

NAMES IN THE

■ LAWYER OF THE WEEK

Khadr's lawyer remains resolute

KAREN MCDUGALL EDMONTON.

Despite no pay and intense opposition, Dennis Edney has remained passionate about representing high-profile Guantanamo Bay detainee Omar Khadr for over six years.

Edney and colleague Nathan Whitting, who has also been representing Khadr, were recognized for their dogged commitment to the Khadr case with a National Pro Bono Award in September.

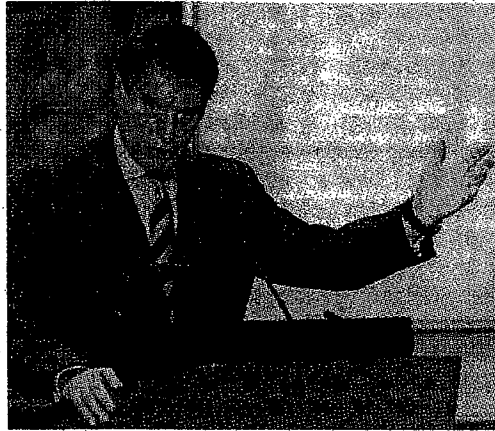
The pair are based in Edmonton, but make frequent trips to Guantanamo Bay. *The Lawyers Weekly* caught up with Edney, poised to jet off to Cuba again, in Edmonton recently.

To talk with Edney on the topic of pro bono work generally, and Khadr's case in particular, is to appreciate his zeal with respect to both.

Edney became involved with the Khadr case in 2002. Before committing himself, he spoke with his family and Whitting, all of whom felt that Khadr's was a just cause. Even after more than six years, countless hours of non-billable labour and many thousands of personal dollars, Edney, Whitting and their families are still fervently committed to the Khadr case.

It hasn't been easy. First, there is the lack of funding. Khadr doesn't qualify for legal aid because he was not detained in Canada. The Canadian government had declined help, notwithstanding that Edney and Whitting were appointed by the Pentagon as foreign attorney consultants and so saw themselves as representing Canadian interests. Other organizations, while sympathetic, have stopped short of offering financial assistance.

There have been many abuses. Edney described how, at one point, he was denied access to



Dennis Edney

Guantanamo Bay and his client because of his position on the military tribunal's lack of jurisdiction. On another occasion, en route to Cuba, Edney's plane was diverted by the American government to a private airfield in Florida. Once on the ground, Edney was subjected to questioning and his laptop was seized. He pointed out that these blatant abuses garnered no outcry from anybody.

"Where have the voices been — of lawyers, law societies? If I

➤ RELATED STORIES

See our Legal Aid
& Pro Bono Focus section

PAGES 12-13

have been abused, then what protection is there for anybody?" asked Edney.

Khadr was only 15-years-old when he was detained in 2002. Edney listed a litany of abuses he says Khadr has been subjected to since then, including being: interrogated for hours at a time, tortured, and denied eye protection against the glare from his cell lighting. He has never been psychologically assessed. Edney and Whitting have never been allowed access to his medical files.

Edney said this case is not about Khadr's guilt or innocence (which has yet to be argued). It is

about upholding the rule of law, which Edney considers "under siege." He believes lawyers have an obligation in this fight.

"We're part of an ancient tradition. We are sworn to uphold the cause of justice," said Edney. "Whether that's representing some guy in a rent dispute or whether it's representing somebody who's detained in Guantanamo Bay, Cuba."

On his rock-star status as a pro bono provider,

Edney, who hails from Dundee, Scotland and now lives in Edmonton with his wife and children, scoffed.

"I'm Scottish — why would I want to do pro bono work?" said Edney. "I've got kids to feed. I've got overhead to pay. It's the last thing in my life that I'd want."

However, he pointed out that the reality is pro bono work is part of the job for all lawyers. He doesn't know a lawyer that hasn't done some type of pro bono work, whether it's responding to a call from a neighbour or doing legal aid work.

"You cannot do legal aid without doing pro bono. You have to work and prepare diligently for trial even though you're not properly paid for it," Edney said. "My position is that pro bono, as worthy as it is, as incredibly exciting a journey as it can be, is not a substitute for proper funding."

To those that would say Khadr doesn't deserve our help, Edney's response is that the law evolves "often through an unworthy representative.

"If Omar Khadr can be so badly treated and unlawfully detained, to be tortured and to be subjected to a military process that has been internationally condemned as a fix, then what is the hope for any of us?" asked Edney.

Khadr's trial begins in Guantanamo Bay on Nov. 28. ■