

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

MICHAEL MCATEER, SIMONE E.A. TOPEY AND DROR BAR-NATAN

Applicants

-and-

THE ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF ASHOK CHARLES

I, ASHOK CHARLES, of the City of Toronto, AFFIRM AS FOLLOWS:

1. I was born on September 11, 1955 in India.
2. Neither of my parents was born in Canada.
3. I have resided in Canada since 1960.
4. When I commenced the application procedure for Canadian citizenship in 1977, I learned that swearing or affirming to " be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, her Heirs and successors" [hereinafter, "the Oath"] was an essential part of the naturalization process.

5. I was repelled by the Oath requirement and found it deeply distasteful that I could not become a Canadian citizen without professing an allegiance which I did not sincerely feel and which was repugnant to me.

6. I believe in the fundamental democratic principle of equality and regard the monarchy as an undemocratic institution based on hereditary privilege and inequality of status.

7. For many years, the British Crown repressed my ancestors in India. India finally won independence, after years of struggle in which soldiers representing the British monarchy killed and repressed my ancestors. This is a reason that swearing allegiance to the British monarchy is even more repulsive to me than swearing allegiance to an arbitrary monarch might be.

8. Because I felt that it was very important for me to become a citizen of Canada, I reluctantly took the Oath of Allegiance in 1977, in spite of the great discomfort this violation of my conscience caused me. I have been a citizen of Canada since that time.

9. Years later, I began to feel that the requirement of swearing the Oath to gain Canadian citizenship was in violation of both the spirit and the provisions of the *Canadian Charter of Rights and Freedoms*. This increased the ideological discomfort and distress that I experienced as a result of having sworn the Oath.

10. In 2002, I joined Citizens for a Canadian Republic, an organization which seeks to build a political movement to have the Queen replaced by a democratically-selected Canadian as Canada's Head of State. As a result of the fundamental freedoms enshrined in the *Canadian Charter of Rights and Freedoms*, I felt that I did have the right to participate in such an organization in spite of my having sworn the Oath.

11. Since 2002, I have been is an active and committed participant in Canada's republican movement.

12. In 2004, I publicly recanted the Oath to the Queen and her successors and heirs.

13. To formalize my recantation of the Oath of Allegiance, in May, 2004 I submitted a notarized document to Citizenship and Immigration Canada recanting the said portion of the citizenship Oath. In this document I reaffirmed the remainder of the Citizenship Oath. Attached to this Affidavit as Exhibit "A" is a true copy of that document.

14. On October 4, 2004, after some months had elapsed without my having received a response to my recantation, I wrote as follows to the Minister of Citizenship and Immigration:

Honourable Minister,

On May 25, 2004 I sent you, by registered mail, a legally notarized statement in which I recanted the portion of the Oath of Citizenship, which I swore in 1977, which pledges allegiance and faithfulness to Queen Elizabeth and her heirs and successors.

So far I have received no response from your office.

It is extremely disconcerting to send a communication of such gravity to an office of the federal government and receive no acknowledgement or response.

In particular I would like to know if my withdrawal of allegiance to Queen Elizabeth, and her heirs and successors, has affected the status of my citizenship in any way.

I look forward to hearing from you.

15. The next month, I received a response to my letter of October 4, 2004. Citizenship

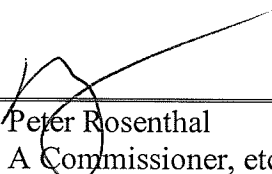
and Immigration Canada acknowledged receipt of my recantation in writing and informed me that my citizenship had not been affected by my recantation. Attached to this Affidavit as Exhibit "B" is a true copy of the letter dated November 19, 2004 providing that information, in which the Ministry of Citizenship and Immigration also indicated that "...there are no laws in Canada that state that a person loses citizenship if the individual recants part of the oath that was sworn at the time the individual became a citizen."

16. I found this response heartening because it informed me that the Canadian government recognized that my complete absence of allegiance and faithfulness to the Queen and other members of her family did not make me less worthy of Canadian citizenship.

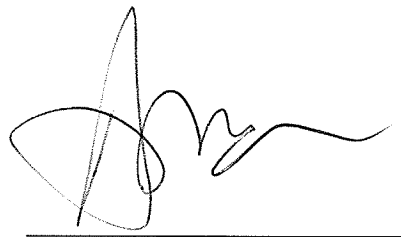
17. As I expressed in Exhibit "A", I am proud to make the commitment contained in the other part of the citizenship oath; namely, to "faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen".

18. This Affidavit is for the purpose of providing evidence on the Application herein and for no other or improper purpose.

Affirmed before me at the City of Toronto)
this 7th day of November, 2012)



Peter Rosenthal
A Commissioner, etc.



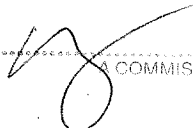
ASHOK CHARLES

Ashok Charles
94A Ascot Av., Toronto,
Ontario. M6E 1E9.

The Honourable Ms. Judy Sgro
Minister of Citizenship and Immigration
Jean Edmonds South Tower
21st floor, 365 Laurier Av.
Ottawa, Ontario. K1A 1L1

This is Exhibit A referred to in the
affidavit of Ashok Charles
sworn before me, this 7th
day of NOVEMBER 2012

Honourable Minister,


..... COMMISSIONER, ETC

I became a Canadian citizen in 1977. Since then
I have come to embrace my identity as a citizen,
among equals, in a progressive, modern
democracy.

On reflection, I have also recognized that the
portion of the citizenship oath I swore, which
pledges allegiance to Queen Elizabeth, and her
heirs and successors, is incompatible with the
democratic ideals I uphold.

It is my view that it is entirely inappropriate for
Canada to require of its citizenry, allegiance to a
monarch. I see this state-sanctioned subjugation
as detrimental to our national spirit and to the
fulfillment of Canada's role, internationally, as
an independent democracy.

In accordance with my principles and as a member of Citizens for a Canadian Republic, an organization dedicated to the installation of a Canadian head of State, I hereby recant that portion of my sworn oath which read "I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors..."

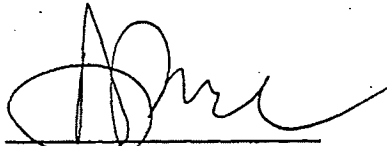
I continue to wholeheartedly respect the remainder of the oath, which read "...and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen."

Sincerely,


This solemn declaration is made conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Sworn before me at the
City of Toronto in the
Province of Ontario
this 20th day of May, 2004

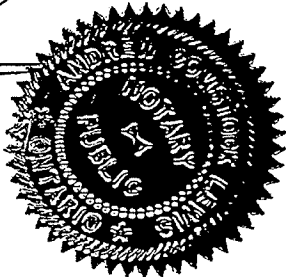
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Ashok Charles



Andrew C. Lewis
A Commissioner etc.
Notary Public





Case Management Branch
300 Slater Street, 9th Floor
Ottawa, Ontario
K1A 1L1

November 19, 2004

Mr. Ashok Charles
94A Ascot Avenue
Toronto, Ontario
M6E 1E9

This is Exhibit B referred to in the
affidavit of Ashok Charles
sworn before me, this 7th
day of NOVEMBER 2012

Dear Mr. Charles:

I am writing in regards to your letter of October 4, 2004, to the Honourable Judy Sgro,
Minister of Citizenship and Immigration. I apologize for the delay in responding.

The *Citizenship Act* states that a person becomes a citizen if they meet the requirements
in section 5 and then take the oath of citizenship.

The only way that a person can renounce their citizenship is to follow the requirements
described in section 9 of the *Act* and section 7 of the Regulations.

A person loses their Canadian citizenship if their application for renunciation is
approved. The individual must meet all requirements of the *Act* by filing an application
for renunciation. We do not recognize implicit renunciation, and there are no laws in
Canada that state that a person loses citizenship if the individual recants part of the oath
that was sworn at the time the individual became a citizen.

I trust that this explanation is satisfactory. Should you wish to find out more information
concerning the requirements for renunciation of citizenship, please visit our web site at
www.cic.gc.ca.

Sincerely,

John Warner
Case Analyst

COMMISSIONER, ETC

Canada