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École musulmane de Montréal v. Djemila Benhabib

Requête introductive d'instance / Introductory motions in damages

24 mai 2012 / May 24, 2012

Procureurs de la partie demanderesse : Grey Casgrain / Attorneys for the plaintiff: Grey Casgrain

Djemila Benhabib est poursuivie pour des commentaires concernant l'enseignement dispensé par l'École musulmane de Montréal tenus lors de l'émission de Benoît Dutrizac du 8 février 2012 (98,5 FM).

Djemila Benhabib is being sued for comments made about the teaching being provided by École musulmane de Montréal during Benoît Dutrizac's radio show broadcast on February 8, 2012 (98.5 FM).

CANADA

PROVINCE OF QUEBEC

DISTRICT OF MONTREAL

SUPERIOR COURT

NO : 500-17-072432-126

**ÉCOLE MUSULMANE DE
MONTREAL**, moral person,
Domiciled at 7445, Chester avenue,
City of Montreal, H4V 1M4 district
of Montreal, province of Quebec,

Plaintiff

v.

DJEMILA BENHABIB, working
and having as the last known adresse
in Quebec, Journal de Montréal,
4545 Frontenac street, City of
Montreal, H2H 2R7, district of
Montreal, Province of Quebec

Defendant

INTRODUCTORY MOTIONS IN DAMAGES

THE PARTIES:

1. Plaintiff is a private educational establishment founded in 1985 which provides a general academic and religious education at both the elementary and secondary levels;

D r o i t s d e l a j u r i s d i c t i o n
G o u v e r n e m e n t d u Q u e b e c
P a r t i e J u s t i c e M O N T R E A L
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2012-06-12
071-00

2. Plaintiff is a recognized and accredited by the *Ministère de l'éducation*, herein as exhibit **P-1**;
3. Defendant is the writer of "*Ma vie à contre -Coran*" and "*Les soldats d'Allah à l'assault de l'Occident*", Defendant is also a blogger and a commentator on various programs;

THE FACTS:

4. This action stems from comments made by Defendant on February 8th 2012;
5. Defendant was interviewed as a commentator on Mr. Dutrisac's radio show on 98.5 FM; this show is widely popular and has a very large audience;
6. The topic of Mr. Dutrisac's show that day was Islam and religious schools;
7. However, Defendant immediately named and targeted Plaintiff specifically during her anti-Islamic commentary;
8. During this radio interview, Defendant made false and defamatory remarks about Plaintiff;
9. Plaintiff transcribed the interview and produces the recording as Exhibit **P-2**;
10. More precisely, Defendant said that Plaintiff is similar to a Afghani-Pakistani terrorist training camp, Defendant says « *à un endoctrinement digne d'un camp militaire en Afghanistan ou au Pakistan, en fait, je veux dire il n'y a pas une grande différence à mon avis entre l'endoctrinement qu'on fait dans ces écoles à Montréal ou les écoles, que ce soit au Pakistan ou en Afghanistan* » ;
11. Defendant then added that Plaintiff teaches hate towards women and non-muslim, she says « *les sourates imposées aux enfants et ce, dès les premières années de l'école primaire ont un caractère extrêmement violent, et ont un caractère misogyne et sexiste....parmi tout ces versets coraniques, bon il y en a qui sont extrêmement haineux à*

l'égard des non croyants on en trouve une qui se trouve également sur le site et qui est enseignée aux enfants »

12. Defendant accused Plaintiff of teaching violence, hate and inappropriate sexual references to young children, and in doing so, misrepresents the nature of the Quran and Islamic teachings: *« les personnes qui ne croient pas en la résurrection vont être ébouillantées avec de l'eau chaude, ils vont être mis dans une fournaise, vont brûler, que ces égarés ne méritent pas le paradis, dont il est question de djinns, de houris, de défloration.... Donc parler de défloration, je ne sais pas moi haha, à un enfant qui a 6 ou qui a 7 ans, bon je me demande si c'est convenable »;*
13. Moreover, Defendant unjustifiably said that Plaintiff teaches extremist values excluding children from Quebec society, she says *« qu'on est en train de fabriquer des militants intégristes qui vont revendiquer d'ici quelques années des accommodement et toutes sortes de choses farfelues, qu'on est en train de construire les citoyens de demain. Bien au contraire, on est extrêmement loin de la citoyenneté, on est loin de toutes les valeurs qui sont propres à notre société »;*
14. Defendant compared Plaintiff yet again to an Afghani-Pakistani military training camp, Defendant falsely accused Plaintiff of creating a sexual apartheid and that nothing good can come out of Plaintiff's curriculum, Defendant said: *« on est comme je vous disais tout à l'heure, peut-être quelque part en Afghanistan ou au Pakistan. Donc je considère que c'est extrêmement inquiétant, d'autant plus que bon, il y a une très grande rigidité, il y a une séparation des sexes, il y a apartheid sexuel, il y a l'imposition du voile islamique. Enfin, ça ne me dit finalement rien de bon de ce qui se fait dans cette école »;*
15. Furthermore, Defendant made the most shocking and appalling remarks about Plaintiff saying that Plaintiff teaches young boys to grow up to kill their sisters in honor killings : *« Cette école est totalement désincarnée, elle ne s'incruste pas dans le paysage politique québécois... cette école a pour modèle une autre société, c'est-à-dire une société où la séparation des sexes est démise, où les femmes doivent baisser la tête et marcher derrière*

les hommes, ou les enfants sont obligés d'apprendre des versets coraniques et ou probablement les hommes vont commettre des crimes d'honneurs contre leur sœur . Donc voilà de quelle façon tout travail est fait...dans les écoles pour créer des catastrophes ambulantes »;

16. Defendant continued to falsely accuse Plaintiff of segregating girls fostering a climate of hate towards women: *« Il n'y a point de place à la réflexion, il n'y a pas de place au partage entre les hommes et les femmes, bien au contraire on est en train de dresser des murs de séparation entre les sexes, des murs qui sont absolument abominables, des murs dans lesquels on entretient la haine des femmes et la détestation des femmes »;*

17. Plaintiff strongly denies all of Defendant's unfounded and defamatory accusations;

18. Defendant made false and defamatory comments about Plaintiff and by doing so, Defendant has committed a fault which has caused injury to Plaintiff;

THE DAMAGES

19. As in most libels, damages are difficult to assess;

20. Nevertheless, given all the egregious and specific allegations made by Defendant, especially that Plaintiff is providing teachings similar to an Afghani-Pakistani terrorist training, teaching violence and hate towards women and non-Muslim, creating a climate of isolationism and extremism, and encouraging honor killings, moral damages should be awarded to Plaintiff;

21. This quantum is particularly appropriate considering the current social context; since 9/11, Western's society's focus has shifted towards security concerns;

22. Under these circumstances, accusing Plaintiff, a Muslim school, of providing teachings similar to an Afghani-Pakistani terrorist training camp is more damaging than if the same statement was made about a person in different circumstances;
23. In addition, the general public is concerned with women's issues and, recently, Quebec society has witnessed its first honor killings; given this social context, Defendant's false allegations that Plaintiff teaches hate and encourages honor killing is extremely damaging to Plaintiff;
24. Plaintiff's reputation has been greatly tarnished in both the general Montreal population and in the Muslim Community;
25. For those reasons, Plaintiff is entitled to \$60, 000.00 in moral damages;
26. Despite that Defendant made inappropriate comments on Mr. Dutrisac's radio show; Plaintiff does not view the radio host as responsible for the damages given Toronto Star Newspapers Ltd. v. Canada, 2010 SCC 21, and the additional defense it provides of publication in the public interest;
27. Defendant intentionally violated Plaintiff dignity, honor and reputation, which is a protected right under section 4 and 49 of the Charter of Human Rights and Freedoms;
28. Therefore, in addition to moral damages, Plaintiff is entitled to \$35 000 in exemplary damages as a result of the intentional violation of the Quebec Charter of Rights and Freedoms;
29. On March 20th 2012, Plaintiff sent defendant a Mise-en-demeure, herein filed as Exhibit **P-3**;
30. Consequently, \$95 000 is owed to Plaintiff;

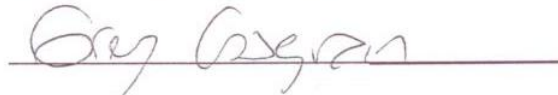
31. This action is well founded in fact and in law;

WHEREFORE MAY IT PLEASE THIS HONOURABLE COURT TO:

ALLOW this action;

ORDER Defendant to pay Plaintiff the sum of \$95 000.00, the whole with interest, costs and the special indemnity provided by the Civil Code;

MONTREAL, this 24th day of May 2012

A handwritten signature in cursive script, appearing to read "Grey Casgrain", is written over a solid horizontal line.

GREY CASGRAIN, s.e.n.c.

Attorneys for Plaintiff