

Court File No.: CV-24-00716445-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

SERGIO R. KARAS

Plaintiff

-and-

KAREEM ESSAM IBRAHIM

Defendant

AMENDED STATEMENT OF DEFENCE

1. The Defendant admits the allegations contained in paragraphs 11, 14, 15, and 18 of the Statement of Claim.
2. The Defendant denies the allegations contained in paragraphs 16, 17, and 19 to 25 of the Statement of Claim.
3. The Defendant states they have no or incomplete knowledge with respect to paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 13.
4. ~~Due to my lack of familiarity with civil court procedure, I understood that the deadline to serve and file the foregoing Statement of Defence was any time today. For this reason, I was unable to elaborate sufficiently on my defences, as I have not been able to correspond with Counsel for the Plaintiff regarding the possibility of a late filing on consent.~~
5. The Defendant is a refugee and immigration lawyer based in Toronto, Ontario who has been deeply disturbed by the ethnic cleansing campaign underway in Palestine for many years. The Defendant applies their passion for migrant justice in their refugee law practice and has been particularly disturbed to see their own government expressing allyship with a foreign government which:
 - a. Is currently contravening the International Court of Justice's order regarding their genocide case;

- b. Has contravened over 60 United Nations resolutions as of 2010;¹ and
 - c. Invests millions of dollars to lobby Canadian² and American³ politicians to bias their public policy in favour of Israel.
6. The Defendant has a reasonable expectation that, of all people, their colleagues in the refugee and immigration law bar would not participate in the dissemination of the kind of misinformation which has allowed the ongoing occupation of Palestine by Israel to continue with Canadian support for decades.
7. The Defendant is grateful that at least now, in 2024, through the rapid dissemination of photo and video footage via social media, the latest assaults on innocent Palestinian life are being made more evident to the global community. The Defendant maintains that massacres on Palestinians by the Israeli government have occurred regularly during the past 75 years and that it is only now, through the advent of livestreaming via Instagram and TikTok, that the many false narratives which permeated Canadian society, among many other societies in the Western world, regarding the innocence of the Israeli government are being debunked. The Defendant holds that in 2024, live footage of dismembered children's bodies in Palestine has made its way onto the screens of people around the world sometimes faster than the heavily-funded propaganda of the Israeli government, causing a long-awaited shift in public opinion.

Background

8. On January 25, 2024, the Defendant privately emailed the Plaintiff with a link to the same article which was included in the allegedly defamatory comment made on the Plaintiff's LinkedIn post. The Defendant maintains that this comment was not defamatory. The email is below, and no response was ever received from the Plaintiff, despite the Defendant's efforts to engage privately with the Plaintiff.

¹ <https://www.foreignpolicyjournal.com/2010/01/27/rogue-state-israeli-violations-of-u-n-security-council-resolutions/view-all/>

² <https://www.readthemaple.com/mp-cija-trips/>

³ <https://www.opensecrets.org/orgs/american-israel-public-affairs-cmte/recipients?id=D000046963>

Kareem Ibrahim

From: Kareem Ibrahim
Sent: January 25, 2024 11:30 AM
To: karas@karas.ca
Subject: Shame on you, Sergio

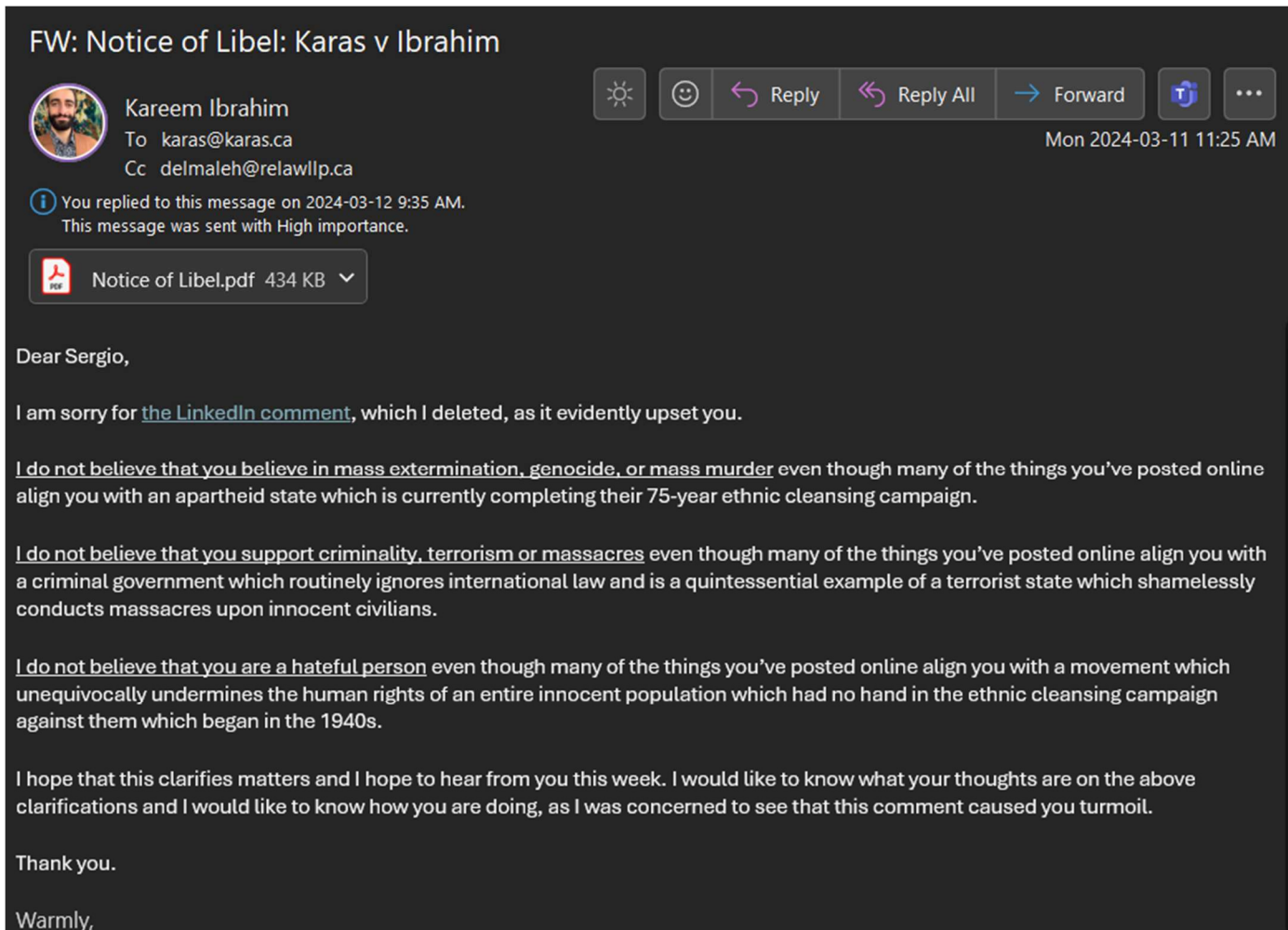
<https://www.canadianlawyermag.com/practice-areas/immigration/immigration-and-refugee-lawyers-raise-concerns-with-temporary-residence-program-for-gaza/383069>

Your legacy will be one of someone who abused human rights language to defend atrocious human rights violations.

Warmly,

Kareem Ibrahim (they/them)
Barrister & Solicitor

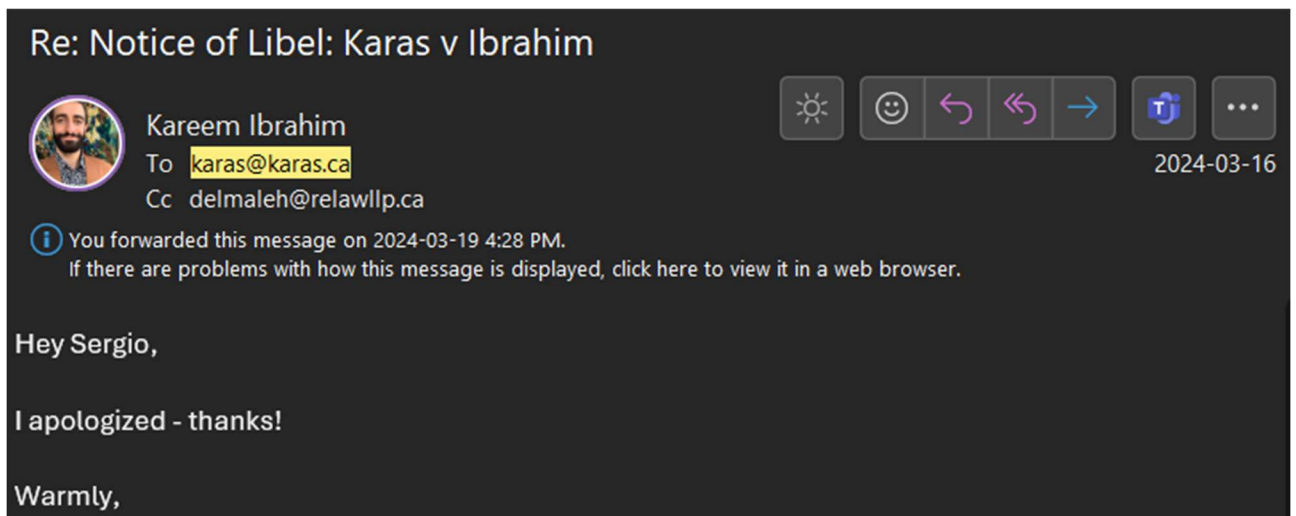
9. Weeks went by and the Defendant noticed that other members of the refugee and immigration law bar were perpetuating harmful stereotypes on social media about Palestinians, vilifying them and completely erasing the fact that the Israeli government has been committing war crime after war crime with no accountability whatsoever. The Defendant was deeply disturbed to see their colleagues espousing support for war criminals on LinkedIn, particularly in light of their chosen profession.
10. The Defendant eventually received the Plaintiff's Notice of Libel and immediately sought to connect with the Plaintiff to resolve this matter. The Defendant issued the Plaintiff a private apology and clarified their stance on the political issues touched upon by the Plaintiff in the article which sparked the Defendant's upset towards the Plaintiff. This outgoing email to the Plaintiff is below:



11. After reading the Notice of Libel, the Defendant sought to bring further comfort to the Plaintiff and deleted their comment from the Plaintiff's LinkedIn post, replacing it with an apology. The Defendant understands that the few people that *may* have seen their initial comment – perhaps some of the 9 people who liked the post – may also see the apology posted there, in the place of the previous comment. This occurred 4 weeks ago, as depicted in the photo below.



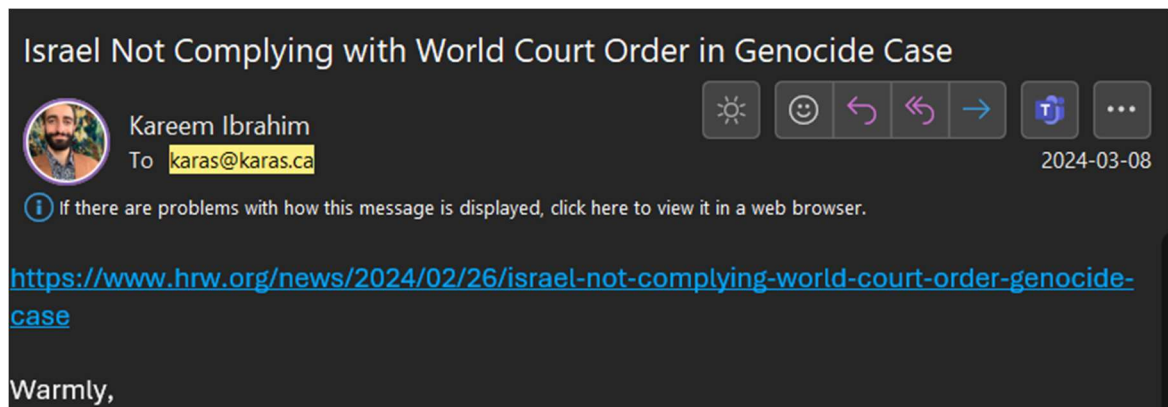
12. The Defendant informed the Plaintiff of having done so immediately as well, per the email below.



Justification

13. The Defendant states that to the extent the singular, 8-word LinkedIn comment is found to be defamatory, which is not admitted and is expressly denied, then said comment was based upon facts or information well known in the community and available online that are true, or substantially true, including the following:

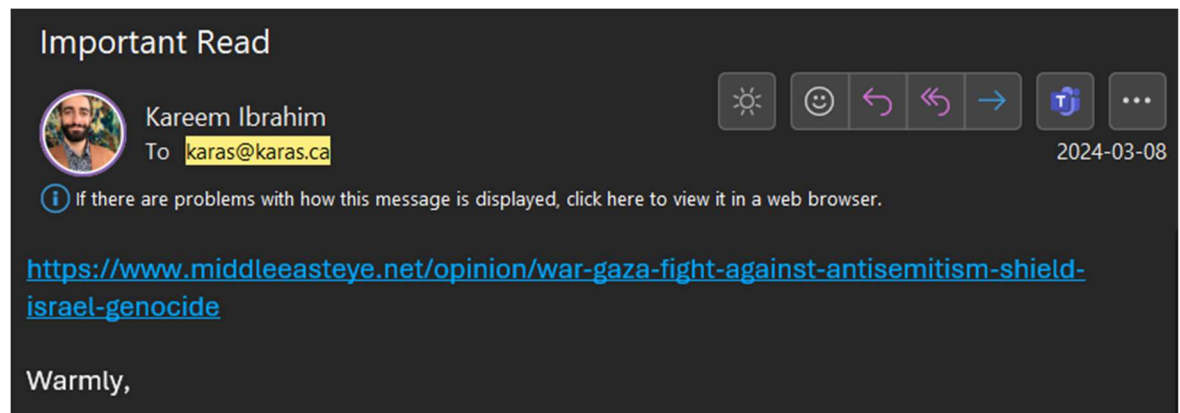
- a. The Plaintiff is a self-professed Zionist who supports the State of Israel and believes that the Jewish people have a right to Palestinian land obtained by way of ethnic cleansing in and since 1948;
- b. The Plaintiff is aware of the civilian death toll in Gaza;
- c. The Plaintiff is aware of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide;
- d. The Plaintiff is aware that the State of Israel has not been complying with the International Court of Justice's order pursuant to the genocide case against the State of Israel, which significantly predates the Defendant's allegedly defamatory comment, as mentioned in an article sent to the Plaintiff privately by the Defendant on March 8, 2024 (see below);⁴



- e. The Plaintiff is aware that the State of Israel has a military which is guilty of many documented war crimes which were put before the International Court of Justice in January 2024 and that many of the war criminals are granted entry into Canada without issue, such as Canadians voluntarily serving in the Israeli Defence Forces ('IDF');
- f. The Plaintiff is aware that antisemitism is used as a way to shield the State of Israel from criticism, as mentioned in an article sent to the Plaintiff privately by the Defendant on March

⁴ <https://www.hrw.org/news/2024/02/26/israel-not-complying-world-court-order-genocide-case>

8, 2024 (see below);⁵



- g. Despite this, the Plaintiff continued to show adamant support for the State of Israel online – *while* the State of Israel committed genocide – and also actively lobbied the Canadian government to further vilify and demonize innocent Palestinians fleeing the genocide they continue to face to this very day through the creation of a group called ‘Lawyers for Secure Immigration (‘LFSI’), which disseminated verifiably false information about what is happening in Gaza.
- h. The Plaintiff’s quote from the Canadian Lawyer Mag article is excerpted below and the racism which belies this quote is made clear by virtue of the Plaintiff’s stalwart and ongoing support for the State of Israel as it commits genocide against the Palestinian people:⁶

“No one is saying that all Muslims are terrorists,” says Karas. “But unfortunately, many countries in the Muslim world have a terrorism and radicalization problem. Hence, additional security screening is required.”

- i. The LFSI article which was sent to Members of Parliament also seeks to revise history by painting Hamas as solely responsible for the ongoing genocide in Gaza, despite that occupation of Gaza has decades older than Hamas, per the excerpt below:⁷

⁵ <https://www.middleeasteye.net/opinion/war-gaza-fight-against-antisemitism-shield-israel-genocide>

⁶ <https://www.canadianlawyermag.com/practice-areas/immigration/immigration-and-refugee-lawyers-raise-concerns-with-temporary-residence-program-for-gaza/383069>

⁷ https://cdn-res.keymedia.com/cms/files/us/026/0270_638415437331632923.pdf?_hstc=208808397.0dd8a6b8bbb3a56c9072d881f6221149.1712950659427.1712950659427.1713168968653.2&_hssc=208808397.1.1713168968653&_hsfp=811355991

The situation in Gaza is dire. In our view, the tragedy of Gaza is solely attributable to Hamas, first for attacking Israel, and then engineering, through a variety of means, the victimization of Palestinians when Israel responded. Be that as it may, the plight of the

Qualified Privilege

14. The Defendant states that to the extent the LinkedIn comment is found to be defamatory, which is not admitted and is expressly denied, then the Defendant claims they had a social and moral duty to engage with any fellow refugee and immigration lawyer online who has been actively disseminating misinformation which was fueling the genocide in Palestine. This duty is heightened when the fellow refugee and immigration lawyer in question has already been contacted privately for the purpose of such an exchange, yet to no avail and without response.
15. This social and moral duty extends to any instances in which a fellow refugee and immigration lawyer is contributing to the demise of an oppressed population overseas in an online space, given our privileged position as professionals who are significantly educated with respect to the conditions of populations outside of Canada. Disseminating harmful stereotypes about Palestinians and espousing ardent support for the State of Israel *while* the State of Israel is committing genocide both align oneself with the act of genocide and refugee and immigration lawyers have a heightened responsibility to prevent disinformation in online spaces.

Fair Comment

16. The Defendant states that to the extent the LinkedIn comment is found to be defamatory, which is not admitted and is expressly denied, the LinkedIn comment alleged to be defamatory is fair comment, honestly made in good faith and without malice on true facts concerning matters of public interest and importance.

Constitutionally Protected Freedom

17. The relief sought by the Plaintiff in this action is a limitation of the Defendant's fundamental right to freedom of expression contrary to section 2(b) of the *Charter of Rights and Freedoms* and section 52(1) of the *Constitution Act*.

SLAPP Suit

18. This action by the Plaintiff is an attempt to chill expressions on matters of public interest.
19. It is an attempt to silence a critic, in this case the Defendant, on issues of interest to the members of the general public.

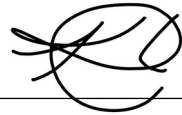
20. As such, the action ought to be dismissed in accordance with s. 137.1 of the *Courts of Justice Act*.

Damages

21. The Defendant expressly denies that the Plaintiff has been injured or has suffered any of the losses or damages alleged in paragraphs 23, 24 and 25 of the Statement of Claim, or any injury, loss or damage and puts the Plaintiff to the strict proof thereof.
22. Notably, the Plaintiff has not specified in any level of meaningful detail and essentially selected random numbers for the purpose of his damages claimed merely to chill expressions on this matter of public interest specifically.
23. In the alternative, if the Plaintiff has suffered any injury, damage or loss, which is not admitted but is expressly denied, the Defendant pleads that the injuries, damages and losses claimed are excessive, remote, unrecognized at law and unconnected with any alleged act or omission on the part of the Defendant and puts the Plaintiff to the strict proof thereof.
24. Further and in the alternative, if the Plaintiff has suffered any injury, damage or loss, which is not admitted but is expressly denied, then the Defendant states that he contributed to such injury, damage or loss or failed to take all of the appropriate steps to mitigate such injury, damage or loss. Without limiting the foregoing, the Defendant states that the Plaintiff maintains all of his aforementioned comments and publications in support of the State of Israel *while* it is committing genocide, in addition to the unmitigated spread of vilifying, harmful stereotypes about Palestinians which the Plaintiff distributed very publicly and to Members of Parliament yet did not retract or qualify at any point. Further, the Defendant states that by so doing, the Plaintiff has damaged his own reputation – long before the allegedly defamatory comment – and has failed to take the reasonable steps in this regard to mitigate his damages.
25. Further and in the alternative, if the Plaintiff has suffered any injury, damage or loss, which is not admitted but is expressly denied, then the Defendant states that such injury, damage or loss was entirely mitigated by the fact that the Defendant deleted the allegedly defamatory LinkedIn comment less than 7 days after its initial publication.
26. The Defendant specifically denies any allegation in the Statement of Claim that they acted with malice and states that at all times they acted in good faith in fulfilling their duty to prevent the spread of misinformation which would likely harm an oppressed population overseas due to their privileged position as a refugee and immigration lawyer.

27. Further, the Defendants state that the Plaintiff has had numerous opportunities to address this matter and the content of the allegedly defamatory comment with the Defendant and has instead refused to engage with the Defendant since January 2024, choosing instead to discourage the Defendant and others from engaging in public discussion about the oppression of the Palestinian people and other matters of public interest for fear they will face legal action for exercising their right to free expression.
28. The Defendant relies on the provisions of the *Libel and Slander Act* R.S.O. 1990, c.L-12, as amended.
29. The Defendant submits the action should be dismissed and the Plaintiff should be ordered to pay the costs to the Defendant on a full indemnity basis given the unfounded claim by the Plaintiff for general, special and aggravated and/or punitive damages.

DATED AT TORONTO, this Monday, April 15, 2024



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KARAS

IBRAHIM

-and-

Plaintiff

Defendant

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PROCEEDING COMMENCED AT
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AMENDED STATEMENT
OF DEFENCE

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Self-Represented Litigant