

Omar Khadr and the Implications of Irregular Canadian Citizenship

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At fifteen years old, Omar Khadr, a Canadian citizen born to immigrant parents, was arrested for allegedly killing American Sergeant Christopher Speer with a hand grenade on July 27, 2002 in Afghanistan. Khadr's case has been controversial, as the Canadian government failed to demand his repatriation leading up to his 2010 trial in Guantánamo Bay, Cuba. Khadr was subjected to physical and psychological torture throughout his time in Guantánamo Bay, a lawless American prison outside of the continental United States. Khadr's mistreatment follows an undeniable pattern of racism and 'irregular citizenship' in modern Canada, whereby the federal government has treated immigrants and Muslim-Canadians in an asymmetrical fashion in comparison to other Canadian citizens. This irregularization holds implications for all Canadians, especially because the Supreme Court of Canada found that the federal government had no legal obligation to help Khadr despite recognizing the overt violations of his human rights. Through the denial of equal treatment to Muslim-Canadians abroad, Canada has diminished the value of all Canadians' citizenship and its protections internationally. Focusing primarily on the Canadian government's actions from the 2006 federal election to the 2010 *Canada (Prime Minister) v. Khadr* ruling, this paper explores how the Harper government's policy stance towards Omar Khadr interplays with political racism, arguing that through unequal

treatment, Khadr serves as an example of how the Canadian government has diminished the value of all citizens' citizenship.

Former Canadian Prime Minister Jean Chrétien was in office when American forces first arrested Omar Khadr in 2002. This was not the first time that Chrétien dealt with the Canadian Khadr family. Chrétien's intervention into Ahmed Khadr's terrorism complicity case in 1996¹ led to the elder Khadr's eventual release. With regard to Omar Khadr, Chrétien sought to evade the so-called 'Khadr effect,' or the unpopularity of prime ministerial intervention in a case of potential terrorism,² with successive Canadian governments upholding this policy position since 2002. When the Canadian Department of Foreign Affairs and International Trade (DFAIT, now the Department of Foreign Affairs, Trade and Development) first publicly acknowledged Omar Khadr's arrest on September 9, 2002, it emphasized his status as a minor and championed Canada's international work to eliminate child soldier practices.

In her collection, *Omar Khadr, Oh Canada*, Janice Williamson asks why DFAIT did not capitalize on the opportunity to advocate for Khadr's release under international child soldier law.³ On September 13, 2002, an American diplomatic note informed the Canadian government that it should "claw back on the fact that [Khadr] is a minor."⁴ Bilateral and multilateral agreements such as the *North American Free Trade Agreement* had caused American and Canadian economic and international interests to become increasingly intertwined and the American influence on Canada's Khadr policy continued throughout the decade. While the Canadian government tried to distance itself from the human rights atrocities occurring at Guantánamo Bay, it denied Khadr a

¹ Omar Khadr's parents came to Canada by way of Egypt, moving back and forth between Canada and the Middle East since arriving in Canada in 1977. Omar Khadr was born in Scarborough, Ontario on September 19, 1986 during the period wherein his parents were travelling back and forth between Pakistan for his father's work with the Canadian charity Human Concern International. Ahmed Khadr was charged for his alleged involvement in the bombing of the Egyptian embassy in Islamabad, Pakistan in 1995. During a state visit, Omar Khadr's mother, Maha Elsamnah pled with Chrétien for her husband's release, leading to Chrétien asking Pakistani Prime Minister Benazir Bhutto for the fair and equal treatment of Ahmed Khadr. After his charges were dropped, Ahmed and his family were again attached to Osama bin Laden and al-Qaeda, leading to a backfiring of Chrétien's plan. For further information, please see Sheema Khan, "Politics over Principles: The Case of Omar Khadr," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 53-56.

² Sheila Pratt, "Khadr's Canadian Defence: Two Edmonton Lawyers, a Professor and the Rule of Law," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 222.

³ Janice Williamson, "Introduction: The Story So Far," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 10.

⁴ Gar Parry, "The Long Way Home: The Saga of Omar Khadr," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 82.

welfare-related governmental visit until 2005.⁵ Canada nonetheless willingly sent Canadian Security Intelligence Service (CSIS) interrogators to collect information in February 2003 that it would later share with American authorities.⁶ From 2002 to 2012, Canada allowed the American government to detain a Canadian citizen, a minor, and a so-called enemy combatant⁷ in a place outside of American and international law, violating Canada's long-standing international human rights obligations.⁸

Canadian authorities have long been aware of the human rights abuses and *Charter of Rights and Freedoms* violations occurring at Guantánamo Bay. A March 2004 DFAIT report suggests Canadian complicity in allowing American forces to deprive Khadr of sleep prior to his 2003 CSIS interrogation.⁹ Contrary to the actions of other Western nations, Canada failed to publicly address concerns surrounding the lack of rights enforcement at the Guantánamo Bay prison.¹⁰ Under Paul Martin's leadership, the Liberals continued to neglect the rights violations in favour of allowing American officials to punish and torture Khadr without trial. By 2004, other American allies such as Australia and Britain had begun advocating for the repatriation of their citizens held in Guantánamo, while Canada remained silent on the matter.¹¹ Rather than leading the way in urging the United States to close Guantánamo Bay and halt the violation of international human rights against hundreds of detainees, Canada chose to maintain its policy position. In 2005, then-Foreign Affairs Minister Peter Pettigrew could only guarantee the Canadian public that the American government

would not execute Khadr,¹² reflecting the federal government's continued refusal to act effectively in the best interests of its citizen abroad. Thankfully, in that same year, Canada's Federal Court ordered that interrogations of Khadr cease until after a hearing to examine his rights as a Canadian citizen; it later would find that Guantanamo's conditions did not meet *Charter* standards.¹³

While the Liberal governments of Chrétien and Martin had maintained a mostly quiet front regarding Omar Khadr, the February 2006 election of Stephen Harper marked a turning point in Canada's complicity in violating Omar Khadr's rights. The Harper government's policy stance towards Khadr was more public and vocal than previous administrations. Stephen Harper had long held a strong anti-Khadr policy position; in 2002, he stressed the Canadian Alliance's concern for "Canada being a platform for activities that are dangerous to the Western Alliance."¹⁴ Sheema Khan emphasizes that the role of Canadian forces in turning over terrorist suspects in Afghanistan and continuing to support and engage in the conflict displayed that "the new Conservative government unabashedly towed the Bush administration's line."¹⁵ Williamson references Canada's new and emerging international reputation, stating, "Stephen Harper became renowned internationally for his efforts to keep Omar Khadr in Guantánamo despite Canadian court findings and revelations of his torture."¹⁶

In February 2007, seven former Canadian Foreign Affairs Ministers wrote an open letter to Stephen

⁵ Pardy, "The Long Way Home," 83.

⁶ Richard J. Wilson, "War Stories: A Reflection on Defending an Alleged Enemy Combatant Detained in Guantánamo Bay, Cuba," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 198.

⁷ The American George W. Bush administration attempted to redefine the international meaning of torture following the September 11, 2001 terrorist attacks. Its position came to read that enemy combatants could be held outside of the American legal sphere until the end of the vaguely defined 'War on Terror' with little to no regulation of the United States' authority. This, in effect, gives the American state limitless authority to detain people without trial, deviating strongly from long-held international norms going back to the Geneva Conventions. For further information, please see Richard J. Wilson, "War Stories," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 189-210.

⁸ Lora Hamilton, "The Case for Khadr: Why Failed Repatriation Means Failed Leadership for Stephen Harper," *Dalhousie Journal of Interdisciplinary Management*, 7 (2011): 6.

⁹ Sonja Grover, "The Supreme Court of Canada's Declining of its Jurisdiction in not Ordering the Repatriation of a Canadian Guantanamo Detainee: Implications of the Case of our Understanding of International Humanitarian Law," *International Journal of Human Rights* 15, no. 3 (2011): 489-490.

¹⁰ Pratt, "Khadr's Canadian Defence," 212.

¹¹ Khan, "Politics over Principles," 55.

¹² *Ibid.*, 56.

¹³ *Ibid.*, 56-61.

¹⁴ *Ibid.*, 54.

¹⁵ *Ibid.*, 56.

¹⁶ Williamson, "Introduction," 23.

Harper, asking for Canada to demand that the United States halt its human rights abuses in Guantanamo and uphold international law; the Prime Minister remained unmoved.¹⁷ Khan suggests that Harper's inaction in this 2007 incident contradicts another statement the Prime Minister had made earlier that year concerning Syrian-Canadian Maher Arar, in which Harper argued, "the Canadian government has every right to go to bat when it believes one of its citizens has been treated unfairly by another government."¹⁸ It is clear that the Harper government believes invariably that Canada has a choice, rather than an obligation, to protect its citizens from harm outside of Canada's borders.

The Liberal Party became more actively involved in Khadr's case after its 2006 electoral defeat. As the leader of the Official Opposition, Stéphane Dion began to press for repatriation because he saw it as "a matter of rights."¹⁹ By February 2008, Liberal, New Democratic and Bloc Québécois Members of Parliament demanded Khadr's return under the principle of restoring his basic human rights.²⁰ Paul Martin also re-evaluated his earlier stance and said that he would have pushed for repatriation during his administration "[i]f we had known then what we do now."²¹ His shifting stance begs the question of whether the Canadian government's early inaction in Khadr's case was reflective of a lack of evidence in Khadr's favour, or of evading unpopular policy. Regardless, Khadr should have been presumed innocent until proven guilty. Maher Arar contends that Omar Khadr remains a pawn in a political game, in which it was too dangerous to alienate the electorate by unilaterally demanding his repatriation.²²

By 2008, details began to emerge that should have turned the case in Khadr's favour, such as American military documents stating that Sergeant

Speer's assailant was killed at the scene, though the report was altered to instead read "engaged" months after the incident.²³ Regardless, Harper maintained that concerning repatriation, "[t]he answer [was] no."²⁴ When the Standing Committee on Foreign Affairs and International Development tabled its 2008 Parliamentary Report recommending repatriation, the Conservatives' dissent focused on the seriousness of Khadr's alleged crimes, although both the House of Commons and the Senate were concerned more generally with Canada's status as a protector of international children's rights.²⁵ Regardless of evidence, Canada's executive branch remained steadfast in its position; then-CSIS director Jim Judd stated that Canada would refuse Khadr's repatriation despite public pressure.²⁶ CSIS and the Canadian government thus played to the growing opposition toward the Khadr's based on the family's previous legal troubles. The Harper government's policy towards Omar Khadr by the end of the 2000s ran against Barack Obama's early interest in closing Guantanamo in his first hundred days in office as President of the United States in 2009.²⁷

Harper and the Canadian government were subject to a 2008 lawsuit by Khadr's Canadian lawyers, who argued that the federal government had ignored its obligation to Khadr and, therefore, immediate repatriation was necessary. After Khadr won the case in Federal Court in 2009, the Canadian government appealed the ruling to the Supreme Court of Canada. Although the Supreme Court failed to order the Government of Canada to repatriate Khadr, the justices strongly suggested government action and recognized the violation of his *Charter* rights.²⁸ The Supreme Court found that due to Canadian complicity in Khadr's detainment, the federal government had breached Khadr's section 7 right to life, liberty, and security of the person. It furthermore reaffirmed the Federal

¹⁷ Khan, "Politics over Principles," 56.

¹⁸ Ibid., 57.

¹⁹ Ibid., 58.

²⁰ Ibid., 60.

²¹ Ibid., 58.

²² Maher Arar, "Omar Khadr: America's Injustice, Canada's Shame," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 268.

²³ Khan, "Politics over Principles," 61.

²⁴ Grover, "The Supreme Court of Canada's Declining of its Jurisdiction," 498.

²⁵ Grace Li Xiu Woo, "How the Supreme Court of Canada Undermined the Convention on the Rights of the Child in the Case of Omar Khadr," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 325.

²⁶ Williamson, "Introduction," 24.

²⁷ Williamson, "Introduction," 23.

²⁸ Khan, "Politics over Principles," 61-62.

Court's finding that Khadr's treatment violated his essential human rights.²⁹

The case displays that the Supreme Court recognized Canada's injustice towards its own citizen as well as Khadr's distaste for Harper's lack of leadership on the repatriation issue. The Supreme Court's failure to remedy Khadr's situation by allowing the federal government to fashion its own remedy meant that the rights violations continued until Khadr returned to Canada in 2012 to serve the remainder of his sentence.³⁰ The United States ignored Canada's chosen solution of a 2010 diplomatic note that asked that the American government not to use CSIS interrogation evidence in Khadr's trial; in effect, the Supreme Court decision was useless in protecting Khadr or improving his situation.³¹ The Court's failure to request repatriation was in line with its understood role as a separate judicial branch from Harper's executive. Nonetheless, the federal government should have taken initiative on this issue rather than the Supreme Court forcing change through judicial activism.

The Supreme Court ruling allowed the Harper government to continue violating the rule of law,³² under which, as a foundational liberal democratic principle, a government should not be arbitrary in its actions towards individuals or groups. *The Globe and Mail's* 2005 article "Omar Khadr's Limbo" emphasizes that "[f]ighting terrorism does not justify discarding the rule of law."³³ Khadr's former lawyer Dennis Edney argues that the Harper government's alignment of interests with the Bush administration in the United States prioritized politics over its basic responsibilities to citizens.³⁴ The Harper government arguably placed Canadian-American relations before justice and the rights of Canadians. The Canadian government also gave its American counterpart implicit permission to subject Khadr to countless injustices in the name of justice for Sergeant Speer and to protect other

Canadians from the alleged terrorist. Williamson contends that the Canadian government's "political interests trumped the truth as the government plays to a partisan law-and-order electorate rather than abide by the [Charter] or by the provisions of international law."³⁵

Sheila Pratt highlights the fact that all Canadian citizens, regardless of whether they are Canadian-born or naturalized, are entitled to counsel, protection from torture, and a fair trial under the *Charter of Rights and Freedoms*.³⁶ As such, when Canada abandoned Omar Khadr in Guantánamo Bay in favour of maintaining strong foreign relations with the United States, it also inadvertently weakened the constitutionally entrenched rights of all Canadians. The Harper government's dealings with Khadr show that it placed itself above Canadian constitutional law and internationally protected human rights and freedoms more than previous Canadian governments had.³⁷ Lora Hamilton argues that if the Harper government had chosen to repatriate Khadr, Canadians would have seen that their federal government would protect them from unfair practices abroad, uphold their rights regardless of their ethnicity, religion, or other ties. Furthermore, they would have felt that Stephen Harper was worthy of their trust as a leader.³⁸

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The Government of Canada's inaction in Omar Khadr's case is reflective of the fact that "policy and practice carry symbolic repercussions," shaping the meaning of Canadian citizenship for Canadian-born and naturalized citizens alike.³⁹ Canadian citizens expect protection abroad if they are in danger or legal trouble. The long-standing section

²⁹ Robert Diab and Alnoor Gova, "Reading Khadr: Making Sense of Canada's Reluctance to Do the Right Thing," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 357-358.

³⁰ Grover, "The Supreme Court of Canada's Declining of its Jurisdiction," 502.

³¹ Hamilton, "The Case for Khadr," 5.

³² Gail Davidson, "Torture as Foreign Policy: The Omar Khadr Decision," in *Omar Khadr, Oh Canada*, ed. Janice Williamson (Montreal & Kingston: McGill-Queen's University Press, 2012), 259.

³³ "Omar Khadr's Limbo," *The Globe and Mail*, August 11, 2005, A14.

³⁴ Pratt, "Khadr's Canadian Defence," 212.

³⁵ Williamson, "Introduction," 15.

³⁶ Pratt, "Khadr's Canadian Defence," 212.

³⁷ Ibid., 217.

³⁸ Hamilton, "The Case for Khadr," 8.

³⁹ Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (Berkeley: University of California Press, 2006), 139.

10 of the *Department of Foreign Affairs, Trade and Development Act* (DFATD Act, previously the DFAIT Act) states that it is at the discretion of the Foreign Affairs Minister to “determine whether and when to request the repatriation of a Canadian citizen detained in a foreign country.” This, in effect, leaves it up to the government of the day to determine whether a Canadian is worthy of the federal government’s protection abroad.⁴⁰ Assistance is not a right, as many assume, but an elective government decision made by officials who are agreeing implicitly that irregular forms of belonging and citizenship are allowable. That international protection is a governmental choice means that not all Canadians are entitled to the same rights and protections abroad based on deciding factors such as the gravity of their case, their country of origin or ‘degree of belonging,’ religion, or ethnicity. The Harper government, in building on the position of previous federal administrations, sent the message to Canadians that if a citizen stands accused of a crime abroad, he or she can be left to face the consequences even if his or her punishment violates human or *Charter* rights. Many Canadians remain unaware that they are without guaranteed assistance under the *DFATD Act*. Federal inaction in aiding Khadr runs contrary to maintaining fundamental Canadian values as well as Canada’s celebrated international image as a free and law-abiding nation.⁴¹

Dennis Edney raises an additionally important point: “If a democracy does not protect the legal rights of its least desirable citizens, no citizen can be sure they’ll have those protections when they need them.”⁴² Data shows that today’s Canadian immigrants generally value government protection and feel that they can rely on the state.⁴³ The fact that twenty-first century immigrants continue to

believe in state protection shows how unaware the Canadian public is of some modern Canadian laws.

Omar Khadr is a Canadian-born citizen; although some perceive him as a Canadian with no physical or emotional ties to the country,⁴⁴ his citizenship rights should be the same as any other Canadian, regardless of the citizen’s heritage or where he or she chooses to live. The Canadian government should not penalize Canadians for choosing to live abroad when the *Charter of Rights and Freedoms* outlines specifically that all Canadian citizens have the right to enter, remain in, and leave the country.⁴⁵ No amount of ‘bad’ citizenship can alter a person’s rights; Sheila Pratt mentions such factors as Khadr’s absence from Canada for extended periods, his Islamic faith, beliefs, and familial reputation as characteristics that cannot and should not influence the value of Khadr’s citizenship.⁴⁶ Khadr emerges from Pratt’s analysis as a highly racialized individual. Kenny Zhang goes as far as to suggest that the differences between the treatment of Canadian citizens domestically and abroad has created the category of “lesser” citizens who are treated essentially as “foreigners with Canadian passports.”⁴⁷ With respect to the federal government’s dealings with Khadr, it is clear that the current Canadian administration does not agree that a passport should guarantee all citizens freedom, justice, or protections abroad.

Williamson argues that Khadr has become a stand-in for Canada’s Islamic terrorist enemies and serves as an example of Canada’s changing foreign policy position; his long-time position outside of international and Canadian law has allowed many to ignore the human and *Charter* rights violations that have occurred.⁴⁸ The case is undeniably interwoven with government-supported racism and Islamophobia.⁴⁹ Khadr’s treatment follows a traceable pattern of international abuse against Muslim-Canadians since the September 11, 2001 terrorist attacks. Using information provided by Canadian officials and allies, other governments

⁴⁰ *Department of Foreign Affairs, Trade and Development Act, Statutes of Canada*, 2013, c. 33 <http://laws-lois.justice.gc.ca/eng/acts/F-27.5/FullText.html>.

⁴¹ Hamilton, “The Case for Khadr,” 9.

⁴² Pratt, “The Case for Khadr,” 220-221.

⁴³ Bloemraad, *Becoming a Citizen*, 153.

⁴⁴ Williamson, “Introduction,” 26.

⁴⁵ Kenny Zhang, “Canadians Abroad: Policy Challenges for Canada,” *Korean Review of Canadian Studies* 14, no. 2 (2009): 93.

⁴⁶ Pratt, “The Case for Khadr,” 232.

⁴⁷ Zhang, “Canadians Abroad,” 76.

⁴⁸ Williamson, “Introduction,” 25.

⁴⁹ Khan, “Politics over Principles,” 62.

have detained, arrested, and tortured Muslim-Canadians throughout the past decade, in the same period where the federal government aided many non-Muslim citizens abroad.⁵⁰

It is useful to contrast Omar Khadr's treatment and rights violations as a case study with a non-Muslim case of government intervention abroad to examine the inherent double standard. The federal government's intervention into the case of Brenda Martin, a Canadian-born woman convicted of criminal conspiracy and money laundering in Mexico, was dramatically different from its inaction in the Khadr case. While Canada took little action to repatriate Khadr for nearly a decade and later refused to pay for his airfare back to Canada to serve the remainder of his sentence,⁵¹ the Harper government requested that Mexican President Felipe Calderón assist in Martin's case. In conjunction with the Mexican government, the Harper government arranged a prisoner transfer agreement and flew Martin back to Canada in May 2008 in a private government plane.⁵² Using ministerial discretion as outlined in the *DFATD Act*, the federal government was able to choose to intervene in Martin's case while it chose to ignore Khadr's similar, albeit worse, situation. New Democratic Member of Parliament Paul Dewar raised the question, "If this had been someone with a different skin colour and with a different last name, would there have been a different outcome?"⁵³

Khadr's case, in conjunction with other international issues of mistreatment towards Muslim-Canadians,⁵⁴ suggests the emergence of an irregular form of citizenship and belonging in Canada. In a world where Canada has created its own *Charter of Rights and Freedoms* and has an

independent court to uphold it, it seems backwards that a self-proclaimed multicultural and accepting nation would treat certain citizens differently. Peter Nyers refers to this double standard based on ethnicity as 'irregular citizenship,' a condition that occurs due to the politics of exception and the racialization of citizenship.⁵⁵ The irregularization of citizenship conflicts with citizens' notion of equality and belonging within their country or countries, leading them to conclude that there are paradoxes within it.⁵⁶ Due to the differences resulting from irregular citizenship treatment from person to person, it is difficult to pinpoint its use as a political strategy to specifically exclude people from Canadian society.⁵⁷ Regardless, the federal government irregularized Omar Khadr's Canadian citizenship by denying him equal rights and by abandoning him abroad. Invariably, the asymmetry of modern Canadian citizenship is apparent in Khadr's case. The federal government's abuse of Khadr's *Charter* and human rights has fundamentally devalued the citizenship of all Canadians, highlighting that no one can truly rely on international protection.

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For naturalized Canadian citizens, continued government-perpetuated irregular citizenship, racism, and Islamophobia could hold frightening implications going forward. Canadian dual citizens accused of terrorist activity abroad such as Syrian-Canadian Maher Arar and Sudanese-Canadian Abousifian Abdelrazik would

have had their Canadian citizenship removed under recently proposed legislation. Canadian Minister of Citizenship, Immigration, and Multiculturalism Jason Kenney stated in February 2013 that the Conservative government would like to give future governments the power to revoke citizenship from Canadian terrorists, in line with the party's current

⁵⁰ Diab and Gova, "Reading Khadr," 357.

⁵¹ Williamson, "Introduction," 15.

⁵² Dennis Edney, "In Defence of Omar Khadr in the Age of Islamophobia," *Arches Quarterly* 4, no. 7 (2010): 11.

⁵³ Peter Nyers, "Forms of Irregular Citizenship," in *The Contested Politics of Mobility: Borderzones and Irregularity*, ed. Vicki Squire (New York: Routledge, 2011), 195-196.

⁵⁴ Especially notable cases of international mistreatment are the cases of dual citizens Maher Arar and Abousifian Abdelrazik. Arar, a Syrian-born Canadian, was detained by the United States for his suspected ties to Al-Qaeda in 2002 and was later deported to Syria rather than Canada where he resided. Although later declared innocent, he was detained and tortured for nearly a year. Sudanese-Canadian Abdelrazik was similarly held by American officials in 2006 for being an alleged supporter of Al-Qaeda, who after being imprisoned in Sudan, Canada refused to grant him the proper travel documents to allow for his return to the country, delaying this travel back to the country until 2009.

⁵⁵ Nyers, "Forms of Irregular Citizenship," 195-196.

⁵⁶ *Ibid.*, 185.

⁵⁷ *Ibid.*, 196.

policy position, as well as that of the United States.⁵⁸ This rash policy would build on the already irregular citizenship of racialized Canadians who stand accused of terrorism abroad.

The Harper government multiplied the severity of the previous policy stances of Jean Chrétien and Paul Martin in allowing the American government to violate Omar Khadr's *Charter* and human rights until his return to Canada in September 2012. Political racism, Islamophobia, the politics of exception, and irregular citizenship undeniably played into Khadr's case and hold implications for the Canadian public more generally. The federal government has allowed political interests to trump the rule of law, international law, and the *Charter of Rights and Freedoms* to acquiesce to American demands for justice following the death of Sergeant Christopher Speer. Especially between 2006 and 2010, the Canadian government took a firm and vocal stance in denying Khadr equal rights in both public and legal forums. The denial of equal citizenship and fundamental rights has diminished the rights of all Canadians, regardless of national origin, ethnicity, or gender, and the Canadian public should question the true value of their citizenship and the protections they believe it provides domestically and abroad.

⁵⁸ Steven Chase, "If you commit acts of terrorism, you should lose Canadian citizenship: Kenney," *The Globe and Mail*, February 6, 2013, accessed February 28, 2013, <http://www.theglobeandmail.com/news/politics/if-you-commit-acts-of-terrorism-you-should-lose-canadian-citizenship-kenney/article8289679/>.