conditioned and equipped with a big couch and armchairs – cottage-quality but comfortable – and tables that can be moved around freely. I brought food on both occasions, and was able to move the table so Omar could eat comfortably. He apologized for not being able to assist with moving the table – detainees remain shackled on one foot. There were no guards present; but a camera in one corner of the hut was focused on him throughout. He used this camera to attract the attention of the guards when required.

I had indicated to both defence counsel and the staff of the Staff Judge Advocate responsible for arranging entry into the camps that, given the imminence of the proceedings, my visits with Omar would be subject to counsels' need to meet with their client. SJA advised that counsel had planned on meeting with him for most of the day Sunday, but hoped they could arrange a visit for the end of the afternoon. I ran into the lawyers (Dennis Edney, Nathan Whiting, and US counsel LCdr Bill Kuebler, Rebecca Snyder and Michel Paradis) in the morning at a local coffee shop, and they agreed to advise me when their visit was over. Edney called half an hour later to say that Omar had refused to see them. He also asked me to pass on that his Cdn lawyers were there, in an effort to change his mind. I transmitted this request to Omar (he finds conversations with his lawyers, and the proceedings themselves, "boring") and he agreed to meet with his defence team. In the event, the guards called only US counsel, which I did not realize until we met at the perimeter of the Camp. I explained, and apologized for, this apparent misunderstanding the next day.

The Sunday meeting took over 2 ½ hrs, from app 1:30 to just after 4 pm. Having agreed to meet with his lawyers, and following a request to the guards to ask them to come, Omar asked me to remain with him until they got there. He also asked to see me again before I left, which I promised to do.

In the event, the proceedings terminated much earlier than anticipated on Monday Feb4. Having been able to obtain the promise of a flight back to Canada on Tuesday, I therefore went to see Omar again Monday afternoon. Unfortunately it took camp staff longer than anticipated to get him to Camp Iguana, and our second meeting was only 45 minutes as I had another appointment. Omar forewent afternoon prayers when he heard of my time constraints.

PHYSICAL AND MENTAL CONDITION, GENERAL TREATMENT ISSUES

Subject to the caveat that I am not a trained consular or medical expert, my impression was that Omar was in very good physical condition, even better than in November, the first time I saw him after his transfer from Camp 6 to Camp 4. He appeared straight and fit. He was dressed in "highly compliant" whites, with newly trimmed hair and beard (he immediately asked me whether I had noticed, and whether I liked it), making him appear younger than before. He was very friendly, familiar and talkative throughout, inquiring about CNO/Collins and her new baby. (SJA undertook to show him the photos Nancy had sent, although said he would not be able to keep them.) His body language was comfortable - subject to the shackles, which had about one foot slack - and he even touched my hand for the first time, when inspecting a bracelet my daughter had made. He ate just about everything I brought (hot lasagne) and offered to share the cookies, gummy bears, and strawberries.

Health: his stomach problems continue to be the same; "nobody is doing anything about it", they just give him medication. ██████████ told me he refuses to take his medication.) Symptoms are that his "stomach can't hold much food" and that he needs to go to the bathroom almost immediately after eating. I asked whether he had been tested for food allergies (e.g. wheat, dairy); he thought not. I suggested he keep track of what he eats for a while to see if there were any patterns that he could present to a physician.

As regards his eye, he accepts that there is not much that can be done given the risks of surgery. His knee is giving him trouble; he has been offered surgery (arthroscopic) but does not want it. He has some problems with his ankle, and has been seen about that. He needs insoles which are not available at GTMO, as well as flexible ankle braces. I undertook to see whether these could be obtained for him in Canada.

His sleep is "fine". He does have an occasional sharp pain in his back, especially when he bends down his neck. This makes it difficult to breathe at times. He was told to take painkillers for this. This was the standard response - painkillers. "As long as you are breathing, you're fine." He thinks this may have something to do with the cold at night; he would like an extra blanket to protect against that.

As for his teeth, he is a "bit lazy" about brushing, but did receive the regular-sized tooth brush and toothpaste I got for him in Nov. His left wisdom tooth is "not growing right" but the dentist needs to wait for a bit before addressing it; only the lower ones have come out so far.

He would like me to "visit him" in Camp IV (our meetings have always been arranged in either Camp 1 or Camp Iguana) so I can see it. Detainees are housed 5 per pod, in a big room with beds. They are permitted to keep their own books, magazines, clothes "and the stuff you send me" [food and comfort items]. He would like an extra blanket as temperatures drop at night, and he believes the cold may have something to do with his back pain. He would also like a pillow, which detainees are permitted "if someone brings it".

He continues to loathe the food. Tea is warm, not hot, and doesn't taste like tea. Coffee is hot but tasteless. Chicken is always boiled, meat almost always ground – the same meat, presented in "different shapes". They used to bring fish filets, which were ok, but that had stopped. The fish detainees get now is "not cooked right". He thinks they stopped the filets "because people liked it". The best meal in the 2-week cycle was chicken alfredo. I had him describe the kind of food he gets on a daily/weekly basis (see hand-written notes). He usually eats only lunch or dinner, rarely both (except for snack bits off the tray); the best meal for him is breakfast. All bread detainees get, with the exception of pita, is white. When the MPs see detainees' food "they get disgusted". He still wants Western food, "like Hicks had".

Capt McCarthy had told him if he wanted other food, he would need to go through "his delegation". Almost everything was allowed; many detainees had "whole piles" of chips, candies etc. Those cooperating with interrogators got "everything". He wished he was still being interrogated.

EXERCISE AND INTELLECTUAL STIMULATION

He now gets pretty well all the exercise he wants, and proudly told me the week before he had run for 1.5 hrs.

As for entertainment he would like some flexible pens; he is allowed to have, but not to keep them (unlike detainees still in interrogation). If he could keep them in his cell he could write and draw when he wants to. He still has not received an English language Q'uran.

He has read a few more books – he particularly enjoyed Dean koontz "Eyes of Darkness". The book I left for him (Guy Gavriel Kay's Fionavar Tapestry trilogy) was "a nice story" but had "too much stuff about gods in it". He would like books on origami and yoga (which I got for him and will mail), nutrition, and treatment of sports injuries, as well as a domino game.

He enjoyed his call with his family, but the hour went by too fast. He would like another one soon. His brother Karim had complained about homework in Grade 12; he told him that he was lucky to be in school – here he was the older brother, and still at a Grade 7-8 level.

Omar's main concern continues to be the absence of educational opportunities. His future plans, "if I get out of here" include finishing high school, perhaps university, and either "working with my hands" such as in carpentry, or "helping people" in the medical field, as a paramedic or ambulance driver. He had spoken with an orthopaedic specialist at GTMO who had told him that it took over 10 years to get to his specialty, which was "too long". But he is interested in learning about the human body, which is something he would like to study.

English classes were too basic. Guards had cancelled his participation in Arabic classes after an incident where some pages had been torn from his books/magazines; Omar insisted that he had not done this; his pod mates had access to his things and he was "trying to find out" who had done it. I reminded him that his stay at Camp IV was conditional on good behaviour, which he acknowledged. He wants back into his Arabic classes.

MISCELLANEOUS

His shoes were "falling apart" and not good for running; I undertook to find some running shoes for him – preferably hightops given his ankle -- but the naval commissary carried nothing with Velcro. I was able to satisfy many of his requests for smaller items (tea, coffee, chips, candy, sunflower and pistachio seeds).

At our second meeting (post-hearing) he asked me what I thought of the arguments made. I reminded him that I could not comment on the legal proceedings, but that I thought his legal team had done very well on his behalf. He is "getting sick of the process".

Omar pointed out that the reason he kept fidgeting a lot during the proceedings was that he was cold; guards were trying to get him to keep his hands on the table top which made them very sensitive and cold due to his shoulder injury. He would really like a long-sleeved shirt. (COMMENT: the air conditioning in the Court was indeed set for an extremely low temperature, for someone essentially dressed in a t-shirt, Capri-length loose pants and a loose fitting top. While detainees are apparently not permitted long-sleeved shirts for security reasons, some compromise should be found for proceedings.)

When asked generally to comment about his treatment at GTMO now, Omar described it as "fair enough". Personally he was "fine". In Camp IV guards are allowed to talk to detainees. He talks to the [REDACTED] when he has complaints. But there are no major things he could have helped with – his main issues are school, medical issues, flexible pens – nothing was done on those.

He remains optimistic that he will get out some day, but "not through the legal process".

FOLLOW-UP

Because of time constraints, I could not carry out my usual follow-up visit with SJA/Capt McCarthy. I requested a telephone follow-up in which I hoped CNO would join, but have not heard back. I will provide CNO with a list of items for specific follow-up by e-mail, including specifically on dietary issues and educational opportunities.