

This is Exhibit "P" referred to in the page 1 of 3

Affidavit of

Sean Robertson

Sworn before me this 8th day

of September 10, 2008

[Signature]
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Mueller, Doreen

From: Sabine.Nolke@international.gc.ca

Sent: Monday, December 03, 2007 11:49 AM

To: Nancy.Collins@international.gc.ca

Cc: Mueller, Doreen; Michael.Welsh@international.gc.ca; sean.robertson@international.gc.ca;
Odette.Gaudet-Fee@international.gc.ca

Subject: RE: Report of Welfare Visits with Omar KHADR -- Nov. 7 and 9, 2007 ADDENDUM

I found an additional four pages of notes from my second visit with Omar Khadr (Nov. 7) which had inadvertently been buried in my briefcase. They were on a separate pad (guards had objected to my spiral bound note book on 06Nov and I had to rip out some pages from it). For the second visit I purchased a small non-spiral note pad, which I overlooked in my briefcase.

A portion of what these notes contained was already reported below. The notes are not extensive as most of our discussion during the second visit amounted to free-flowing conversation (viz. some rather pathetic illustrations of a totem pole and the Morse Code inscription on the new War Museum ...). Notes will be faxed to Doreen. My apologies to all for the oversight.

The additional information is as follows:

OK complained that during the Commission hearing, his eyes were getting blurry due to the artificial light, and asked whether he could be given shaded glasses. He could not see the judge's face clearly anymore towards the end. He was concerned that as he had only one eye left, he did not want to damage the sight in that. When I raised this with Capt McCarthy he characterized the issue as one of "affecting Khadr's ability to participate in his proceedings" and indicated he would put in a request for shaded glasses on that basis. Normally detainees are not permitted these for security reasons.

Omar also complained that his arm was getting numb resting on the cold table. (This was an issue that was noted by his counsel during the proceedings; I overheard him advise the security guards that his client would be resting his arm on his leg from time to time and that this should not be seen as a security issue.) Omar said that his shoulder had not been looked at for a while, although he had been given "exercises" to do for it. He thought his arm was weak because of bone damage.

He also requested potato chips for his "care package". I provided these to the SJA later that day.

I indicated to him that someone from DFAIT would likely next see him in the context of the 04Feb08 hearing, but could not commit as to who that might be at this stage.

Sabine Nölke

Director/Directrice
UN, Human Rights and Economic Law Division/
Direction du droit onusien, des droits de la personne et du droit économique (JLH)
FAC/ALC
Tel (613) 992-6296; Mobile (613) 355-9143; Fax (613) 992-2467
sabine.nolke@international.gc.ca

From: Nolke, Sabine -JLH

12/3/2007

Sent: November 27, 2007 10:55 AM

To: Collins, Nancy -CNO

Cc: 'Mueller, Doreen'; Welsh, Michael -CND; Robertson, Sean -CNO; Gaudet-Fee, Odette -CNO

Subject: Report of Welfare Visits with Omar KHADR -- Nov. 7 and 9, 2007

PROTECTED "B"

For DoJ/Mueller: For release only/only to counsel for Omar Khadr; copy of hand-written notes to follow by fax

1. GENERAL: I met with Khadr twice, on Nov 7 and Nov 9, for app 2 1/2 hrs the first time and app 1 1/2 hrs the second. Both meetings were facilitated by the Staff Judge Advocate's (SJA) office. Timing was intended to accommodate planned mtgs with defence counsel (in the event, OK refused to see them the first day but met with them on Friday). Prior to the first visit I was initially advised that OK had refused to see anyone, but after [REDACTED] clarified it was me, he readily agreed and later apologized to me for the misunderstanding. The second meeting took place at his express request.
2. The first mtg took place in one of the "habeas huts", without visible US presence (there were security cameras in place). After checking with me, guards removed one of Omar's two leg shackles. I realized only later that the second one had not been removed ("because we are all so dangerous in here".) The second mtg took place in Camp Iguana, where we had met in June. I requested removal of the second leg shackle but the guards said they were not permitted to do this. On both occasions there was a table between us on which OK had placed an envelope full of letters (brought in to read if he had to wait), and which he could use to eat the food I brought in.
3. Throughout both mtgs OK was friendly, made frequent eye contact -- unlike last time -- and smiled often. He asked me to come back on Friday, and whether I would be at his hearing. In the court room on Thursday he looked around the audience - the first time in any of his appearances - and smiled when he spotted me. He also inquired about CNO/Collins, and who would next come to see him and when. He seemed disappointed when I told him I may not be back for the next hearing and wanted to know why, and who might be coming instead. He was aware that Nancy had set her replacement in train.
4. HEALTH: OK presented in much better physical and - to this layperson - psychological shape than when I saw him in June. He himself ascribed his better appearance to the much better conditions of Camp IV, access to the sun, and "almost all the exercise I want". For exercise he prefers using the centre area to run and play basketball (detainee blocks have to take turns for that area). He'd like to improve his basketball skills, but there is no one to teach or to play with.
5. G-I issues: The gastroenterologist he saw gave him "some pills", but he had stopped taking them. He said the Dr had told him that food was not likely to improve conditions, and so Omar held out little hope that his report -- on which CNO has been waiting to renew the pitch for changed (Western) diet -- would assist in that regard. SJA/McCarthy later reiterated previous assertions that Omar was getting "Western food" from the galleys, and they could not think what else he might want unless it was the burgers and fries the interrogators brought at times for their subjects. They did however promise to investigate the possibility of having the galley prepare Italian dishes for detainees on occasion, for which Omar had expressed a preference.
6. Eyes: OK was aware of surgery options for his eye (covered in CNO/Collins visit). Eye drops given to him were supposed to reduce the pressure but he didn't think they worked. When I asked why he had stopped taking them, he said that he had been told the Dr would follow up in a month to see if the drops had helped; it had been two months without the follow-up. He still had not seen the dentist again (since 2005). I raised both the eye follow-up and dentist issues with Capt McCarthy and latter e-mailed out requisitions for both in my presence.
7. Psychologically Omar appeared to be in much better shape than before - his lawyers made the same observation - and he ascribed this to the much better living conditions in Camp IV. But he is extremely keen to "see something different than this place, some nature views". He likes observing the birds and iguanas that sometimes come into the camp, and said it was "great" when the green screens had to be taken off the perimeter fences during Hurricane Noel. That way detainees in Camp IV could see their surroundings, the hills and ocean and "I could even see cars moving around, it was great". He remarked that "this is really a very beautiful place". This was the first time he had seen the camps' surroundings.

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8. RELIGIOUS OBSERVATION: OK said detainees in Camp IV had "some hard times" during Ramadan. There was lots of rain that month and they could not pray outside, where they - blocks of 15 - could pray together. Inside they were not allowed to pray together. They were together all the time outside, so did not understand why they could not be together for prayers inside. Authorities should permit joint indoor prayer when going outdoors was not an option. SJA indicated that this was security related; having that many detainees in the same interior space was how "the riot started" last year.
9. OK was still looking to have an English-language Q'uran which for some reason they did not have. There were Q'urans in "all languages" except English. This is something we should try and bring next time.
10. EDUCATION: OK asked whether I had brought any educational material, and I explained that DFAIT had preliminary discussions with an Ottawa School, which had provided me with a pack of materials that were being checked by the censors (English, math, science). I advised that CNO follow up on arrangements for a teacher to supervise, and modalities of getting workbooks in and out of GTMO for assessment and progress. He was content that initial level would be Grade 7/8 as he had not had schooling for a long time and teachers would need to assess his level. He would like his eventual teacher to provide a "time table" so that he can be disciplined about doing his work, "otherwise I sometimes get lazy". SJA printed out all the materials from the CD-Rom I was given by Broadview PS, for checking by the censors, and returned the disk to me. Khadr also asked - while studying the bilingual cookie box I had brought - whether he could learn French ("at a very basic level"); I said I would make inquiries.
11. Detainees in Camp IV are now given Arabic grammar lessons Mon, Wed and Fri afternoons for an hour, and Omar takes those. They will shortly be offered English classes, but he believes those will likely be far too basic for him. McCarthy agrees with this and said they were looking into something more advanced. He now has his dictionary back, which he likes a lot, and was grateful that I had brought an Arabic one.
12. COMMUNICATIONS: OK had the same complaints as before about letters from his mother not getting through. He only got mail from her via the ICRC and they were very slow; he had just gotten one from last December. "People from Afghanistan get letters within a month". I reassured him that CNO was working on his next phone call and that Nancy remained hopeful it could be arranged before her departure. I told him it may have to be held in English, which upset him a bit as Saudis got to hold theirs in Arabic.
13. He has received letters from people around the world (UK, Belgium, the US, Amnesty Intl). He had one from Canada in his envelope - mailed Aug 2005, arrived Oct 2005 with two lines redacted - that he wanted me to read for him as he said he had never been able to read the handwriting. I read it to him twice. He was quite touched by the expression of support and I undertook to write the sender a note to say he had received and appreciated it. He may write her himself.
14. GENERAL DETENTION CONDITIONS/INTELLECTUAL STIMULATION. He said things were "fine" in Camp IV. During the rains some water had come in "from underneath".. Mosquitoes were a problem after the rains. (Note - those were everywhere on the island, and the NEX had run out of repellent.) As a result of the mosquito problem detainees were allowed to eat inside.
15. Detainees in Camp IV get to watch movies once a week (by block, alternating Mon, Tue or Wed). Most were "boring" though according to Omar, nature films. He likes action movies. He had seen Harry Potter 1 and 2. He thought The Deathly Hallows was the best book he had ever read, and other detainees "can't wait till it comes out in Arabic". He also liked the Da Vinci Code and Jack London's Wildfang, and commented intelligently on narrative elements in both (24 hour story arc, the cub's point of view). He had not been given the fantasy trilogy I brought the last time. I checked and apparently it had not made it past the censors, but SJA advised they had secured its release.
16. I asked him to describe a typical day in Camp IV. This is his daily routine:
- wake up app. 4:30 am for morning prayers; prepare for them
 - after first prayers, detainees read "verses for protection"
 - breakfast (OK had "kitchen duty" the day I saw him, cleaning up communal eating area)

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- read a chapter in the Q'uran
- open time between breakfast and noon, when he could read the Q'uran, do "educational stuff", play ball
- Second (noon) prayers
- lunch
- read another Q-ran chapter
- afternoon open time
- Third prayer in the afternoon, followed again by protective verses
- Fourth prayer at sunset, read Q'uran
- dinner
- Fifth prayer and fifth Q'uran chapter (6:30-ish)
- until 8 - play dominoes or other games, or movie night
- to sleep at app 8.

17. COMFORT ITEMS: I explained how CNO's parcel had gotten waylaid in Havana, and advised that I would acquire the same items for him at the NEX. He asked for a few additional things: "medically approved" toothpaste, a full-sized tooth-brush (they get short ones, except interrogators provide regular ones), "lots of" candy, a brush, "black seeds" (available in middle eastern markets, and "good for the stomach" -- needless to say I could not procure these in GTMO), tea, instant coffee. (Note that teabags have to have strings removed ...). As for the shoes, he asked whether they could be Skechers which some detainees had and he really liked. He has apparently gone off car magazines somewhat and instead would prefer ones that would "teach me something", such as science and nature magazines. An itemized bill for all purchases has been provided to CNO.

18. During our second mtg I was able to advise that all items I had managed to acquire were being processed. Books of cross-word puzzles and Sudoku were however rejected as they "could be used for code-making". I also managed to get hot lasagna into our second meeting, which he declared "the best thing I've eaten in months". Capt McCarthy said he would check into whether the kitchen could not occasionally produce it for the detainees. He also noted that if the interrogators provided full-sized toothbrushes OK could have one too, as there was clearly no argument that this was a security issue if some detainees had them.

19. LEGAL REPRESENTATION. I asked OK whether he was satisfied with his legal representation. He expressed annoyance that Dennis Edney was not there this time - he thought Edney was told he could come "too late" to make the necessary arrangements. I did not comment on the nature of the difficulties but assured him that all his lawyers had his best interests in mind. He said he did not want to see them that afternoon. I told him that I was not trying to tell him what to do, but that it was important for him to cooperate with counsel. He indicated he would participate in the legal process, but was hopeless as to the outcome ("everything is against us"). All he wanted is to go back to Canada.

20. During our second mtg I asked whether he had understood the proceedings, and he said he had, "most of it". His lawyers had explained next steps, and he felt they had represented him "okay". He was fine with LCdr Kuebler as his counsel, but asked me for Rebecca Snyder's name, which he did not remember.

21. We did not discuss the nature of the proceedings or other aspects of his case, but he insisted on showing me two photographs his lawyers had given him "of my wounds". The photos showed him at the time of his capture - looking about the same age as in the ubiquitous portrait - unconscious and partly covered by debris apparently from a shattered building, with two deep holes in his shoulders and a head wound. Beside him lies the apparently

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headless body of "one of the guys who was in the building with me". He considers it "a miracle" that he is still alive.

22. MISCELLANEOUS: I declined to answer questions about other legal processes - his family's passport denial, other MC proceedings - and what "people in Canada think about me". He also wanted clarification of Capt McCarthy's name which I did not provide. (Latter later told me many detainees knew his name and it would have been ok in his case.) He had been told his mother had been on TV speaking about him but doubted he would be allowed to see the clip. He asked whether it would be possible to send her an up-to-date photo of himself. I followed up with McCarthy who is looking into this and whether there was a precedent. If, as OK said, Saudi prisoners had been permitted to send photos back, there would be no reason to refuse.

23. Much of our first and most of the second meeting was spent chatting - about books he had read and movies he had seen, places he wanted to see, recent events in Canada, the maple syrup harvest, the new War Museum in Ottawa (he had seen an article in Canadian Geographic), and the like. He clearly enjoyed the opportunity to speak English and have a "normal" conversation and asked the guards both times to let me stay with him until the "GOLF team" had actually arrived to take him back to Camp IV.

Sabine Nölke

Director/Directrice
UN, Human Rights and Economic Law Division/
Direction du droit onusien, des droits de la personne et du droit économique (JLH)
FAC/AEC
Tel (613) 992-6296; Mobile (613) 355-9143; Fax (613) 992-2467
sabine.nolke@international.gc.ca

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