

Jama threatens lawsuit after Ford accuses NDP MPP of 'supporting the rape and murder' of Jews



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NDP MPP Sarah Jama, front and centre, is seen in a photo tweeted by CUPE Ontario president Fred Hahn on Feb. 19, 2023. | @FredHahnCUPE/Twitter

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Sarah Jama is demanding the premier retract and apologize for a statement he made about the NDP MPP, or face a libel suit.

Jama has been at the centre of a days-long controversy over a statement she released that [called for](#) a ceasefire in the Israel-Gaza war and called Israel an apartheid state, and failed to condemn Hamas. NDP Leader Marit Stiles asked her to delete the statement. Jama publicly apologized and condemned terrorism by Hamas, but kept the statement up, [pinning it](#) to her X profile.

The PC government initiated a multi-day [debate on the war](#), and a motion to [censure Jama](#) for her comments, which would bar her from speaking or voting in the legislature.

Premier Doug Ford himself [called on](#) Jama to resign for "publicly supporting the rape and murder of innocent Jewish people."

Stiles called Ford's statement "appalling" and called for the government to stop "cynically fanning the flames of division."

On Thursday, the NDP confirmed Jama has served Ford with a legal notice regarding the statement. *Global News* [reported](#) Jama has given the premier seven days to "formally retract the posts and publicly apologize" or risk facing a libel lawsuit.

In a scrum after question period on Thursday, reporters asked Stiles multiple times if Jama had given her a heads-up about the legal notice. She declined to answer.

"I've been aware that she feels she's been libelled," she said.

Global reported that Jama is being represented by lawyer Stephen Ellis. He did not respond to a request for comment.

One lawyer, who acted in one of the few cases in which a Canadian court has ruled on calling someone antisemitic, said Ford's statement could be hard to defend in court.

"Even if that is an expression of Mr. Ford's opinion, it's not clear to me what facts that he is relving on to have that view," Iain MacKinnon wrote to *The Trillium* in an email.



Gleaning that Jama supports the rape and murder of innocent Jews based on that statement "seems like a stretch," he said. "But sometimes courts will find that hyperbole is not defamatory, especially in the context of political exchanges or discussions."

MacKinnon represented conservative Jewish commentator Ezra Levant when he was sued for calling a law student antisemitic. Levant lost at trial as a judge ruled that he couldn't prove that the student was, in fact, antisemitic.

But on appeal, MacKinnon convinced the Court of Appeal that calling someone an antisemite was a matter of opinion, not a statement of fact, as the lower court had ruled.

"The distinction between a factual statement and a statement of opinion is critical in defamation law because to successfully defend a defamatory factual statement, you have to prove it's true (or was published on a privileged occasion)," MacKinnon said.

Opinions, on the other hand, only have to be about a matter of public interest, recognizable as opinion, based on facts, and possible for any person to honestly hold based on those facts, he said.

Levant still lost the case since his comments were ruled to be motivated by malice, MacKinnon said.

"Malice is typically difficult to prove and is a high bar to meet," he said.

If Ford had only called Jama antisemitic, she would have a much more difficult case, MacKinnon said.

Ford's legal team would only have to point to some [facts about Jama that have been previously reported or known](#) that could lead someone to believe she holds antisemitic views, MacKinnon said. They wouldn't have to prove that she actually holds those views.

"The fact that Mr. Ford also made the statement in the context of a political debate on a matter of high public interest, and that it involves politicians, would also bolster his defence of fair comment," MacKinnon said.

