

No. 06-1196

IN THE
Supreme Court of the United States

KHALED A.F. AL ODAH, *et al.*
Petitioners,

v.

UNITED STATES OF AMERICA, *et al.*,
Respondents.

On Writ of Certiorari to the United States
Court of Appeals for the District of Columbia Circuit

**MOTION FOR LEAVE TO FILE AMICUS CURIAE
BRIEF AND BRIEF OF INTERNATIONAL LAW
SCHOLARS AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENT OMAR KHADR**

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Pursuant to Rule 37.3(b) of the Rules of the Supreme Court of the United States, International Law Scholars (listed in Appendix A) hereby request leave to file the accompanying *amicus curiae* brief. This brief is submitted in support of the petition for writ of certiorari to the U.S. Court of Appeals for the District of Columbia Circuit. Petitioners and Respondents Khadr and Khalid have consented to the filing of this brief. Counsel for Respondent President Bush has not consented.

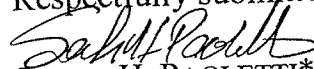
As set forth in the accompanying brief, the International Law Scholars listed in Appendix A are committed to the respect for international humanitarian,

human rights and criminal law, and have a deep interest in seeing that said legal norms are followed.

The International Law Scholars seeking to appear as *Amici* do so because of their great concern alternative process to habeas corpus provided for under the Military Commissions Act is inadequate for preserving well-established principles of international law. Specifically, *Amici* urge this Court to consider that the United States' position regarding the detention and prosecution of Omar Khadr before the Combatant Status Review Tribunals is in stark contrast to well-established precedent under customary international law which prohibits the prosecution of children alleged to have engaged in combat except in extraordinary cases. In those cases where such prosecutions are allowed, international law requires children be treated with special protections and with an eye towards rehabilitation and reintegration, and not retribution. Accordingly, the International Law Scholars listed in Appendix A respectfully request leave to file the accompanying *amicus curiae* brief.

August 23, 2007

Respectfully submitted,


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* Application for Admission to the U.S. Supreme Court pending

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