



Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

(Court Seal)

BIRJU DATTANI

Plaintiff

and

EZRA LEVANT

Defendant

**STATEMENT OF CLAIM**

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

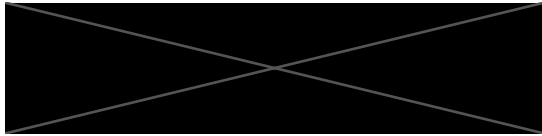
Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date \_\_\_\_\_ Issued by \_\_\_\_\_  
Local Registrar

Address of Superior Court of Justice  
court office: 330 University Avenue  
Toronto ON M5G 1R7



## CLAIM

1. Mr. Dattani claims:
  - (a) General damages in the amount of \$650,000 for defamation;
  - (b) special damages in an amount to be determined before trial;
  - (c) aggravated damages in the amount of \$150,000 for defamation;
  - (d) a declaration that the Defendant defamed Mr. Dattani;
  - (e) an Order requiring the Defendant to remove (take down) the Defamatory Statements, as defined below, from any website or electronic database where they are accessible within 15 days of the Order;
  - (f) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended;
  - (g) post judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended;
  - (h) the costs of this proceeding on a substantial indemnity scale;
  - (i) such further relief as this Honourable Court may deem just.

### The Parties

2. The Plaintiff, Birju Mujahid Dattani, is a resident of the City of Toronto. He is currently a Senior Fellow at the Centre for Free Expression at Toronto Metropolitan University.

3. The Defendant, Ezra Levant, is a resident of City of Toronto. He is the co-founder, owner, and CEO of the media website *Rebel News*, and host of the show, “The Ezra Levant Show”, a daily TV-style show about free speech, politics, and foreign policy. He maintains an extensive online presence and actively publishes content on social media, including on the platform X, under the handle “@ezrlevant”.

4. The parties have not met.

### **Background**

5. Mr. Dattani earned a Bachelor of Laws with Honours from the University of Wales, Aberystwyth in 2008, and a Master of Laws in Public International Law from the London School of Economics in 2011.

6. Mr. Dattani has held various legal academic positions including acting as the Director of Legal Operations for International Law with the Syrian Legal Development Program (SLDP), a program under the auspices of the United Nations Office for the Coordination of Humanitarian Affairs. In 2015, he was among a handful of legal experts selected to draft the *Manchester Protocols on Justice in non-International Armed conflicts*. From 2017 to 2020, Mr. Dattani was the Assistant Regional Director at the Alberta Human Rights Commission, where his role included assessing human rights complaints and advising executive leadership on legislative, policy and regulatory issues.

7. Mr. Dattani also served as a Teaching Fellow while enrolled as a PhD Student at the School of Oriental and African Studies, University of London (SOAS). Mr. Dattani was an associate member of several academic research institutes at SOAS, including the Centre for Palestine

Studies and the Centre for Law & Conflict. He was shortlisted for awards in “Innovative Teaching” and “Teacher of the Year” by law students at SOAS in 2014. His scholarship is included in volume 60 of the *Bibliography of the International Court of Justice*, which was received by the Court Registry at the Hague in 2020.

8. Mr. Dattani is highly regarded, decorated and acclaimed as a human rights professional. In 2018, Mr. Dattani was a recipient of the Alberta *Ministry of Justice Merit Award*. Furthermore, the Yukon Rights Commission has released two media statements hailing Mr. Dattani’s work and leadership as its Executive Director.

9. Most recently, Mr. Dattani served as the Director of the Yukon Human Rights Commission from 2020 to 2023 and in 2023, he joined Centennial College as the Director of Human Rights and Conflict Resolution.

## **Facts**

10. On 28 April 2022, the Governor in Council (GIC) published a Notice of Appointment Opportunity for the position of Chief Commissioner of the Canadian Human Rights Commission (CHRC).<sup>1</sup>

11. The position of the Chief Commissioner of the CHRC is a GIC appointment.

12. During the month of June 2022, Mr. Dattani applied for the position of Chief Commissioner of the CHRC.

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<sup>1</sup> Filion Wakely Thorup Angeletti LLP, *Report Regarding Appointment of the Chief Commissioner of the Canadian Human Rights Commission* (Toronto, 2024): page 14. [https://www.justice.gc.ca/eng/trans/chrc-ccdp/pdf/Report-2246028\\_1.pdf](https://www.justice.gc.ca/eng/trans/chrc-ccdp/pdf/Report-2246028_1.pdf).

13. Mr. Dattani went through “a rigorous, open, transparent and merit-based selection process”.<sup>2</sup> This process included interviews with representatives from the office of the Minister of Justice and Attorney General of Canada, the Department of Justice, the Prime Minister’s Office and the Privy Council Office.

14. On 11 June 2024, Mr. Dattani was appointed to the position of Chief Commissioner of the CHRC by way of Order in Council on the recommendation of Arif Virani, the Minister of Justice and Attorney General of Canada (the “**Minister of Justice**”).

15. On 14 June 2024, the Government of Canada published a [news release](#) announcing the appointment of Mr. Dattani as the Chief Commissioner of the CHRC.

16. Mr. Dattani was meant to assume the role of Chief Commissioner for a period of five years, beginning on 8 August 2024.

17. In the days and weeks following Mr. Dattani’s appointment as the Chief Commissioner of the CHRC several Jewish media outlets and stakeholders made allegations about Mr. Dattani’s past and current beliefs, including but not limited to:

- (a) [“FSWC Deeply Concerned Over Revelations About New Canadian Human Rights Chief Commissioner’s Anti-Israel Activity”](#) 26 June 2024, Friends of Simon Wiesenthal Center for Holocaust Studies (FSWC).

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<sup>2</sup> “New Chief Commissioner of the Canadian Human Rights Commission appointed by the Minister of Justice,” Government of Canada. <https://www.canada.ca/en/department-justice/news/2024/06/new-chief-commissioner-of-the-canadian-human-rights-commission-appointed-by-minister-of-justice.html>.

- (b) [“B’Nai Brith Canada’s Statement on Birju Dattani’s Appointment as Head of the Canadian Human Rights Commission”](#) 27 June 2024, B’Nai Brith Canada.
- (c) [“New choice of CHRC chief is unacceptable”](#) 27 June 2024, the Centre for Israel and Jewish Affairs (CIJA).
- (d) [“Dattani not suitable for critical position at CHRC”](#) 27 June 2024, CIJA.

18. On 25 June 2024, the Office of the Minister of Justice [announced](#) its intention to review the past comments and activities of Mr. Dattani.

19. On 12 July 2024, the Office of the Minister of Justice retained the law firm Filion Wakely Thorup Angeletti LLP (“**Filion**”) to conduct a fact-finding exercise “into whether or not the newly appointed Chief of the CHRC Mr. Dattani, has made comments and engaged in conduct as alleged and reported in the media in June and July 2024.”<sup>3</sup>

20. On 29 July 2024, Filion completed the Report Regarding Appointment of the Chief Commissioner of the Canadian Human Right Commission (the “**Report**”).

21. The Report concluded the following:

“Based on Mr. Dattani’s evidence, the scholarship that was reviewed and provided, we cannot find that Mr. Dattani harboured or harbours any beliefs that would be characterized as anti-Semitic or that he has demonstrated any biases (conscious or unconscious) towards Jews or Israelis. While some may take issue with Mr. Dattani’s scholarship that we have been provided, the sources he relies upon in that scholarship, and his criticism of the State of Israel, he has not demonstrated any intentions or actions that suggest he is anti-Semitic or has beliefs that could be characterized as anti-Semitic. Throughout the interview, Mr. Dattani was careful to criticize the actions of the State of Israel and not the Israeli people.

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<sup>3</sup> Filion Wakely Thorup Angeletti LLP, *Report Regarding Appointment of the Chief Commissioner of the Canadian Human Rights Commission*, page 3.

Importantly, during the course of the interview, Mr. Dattani indicated that his knowledge and lived experience as a racialized person meant that he could listen sympathetically and empathetically to those experiencing discrimination. In his comments on anti-Semitism, Mr. Dattani demonstrated a high degree of self-awareness and sensitivity to the current challenges faced by the Jewish community in Canada as well as a commitment to continue to learn about those challenges in the future”.<sup>4</sup>

22. The Report unequivocally found no evidence of antisemitism or bias in Mr. Dattani’s actions or beliefs.

23. On 7 August 2024, Mr. Dattani agreed to take a leave of absence, and to not begin work at the CHRC on the planned date of 8 August 2024.

24. On 7 August 2024, the Minister of Justice released an [official statement](#) announcing Mr. Dattani’s decision to take a leave from the role of Chief Commissioner of the CHRC.

25. On 12 August 2024, Mr. Dattani resigned from the position of Chief Commissioner of the CHRC.

26. On 12 August 2024, the Minister of Justice released the Report to the public.

### **The False and Defamatory Statements**

27. Levant has an X profile under the handle “[@ezrlevant](#)” and as of the date of issuance of this claim, he has over 497,000 followers on X.

28. Starting in the summer of 2024, Levant embarked on a calculated, relentless, and venomous campaign of defamation designed to irreparably harm Mr. Dattani’s reputation. Through a series of false, inflammatory, and deeply malicious statements (the “**Defamatory Statements**”), Levant

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<sup>4</sup> Filion Wakely Thorup Angeletti LLP, *Report Regarding Appointment of the Chief Commissioner of the Canadian Human Rights Commission*, pages 34 – 35.

weaponized his extensive social media following and public platform to disseminate baseless allegations. Levant's statements were deliberately crafted to incite outrage, amplify division, and portray Mr. Dattani as a threat to Canadian democracy.

29. Levant's defamatory statements include, but are not limited to, the following:

- (a) On 26 June 2024, Levant posted the following comment on [X](#), viewed over 15,400 times, responding to, and reposting a post by Michael Geist:

“No surprise that a Hamas sympathizer like Arif Virani appointed a Hamas sympathizer like Birju Dattani to run Trudeau's “human rights commission”.

Of course he won't resign. And of course they won't fire him. Because what's scandalous to you and me is exactly why he was hired.

[Michael Geist post]”

- (b) On 5 July 2024, Levant posted the following comment on [X](#), viewed over 13,000 times, responding to, and reposting an article by CBC News:

“You have to understand that Dattani's antisemitism is not an obstacle to Trudeau and the Liberal Hamas Caucus.

It's precisely why he was chosen.

It's quaint to see critics who still think antisemitism is embarrassing to the Liberals in 2024.

It's their reelection strategy.

[CBC News post]”

- (c) On 6 July 2024, Levant posted the following comment on [X](#), viewed over 20,300 times, responding to, and reposting a post by the Minister of Justice:

“You’re the guy who knowingly appointed an antisemitic terrorism supporter to head the ‘human rights’ commission. Source: [cbc.ca/news/politics/...](https://www.cbc.ca/news/politics/)”

[Minister of Justice post]”

- (d) On 1 September 2024, Levant posted the following comment on [X](#), viewed over 15,700 times, responding to, and reposting a post by CIJA:

“Sounds like the Official Jews are falling out of love with Justin Trudeau.

They still support his Internet censorship bill, though. Do they not realize that antisemites like Amira Elghawaby, Birju Dattani, Ahmed Hussen and Laith Marouf will be the enforcers of that law?

[CIJA post]”

- (e) On 7 October 2024, Levant posted the following comment on [X](#), viewed over 14,400 times, responding to, and reposting a post by Nico Slobinsky:

“Will CIJA support Rustad's call to deport non-citizens who participate in hate marches?

Or do you prefer Arif Virani's plan to censor the Internet through Bill C-63 and his first choice of chief censor, Birju Dattani?

[Nico Slobinsky post]”

- (f) On 7 October 2024, during an audio episode of “The Ezra Levant Show” that was titled “EZRA LEVANT | One year after the Jewish 9/11, where does Canada stand on Hamas?” Levant made the following statement:

“I want to resist the urge to ban their words, because first of all, I think that would be used against us. Look at Arif Virani and Ahmed Hassan and Leith Marouf and Birju Dattani. I’ve just listed four anti-Semites in the liberal government who would love to bring in hate speech rules.

They all believe in C63, the new online harms act, because they want to silence people like you and me. I’m not saying we get into the censorship business. But how about the banning, uttering death threats, trespass, mischief, shooting, Molotov cocktails, blocking streets?”

- (g) On 13 October 2024, Levant posted the following comment on [X](#), viewed over 45,900 times, responding to, and reposting a post made by the Minister of Justice, denouncing antisemitic violence:

“You're the bigot who hired Birju Dattani to be the head of the human rights commission.

He's the Islamic extremist who praised terrorism as a tactic against Jews.

And when he finally quit, you gave him a massive severance package. Maybe sit this one out.

[Minister of Justice Post]”

30. As of the date of issuance of this claim, all of the Defamatory Statements remain on the internet.

31. The Defamatory Statements refer expressly to Mr. Dattani, using his full name. In the alternative, the Defamatory Statements are attributable to Mr. Dattani in the full context of this Claim, including by way of the content of the posts, the repetition and framing of certain allegations, and the nature of the media’s allegations about Mr. Dattani.

32. Levant’s timing was not only deliberate but exploitative, targeting Mr. Dattani at the peak of his public visibility as a newly appointed Chief Commissioner. By leveraging his vast social media presence, Levant ensured that his defamatory statements reached a national audience, deliberately fueling outrage and exploiting prejudices for maximum damage. This campaign was conducted with calculated malice, designed to strip Mr. Dattani of his professional dignity and render him a pariah in the public eye.

33. Levant’s Defamatory Statements were not merely false—they were egregiously slanderous, hostile, and intended to provoke a visceral and hateful reaction. By explicitly

associating Mr. Dattani with terrorism, antisemitism, and violent extremism, Levant's statements deliberately evoked some of the most inflammatory and prejudicial stereotypes imaginable. These statements were intended to portray Mr. Dattani as not only unfit for public office, but as a dangerous individual who posed a threat to Canadian society.

34. The Defamatory Statements meant, were intended to mean, and were understood to mean that Mr. Dattani:

- (a) Is an antisemite who harbours animosity toward Jewish people;
- (b) supports Hamas and other terrorist organizations;
- (c) encourages or condones terrorist or extremist violence;
- (d) Justifies terrorism as a legitimate political strategy;
- (e) is actively aligned with individuals and organizations linked to radical or terrorist groups;
- (f) obtained his appointment to the CHRC by concealing or misrepresenting his allegedly extremist views;
- (g) lacks integrity, transparency, and accountability;
- (h) is ideologically opposed to Canadian values, democracy, and human rights principles;
- (i) is an extremist who poses a danger to Jewish Canadians and broader Canadian society;

- (j) is fundamentally unfit for public office or any role that involves adjudicating issues of hate and discrimination; and
- (k) jeopardizes the credibility, integrity, and functioning of the Canadian Human Rights Commission.

35. The meanings that arise from the Defamatory Statements are false, misleading and have no basis in truth or fact.

36. Levant's publication of the Defamatory Statements caused grave and serious injury to Mr. Dattani's character, dignity, and reputation.

37. Mr. Dattani's long-standing, deeply principled commitment to human rights and fairness makes Levant's attack not just defamatory, but insidious. To characterize a man dedicated to championing the dignity and equality of all communities as a hate-filled extremist magnifies the sense of moral repugnance and intellectual dishonesty emanating from Levant's campaign.

### **Malice**

38. Levant's Defamatory Statements were made with an utter disregard for the truth and a clear intention to inflict maximum harm. Levant, an experienced media figure known for his controversial and incendiary rhetoric, had ready access to credible, publicly available information—including the publicly available Report of the independent review—that unequivocally refuted the baseless allegations he continued to peddle. His campaign of vilification was a textbook example of malicious defamation, employing inflammatory language and strategic timing to maximize damage to the Plaintiff's reputation

39. Levant's reckless disregard for the truth is evidenced by his repeated and baseless assertions about Mr. Dattani. These accusations were made without any factual foundation and were deliberately designed to exploit public fears of terrorism, inflaming prejudice against Mr. Dattani on the basis of his ethnicity and religion. Levant's actions went beyond defamation—they constituted a targeted, toxic, coordinated, and malicious attempt to destroy Mr. Dattani's career and credibility.

40. Levant's actions exhibit clear malice, demonstrated by:

- (a) His repeated use of incendiary language referring to the Plaintiff as a " Hamas sympathizer," an "Islamic extremist," and an "antisemitic terrorism supporter";
- (b) his disregard of credible, publicly available information contradicting his allegations; and
- (c) his deployment of these accusations at a critical juncture in the Plaintiff's career, intending to capitalize on public scrutiny and inflict maximum reputational harm.

### **Mandatory Orders**

41. By virtue of Levant's notoriety, his extensive following on social media, and his reputation as a provocateur, the Defamatory Statements have been amplified and echoed across the internet, with each repost or republication causing further harm to the Plaintiff. Unless removed, these statements will continue to fuel unwarranted attacks on the Plaintiff's character and reputation, exacerbating the long-term damage already inflicted.

42. In order to mitigate continuing harm, the Plaintiff seeks an Order requiring Levant to remove the Defamatory Statements from any website or electronic database where they are accessible, within fifteen (15) days of the Order.

### **Damages**

43. As a result of the Defamatory Statements Mr. Dattani has suffered, and continues to suffer, serious damage, including but not limited to:

- a) Injury to character, dignity, and reputation;
- b) irreparable harm to his professional reputation;
- c) significant emotional distress; and
- d) economic losses related to his career prospects and potential earnings.

44. Mr. Dattani therefore claims against Levant:

- (a) General damages in the amount of \$650,000 for defamation;
- (b) aggravated damages in the amount of \$150,000 for defamation;
- (c) a declaration that the Defendant defamed Mr. Dattani;
- (d) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended;
- (e) post judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended;

- (f) the costs of this proceeding on a substantial indemnity scale;
- (g) such further relief as this Honourable Court may deem just.

February 3, 2025

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Lawyers for the Plaintiff

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Plaintiff

-and- EZRA LEVANT  
Defendant

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