

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

NATIONAL COUNCIL OF CANADIAN MUSLIMS (NCCM)

Intended Plaintiff

and

THE RIGHT HONOURABLE STEPHEN HARPER, JASON MACDONALD, AND HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA

Intended Defendants

**NOTICE OF LIBEL**

**TAKE NOTICE THAT** the Intended Plaintiff, the National Council of Canadian Muslims (“NCCM”) will commence proceedings against each of you for defamatory statements made by Jason MacDonald, Director of Communications of the Prime Minister’s Office, on January 16, 2014 (the “Defamatory Publication”).

This Notice is being served upon you pursuant to section 5(1) of the *Libel and Slander Act*, R.S.O. 1990, c. L. 12.

The Defamatory Publication contained the following defamatory statement by Mr. MacDonald:

We will not take seriously criticism from an organization with documented ties to a terrorist organization such as Hamas. (the “Defamatory Words”)

The Defamatory Words referred directly to NCCM. They were uttered in direct response to a question concerning NCCM’s criticism of Prime Minister Stephen Harper’s decision to include Rabbi Daniel Korobkin as part of the Prime Minister’s official delegation on his trip to the Middle

East. NCCM's criticism arose from Rabbi Korobkin's association with Pamela Geller and Robert Spencer, whose group, Stop Islamization of America (SIOA), has been designated as a hate group by respected civil liberties monitoring groups, such as Southern Poverty Law Center and the Anti-Defamation League.

The Defamatory Words were meant or were understood to mean that NCCM is, gives material support to, and/or is affiliated with a criminal or terrorist organization. These words are defamatory *per se*. The Government of Canada has designated Hamas as a Listed Terrorist Entity. The Defamatory Words were stated maliciously in order to discredit and insult an organization that did nothing other than exercise its constitutional right to freedom of expression to criticize a decision made by the Prime Minister.

As a result of the publication of the Defamatory Words, NCCM has suffered damage. NCCM is a federally incorporated, independent, non-partisan, non-profit organization working for over 14 years in the areas of human rights and civil liberties, media relations and public advocacy on behalf of Canadian Muslims. The Defamatory Words were stated to discredit NCCM's reputation and undermine its ability to do its work.

To compound the damage caused to NCCM, Mr. MacDonald did not have any facts available to him to establish that NCCM was in any way affiliated with Hamas or any other criminal organization, but he nonetheless stated unequivocally that NCCM had "documented ties" to "a terrorist organization such as Hamas". Mr. MacDonald simply made up that statement in an effort to discredit NCCM and deflect its criticism of Mr. Harper.

Mr. MacDonald was actuated by malice when he published the Defamatory Words. His conduct was high-handed and callous and demonstrated a total disregard for the reputation of NCCM. Mr. MacDonald is the Director of Communications of the Prime Minister's Office. He stated the Defamatory Words when he ought to have known that they were false. At no time prior to publishing the Defamatory Words did Mr. MacDonald contact NCCM in an effort to confirm any of the facts.

Mr. MacDonald is liable for stating the Defamatory Words. When Mr. MacDonald uttered the Defamatory Words, he was acting as the representative and under the direction of Prime Minister Stephen Harper. Her Majesty the Queen in Right of Canada (the “Crown”) is represented by the Prime Minister. The Prime Minister and the Crown are vicariously liable for the actions of Mr. MacDonald, who is a servant of the Crown, pursuant to section 3 of the *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50.

The Defamatory Publication has been made available and continues to be broadcast on the World Wide Web at, *inter alia*, <http://www.sunnewsnetwork.ca/sunnews/politics/archives/2014/01/20140116-132313.html>. The Defamatory Publication’s ongoing availability on the World Wide Web compounds the damage caused to NCCM.

NCCM demands that the Intended Defendants immediately publish an unequivocal apology and retraction of the Defamatory Words in a form agreeable to NCCM. NCCM also demands that the text of the apology and retraction be published and made available in perpetuity on the Internet website of the Prime Minister’s Office: <http://www.pm.gc.ca>.

TAKE FURTHER NOTICE THAT NCCM will seek damages, interest and costs against you in the proceeding that it will commence against you.

Date: January 28, 2014

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Court File No.:

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