

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

BIJAN AHMADI, MEHRAN FARAZMAND, MOHSEN KHANIKI
and IRANIAN CANADIAN JOURNAL

Plaintiffs

and

SHAHRAM TABE MOHAMMADI and MEHDI SHAMS

Defendants

STATEMENT OF DEFENCE OF MEHDI SHAMS

1. Except where expressly admitted, the defendant Mehdi Shams denies the allegations made against him and puts the plaintiffs to the strict proof thereof.

2. Mr. Shams admits that he is a resident of Toronto and operates a print shop. He admits that he was the author of the May 16th Article (as that term is defined in the plaintiffs' claim), and the June 9th Posting (as that term is defined in the plaintiff's claim).

Background to the Claim

3. The lawsuit pled by the plaintiffs is a political/ideological dispute disguised as a defamation claim. As set out below, it is the epitome of strategic litigation against public participation ("**SLAPP**").

4. The individual plaintiffs, Bijan Ahmadi, Mehran Farazmand and Mohsen Khaniki (the "**Individual Plaintiffs**") are aligned with the interests of the Republic of Iran. Their activities which support the Republic of Iran include initiating a petition to request that Canada resume

diplomatic relations with Iran, which relations ceased in 2012. The petition was presented in the House of Commons on June 6, 2019. In response, on August 29, 2019 the Canadian Minister of Foreign Affairs, Minister Chrystia Freeland confirmed that “Canada remains committed to holding Iran to account for its human rights violations.”

5. The Individual Plaintiffs also support facilitating financial relationships between Iran and Canada, oppose the continuation of sanctions against it, and support the Iran nuclear deal that would lift nuclear related sanctions.

6. In Individual Plaintiffs have created a variety of organizations to promote their pro-Iranian views. While these organizations have benign names—for instance “The Institute for Peace and Diplomacy”—they are undoubtedly aligned with the interests of the Iranian government.

7. The plaintiff, Iranian Canadian Journal (the “IC Journal”) (which Mr. Shams denies is a legal entity with capacity to sue, is an organization under the control of the Individual Plaintiffs, and has a mandate to promote the pro-Iranian views of the Individual Plaintiffs. The IC Journal does this by publishing content supportive of Iran, and simultaneously publishing articles critical of those who oppose its views.

8. The defendant, Mr. Shams, is an individual resident of Ontario. Mr. Shams is a vocal critic of the plaintiff, Mr. Ahmadi, for reasons pled herein. As a result of Mr. Shams’ vocal criticism of Mr. Ahmadi, he and his family members have been subject to serious threats.

9. Mr. Shams (along with the other defendant, Shahram Tabe Mohammad) were actively involved in an organization known as the Iranian Canadian Congress (the “ICC”) which was a

democratically elected organization responsible for representing the views of Iranian-Canadians since 2008. At its peak, ICC had over 1,500 members.

10. However, in 2016, seven new and non-elected individuals aligned with Mr. Ahmadi, joined the ICC Board of Directors and began to position ICC as a pro-Iranian organization.

11. In 2019, by the time the member list of the ICC became available through litigation, the organization's membership had been culled to 69 members.

12. Because of the ideological disputes between the protagonists to this claim, there have been a variety of lawsuits among them or parties associated with them, including:

- (a) Court File No. CV-19-00616512-00CL, which is an application on the Commercial List concerning the ICC membership list;
- (b) Court File No. SC-19-4013-00, a Small Claims Court matter where the defendant in this matter, Mr. Mohammadi, has sued certain Individual Plaintiffs for defamation; and
- (c) the action.

The May 16th Article

13. As set out above, Mr. Shams admits that he published the May 16th Article on www.iccma.ca, a website of the Iranian Canadian Congress Members Association.

14. Mr. Shams denies that any statement in the May 16th Article is defamatory of the plaintiffs, or any one of them.

15. Mr. Shams pleads that the words in the May 16th Article were true, or substantially true, read in their plain and ordinary meaning, and understood within the context of the post as a whole. Mr. Shams pleads and relies on the defence of truth/justification.

16. Importantly, Mr. Shams denies the translation pled at paragraph 15 of the Plaintiffs' Claim that he called the any party an "army of thugs and mercenaries." A proper translation of Mr. Shams' May 16th Article is that Mr. Shams referred to "supporters of the Islamic Republic of Iran, whom we know by name, as 'army of hooligans'".

17. Mr. Shams pleads that to the extent a statement in the May 16th Article was not true, or not substantially true, then the statement was in fact a comment, made on a matter of public interest (the various legal proceedings, the relationship between Iran and Canada), recognizable as a comment, based in fact, and an honest opinion that could be objectively held by an informed member of the public.

18. In particular, Mr. Shams pleads and relies on the following facts:

- (a) that Mr. Mohammadi had published an article about his lawsuit; and
- (b) that Mr. Mohammadi had called the supporters of the Islamic Republic in Toronto an "army of hooligans" (and not an arm of thugs and hooligans, as is incorrectly pled).

19. Mr. Shams pleads that calling supporters of Iran "an army of hooligans" is an opinion that could be honestly be held by an individual. Mr. Shams pleads and relies on the defence of fair comment.

20. Mr. Shams pleads that, at all material times, the statements in the May 16th Article that are subject of the claim were published on an occasion of qualified privilege; that is, that Mr. Shams had a social and moral duty to communicate to the readers of the ICCMA website actions involving the elected leaders of the ICC, and Mr. Shams' readers had a corresponding interest in receiving such information, Mr. Shams pleads and relies on the defence of qualified privilege.

21. Mr. Shams denies the defamatory meaning pled in the plaintiffs' claim, specifically that the "plaintiffs have fraudulently, and with criminal intent, published false information about people who criticized the Islamic Republic", or any of the other meanings pled by the plaintiffs at paragraph 16 of the Statement of Claim.

22. Mr. Shams denies that the plaintiffs have suffered any injuries, or that the IC Journal (a journal) is able to suffer damage at all.

The June 9th Posting

23. Mr. Shams admits that he authored the June 9th Posting on a Facebook group called "Let's talk Iranian Canadian Congress".

24. At the outset, it is unclear if only Mr. Ahmadi brings a claim in respect of this posting, or if such a claim is asserted on behalf of all plaintiffs.

25. Only Mr. Ahmadi is named in the June 9th Posting.

26. In any event, statements pled in the plaintiffs' claim as translations of the June 9th posting are not accurate.

27. Mr. Shams denies that the translation of the June 9th Posting, pled in the plaintiffs' claim at paragraph 19 is accurate. Mr. Shams pleads that a proper translation of the posting excerpts pled at paragraph 19 are as follows:

The most important point is the conduct of Bijan Ahmadi who abuses the naivety, inexperience and lack of knowledge of individuals and puts them in positions that are unfortunate for them as well as for the community.

- One of such individuals is Mehran Farazmand. He too became acquainted with ICC for the first time through the Campaign "I Am an Iranian-Canadian Too," and a few months later became a member of its board of directors. Pity that a person of his integrity and honesty should suffer from such headaches.

- Morvarid Zarezadeh is another such person who came to ICC for a summer job and months later became a member of its board. Luckily Morvarid was clever enough to avoid the same fate as Mehran.

- I do not wish to bring up the name of Parsa Albeheshti once again. He too joined the ICC as a youth member and regretfully found himself working with ICJ. As I told Pourya in my meeting with him, mosques are holy places. Regretfully, however, many a youth who became victims of ISIS were recruited by these so-called mosques. We must be very careful that the ICC does not play such a role. Luckily at the initiative of Tabe Mohammadi the names of officials of ICJ were timely disclosed and the course and direction of Parsa's life has changed.

Ideological differences aside, deception and playing with people's lives are not human, even if such people are adults. Ignorance makes us behave like children, easy victims of offers made to us, especially if such offers have obvious glitter and glamour. The story of Mohsen Khaniki, Younes Zangiabadi and Sholeh Khalili is far different from others. But the others, from Soudeh Ghassemi to Pouyan Tabasinejad, Dorna, Saman, Yasaman, Sorna Babak and even Behzad Jazizadeh, Ali Bangi and Tayaz Fakhri, could be considered as victims. The common factor between them is their lack of knowledge, experience and working with the community. Let us set aside the fact that our expectations from individuals such as Mojtaba Adibrad and Houman Shirazi are very different, their case is surprising. Let us admit that the main character running all of these episodes is Bijan Ahmadi whose ambition leaves no room for humaneness, kindness and compassion. Luckily, however, he will have no direct role to play at the ICC from the next year. Let us hope that we will succeed in keeping this organization and its members safe and protected from his indirect influence.

28. The June 9th Article, read fully and completely, and using its plain and ordinary language, was meant to be, and was understood to be, a criticism of Mr. Ahmadi for having taken over the ICC, and for having steered it towards a pro-Iranian view.

29. Mr. Shams denies that any statement in the June 9th Article is defamatory of the plaintiffs, or any one of them.

30. Mr. Shams pleads that the words in the June 9th Article were true, or substantially true, read in their plain and ordinary meaning, and understood within the context of each post as a whole. Mr. Shams pleads and relies on the defence of truth/justification.

31. Mr. Shams pleads that to the extent a statement in the June 9th Article was not true, or substantially true, then the statement was in fact a comment, made on a matter of public interest (the various legal proceedings, the relationship between Iran and Canada, the ideological direction of the ICC), recognizable as a comment, based in fact, and an honest opinion that could be objectively held by an informed member of the public.

32. In particular, Mr. Shams pleads and relies on the following facts:

- (a) that the direction of the ICC had changed since Mr. Ahmadi's election to its Board;
- (b) that Mr. Ahmadi disguises the ICC's and his own pro-Iranian views; and
- (c) that even organizations with the best of intentions (such as Mosques) can be infiltrated with terrorist sensibilities.

33. Mr. Shams pleads that, at all material times, the statements in the June 9th Postings that are subject of the claim were published on an occasion of qualified privilege; that is, that Mr. Shams

had a social and moral duty to communicate to the interested readers of the Facebook group the actions of the elected leaders of the ICC, and Mr. Shams' readers had a corresponding interest in receiving such information, Mr. Shams pleads and relies on the defence of qualified privilege.

34. Mr. Shams denies the defamatory innuendo pled at paragraph 20 of the plaintiffs' claim. At no point did Mr. Shams allege that Mr. Ahmadi was involved in the recruitment of people for ISIS, and such a suggestion is preposterous. At no point did Mr. Shams allege that Mr. Ahmadi was involved in criminal activity.

35. Mr. Shams denies that the plaintiffs have suffered any injuries, or that the IC Journal (a journal) is able to suffer damage at all.

No Malice

36. Mr. Shams denies that he has been actuated by malice in any way. To the contrary, his sole purpose in publishing articles is to ensure that his views (and those of his supporters) remain public.

SLAPP

37. Mr. Shams pleads that the purpose of this lawsuit is not actually to obtain a financial remedy for non-existent damages, but, to silence him from publishing views opposed to that of the ICC, the IC Journal, and the Individual Plaintiffs.

38. Mr. Shams pleads that the matters on which he published were in the public interest, that his defences are meritorious, and that any balancing of the interests engaged by this litigation requires the claim to be dismissed.

Other

39. Mr. Shams requests that the claim be dismissed against him with costs on a full indemnity basis.

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Court File No. CV-19-624110

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