



ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

IRIS WEINSTEIN HAGGAI in her Personal Capacity and as Estate Trustee of the Estate of Judi Lynne Weinstein and the Estate of Gad Haggai, and OHAD LAPIDOT in his Personal Capacity and as Estate Trustee of the Estate of Tiferet Lapidot

Plaintiffs

- and -

HAMAS (HARAKAT AL-MUQAWAMA AL-ISLAMIYA), PALESTINIAN ISLAMIC JIHAD, AL-AQSA MARTYRS' BRIGADES, POPULAR FRONT FOR THE LIBERATION OF PALESTINE, FATAH, DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE, POPULAR RESISTANCE COMMITTEES, ISLAMIC REPUBLIC OF IRAN, ISLAMIC REVOLUTIONARY GUARD CORPS, ALI KHAMENEI, SYRIAN ARAB REPUBLIC, BASHAR AL-ASSAD, PALESTINE LIBERATION ORGANIZATION, PALESTINIAN NATIONAL AUTHORITY, MAHMOUD ABBAS, PALESTINIAN GENERAL DELEGATION IN CANADA, MONA ABUAMARA, SAMIDOUN PALESTINIAN PRISONER SOLIDARITY NETWORK, CHARLOTTE LYNNE KATES, KHALED BARAKAT and DAVE DIEWERT

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS:

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.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$5,000 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

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: October 7, 2024

Issued by

Local Registrar

Address of Court Office:

50 Eagle Street West

Newmarket, ON L3Y 6B1

TO: HAMAS (HARAKAT AL-MUQAWAMA AL-ISLAMIYA)

AND TO: PALESTINIAN ISLAMIC JIHAD

AND TO: AL-AQSA MARTYRS' BRIGADES

AND TO: POPULAR FRONT FOR THE LIBERATION OF PALESTINE

AND TO: FATAH

AND TO: DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE

AND TO: POPULAR RESISTANCE COMMITTEES

AND TO: ISLAMIC REPUBLIC OF IRAN
Deputy Minister of Foreign Affairs
Government of Canada
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

AND TO: ISLAMIC REVOLUTIONARY GUARD CORPS
Deputy Minister of Foreign Affairs
Government of Canada
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

AND TO: ALI KHAMENEI
Deputy Minister of Foreign Affairs
Government of Canada
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

-AND-

Office of the Supreme Leader
Pasteur Street - Palestine Avenue,
Pasteur Sq.
Tehran, District 11, عطارد ،
Tehran Province, Iran

AND TO: SYRIAN ARAB REPUBLIC
Deputy Minister of Foreign Affairs
Government of Canada
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

AND TO: BASHAR AL-ASSAD
Deputy Minister of Foreign Affairs
Government of Canada
125 Sussex Drive
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-AND-

Syrian Presidential Palace
G792+3Q, 7th April Street
Damascus Governorate
Damascus, Syria

AND TO: PALESTINE LIBERATION ORGANIZATION
6001 al-Irsal Street
Ramallah and al-Bireh Governorate
Ramallah, West Bank

AND TO: PALESTINIAN NATIONAL AUTHORITY
6001 al-Irsal Street
Ramallah and al-Bireh Governorate
Ramallah, West Bank

AND TO: MAHMOUD ABBAS
6001 al-Irsal Street
Ramallah and al-Bireh Governorate
Ramallah, West Bank

AND TO: PALESTINIAN GENERAL DELEGATION IN CANADA
18 The Driveway,
Ottawa, ON K2P 1C6
Canada

AND TO: MONA ABUAMARA
18 The Driveway,
Ottawa, ON K2P 1C6
Canada

AND TO: SAMIDOUN PALESTINIAN PRISONER SOLIDARITY NETWORK
1844 East 1st Avenue
Vancouver, BC V5N 1B1
Canada

AND TO: CHARLOTTE LYNNE KATES
1844 East 1st Avenue
Vancouver, BC V5N 1B1
Canada

AND TO: KHALED BARAKAT
1844 East 1st Avenue
Vancouver, BC V5N 1B1
Canada

AND TO: DAVE DIEWERT
11084 148th Street
Surrey, BC V3R 3Y8
Canada

CLAIM

1. The plaintiffs claim from the defendants:
 - (a) damages in the amount of \$250 million pursuant to the *Justice for Victims of Terrorism Act*, S.C. 2012, c. 1, s. 2 and at common law;
 - (b) special damages in an amount to be specified before trial;
 - (c) punitive, exemplary and aggravated damages in the amount of an additional \$100 million;
 - (d) damages under section 61 of the *Family Law Act*, R.S.O. 1990, c. F.3;
 - (e) damages under section 38 of the *Trustee Act*, R.S.O. 1990, c. T.23;
 - (e) pre-judgment and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (f) costs as against the defendants on a full indemnity basis or upon grounds this Court deems just;
 - (g) if necessary, an order for leave to serve the non-Ontario defendants outside of Ontario pursuant to section 17.03 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194; and
 - (h) such further and other relief as this Court deems just.

The Parties

The Plaintiffs

2. Iris Weinstein Haggai (“**Iris**”) is a Canadian citizen and the daughter of Judi Lynne Weinstein (“**Judi**”) and Gad Haggai (“**Gad**”), may their memories be for blessing. Both

Judi and Gad were murdered as part of the October 7, 2023 terrorist attacks, as set out in further detail below, and their bodies were taken hostage to the Gaza Strip and continue to be held there. Iris seeks damages from the defendants as the estate representative of Judi and Gad pursuant to the *Trustee Act*, R.S.O. 1990, c. T.23, and in her own right under s. 61 of the *Family Law Act*, R.S.O. 1990, c. F.3.

3. Ohad Lapidot (“**Ohad**”) is a Canadian citizen and the father of Tiferet Lapidot (“**Tiferet**”), may her memory be for blessing. Tiferet was murdered as part of the October 7, 2023 terrorist attacks, as set out in further detail below. Ohad seeks damages from the defendants as the estate representative of Tiferet pursuant to the *Trustee Act*, R.S.O. 1990, c. T.23, and in his own right under s. 61 of the *Family Law Act*, R.S.O. 1990, c. F.3.

The Defendants

4. Hamas (Harakat al-Muqawama al-Islamiya) (“**Hamas**”) is a Palestinian political and military organization designated by the Government of Canada as a terrorist entity pursuant to s. 83.05 of the *Criminal Code*, R.S.C., 1985, c. C-46 (the “**Code**”). Since 2007, Hamas has governed the Gaza Strip, using it as a launchpad for terrorist attacks against the State of Israel and its inhabitants. Hamas was the primary planner and perpetrator of the October 7, 2023 terrorist attacks against civilians in Israel, as it has publicly admitted and celebrated.
5. Palestinian Islamic Jihad (“**PIJ**”) is a Palestinian political and military organization active in the Gaza Strip and designated by the Government of Canada as a terrorist entity pursuant to s. 83.05 of the *Criminal Code*, R.S.C., 1985, c. C-46. Palestinian Islamic Jihad collaborated with Hamas in planning and/or perpetrating the October 7, 2023 terrorist attacks.
6. The Al-Aqsa Martyrs’ Brigades (“**AAQB**”) is a Palestinian political and military organization active in the Gaza Strip and designated by the Government of Canada as a terrorist entity pursuant to s. 83.05 of the *Criminal Code*, R.S.C., 1985, c. C-46. The

AAQB collaborated with Hamas in planning and/or perpetrating the October 7, 2023 terrorist attacks.

7. The Popular Front for the Liberation of Palestine (“**PFLP**”) is a Palestinian political and military organization active in the Gaza Strip and designated by the Government of Canada as a terrorist entity pursuant to s. 83.05 of the *Criminal Code*, R.S.C., 1985, c. C-46. The PFLP collaborated with Hamas in planning and/or perpetrating the October 7, 2023 terrorist attacks.
8. Fatah is a Palestinian political and military organization active in the Gaza Strip and designated by the Immigration and Refugee Board of Canada as an organization that engages in terrorism. Fatah collaborated with Hamas in planning and/or perpetrating the October 7, 2023 terrorist attacks.
9. The Democratic Front for the Liberation of Palestine (“**DFLP**”) is a Palestinian political and military organization active in the Gaza Strip and designated by the Immigration and Refugee Board of Canada as an organization that engages in terrorism. The DFLP collaborated with Hamas in planning and/or perpetrating the October 7, 2023 terrorist attacks.
10. The Popular Resistance Committees (“**PRC**”) is a Palestinian political and military organization active in the Gaza Strip and designated by the Immigration and Refugee Board of Canada as an organization that engages in terrorism. The PRC collaborated with Hamas in planning and/or perpetrating the October 7, 2023 terrorist attacks.
11. Collectively, Hamas, PIJ, the AAQB, the PFLP, Fatah, the DFLP and the PRC are referred to in the balance of this Statement of Claim as the “**Terrorist Entity Defendants.**”
12. The Islamic Republic of Iran (“**Iran**”) is a state that the Government of Canada has designated as a designated foreign state supporter of terrorism under the *Justice for Victims of Terrorism Act*, S.C. 2012, c.1, s. 2, and the *State Immunity Act*, R.S.C., 1985,

- c. S-18 (“*SIA*”). SOR/2012-170 of the *SIA* contains a List of Foreign State Supporters of Terrorism that includes Iran.
13. The Islamic Revolutionary Guard Corps (“**IRGC**”) is a branch of the Iranian Armed Forces that is tasked with funding and facilitating acts of terrorism, including by the Terrorist Entity Defendants. The IRGC is designated by the Government of Canada as a terrorist entity pursuant to s. 83.05 of the *Criminal Code*, R.S.C., 1985, c. C-46.
 14. Ali Khamenei (“**Khamenei**”) is the Supreme Leader of Iran and holds ultimate authority in that state, including as General Commander of the IRGC. Khamenei has held those posts since 1989, and has, in that capacity, provided funding, arms and other means of support to Hamas and the other Terrorist Entity Defendants.
 15. The Syrian Arab Republic (“**Syria**”) is a state that the Government of Canada has designated as a designated foreign state supporter of terrorism under the *Justice for Victims of Terrorism Act*, S.C. 2012, c.1, s. 2, and the *SIA*. SOR/2012-170 of the *SIA* contains a List of Foreign State Supporters of Terrorism that includes Syria.
 16. Bashar Al-Assad (“**Al-Assad**”) is the President of Syria and holds ultimate authority in that state, including as Commander-in-Chief of the Syrian Armed Forces. Al-Assad has held those posts since 2000, and has, in that capacity, provided funding, arms and other means of support to Hamas and the other Terrorist Entity Defendants.
 17. Collectively, Iran, the IRGC, Khamenei, Syria and Al-Assad are referred to in the balance of this Statement of Claim as the “**State Supporter Defendants.**”
 18. The plaintiffs plead that Iran and Syria are foreign states upon which service of this Statement of Claim may be made by delivery of same to the Deputy Minister of Foreign Affairs under s. 9(2) of the *SIA*.
 19. The plaintiffs further plead that service upon Iran and Syria amounts to good service on all the other State Supporter Defendants, all of whom are agents of Iran or Syria and subject to the direct authority and control of Iran or Syria.

20. The Palestine Liberation Organization (“**PLO**”) is a coalition of Palestinian political parties and terrorist organizations founded in 1964 with the goal of eliminating the State of Israel. In 1993, pursuant to the Oslo Accords between the State of Israel and the PLO, the Palestinian National Authority was created to govern certain areas of the Gaza Strip and the West Bank on behalf of the PLO. Together with the PA, the PLO operates the Palestinian Authority Martyrs Fund, a “pay for slay” program as set out in further detail below.
21. The Palestinian National Authority (“**PA**”) is an autonomous governmental body that governs certain portions of the West Bank, pursuant to the 1993 Oslo Accords. Together with the PLO, the PA operates the Palestinian Authority Martyrs Fund, as set out in further detail below. While the PA has asserted statehood as the so-called “State of Palestine,” the Government of Canada has not recognized any such state. Moreover, the PA does not qualify as a state under public international law. Among other things, it does not have a defined territory, does not have a fixed population under the control of its own government, cannot act independently of foreign governments and cannot conduct foreign relations.
22. Mahmoud Abbas (“**Abbas**”) is the Chairman of the PLO and President of the PA, having occupied the former role since 2004 and the latter role since 2005. In those twin capacities, Abbas has overseen the operation of the Palestinian Authority Martyrs Fund, described below. Abbas has also been the Chairperson of Fatah since 2009.
23. The Palestinian General Delegation in Canada (the “**General Delegation**”) is an entity with its head office in Ottawa, Ontario that has represented Palestinian interests in Canada on behalf of the PA since 1995. The General Delegation has admitted in pleadings before the Ontario Superior Court of Justice that it does not enjoy formal diplomatic privileges or immunities and that the PA does not have formal state status.
24. Mona Abuamara (“**Abuamara**”) is an individual who resides in Ottawa, Ontario and has served as the Palestinian General Delegate in Canada, as part of the General Delegation, since 2021. Abuamara has admitted in pleadings before the Ontario Superior Court of

Justice that the General Delegation does not enjoy formal diplomatic privileges or immunities and that the PA does not have formal state status. She has further admitted that she is the head and chief executive of the General Delegation and is responsible for its operations.

25. Collectively, the PLO, the PA, Abbas, the General Delegation and Abuamara are referred to in the balance of this Statement of Claim as the “**PA Defendants.**”
26. Samidoun Palestinian Prisoner Solidarity Network (“**Samidoun**”) is a not-for-profit corporation incorporated under the *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23 since March 3, 2021, with its head office in Vancouver, British Columbia. Samidoun advocates primarily for the release of leaders and members of the defendant PFLP imprisoned by Israel and other states for terrorism offences, and there is a substantial overlap between the leadership of Samidoun and the PFLP. In 2021, the Israeli Ministry of Defence designated Samidoun as a terrorist organization, describing it as a subsidiary of the PFLP. In 2023, Germany banned Samidoun and dissolved its local branch on the basis that it supported and glorified various foreign terrorist organizations, including Hamas.
27. Charlotte Lynne Kates (“**Kates**”) is an individual residing in Vancouver, British Columbia and has been a director of Samidoun since its incorporation. Kates is described publicly by Samidoun as its “International Coordinator,” and appears to be its directing mind in Canada. Kates is married to the defendant Khaled Barakat.
28. Khaled Barakat (“**Barakat**”) is an individual residing in Vancouver, British Columbia and the spouse of the defendant Kates. Barakat is or was a high-ranking member of the PFLP, having been publicly described by the PFLP itself as “a leader of the PFLP” and “a member of the Central Committee of the PFLP.” He has also publicly been described by the PFLP as a “coordinator” of Samidoun.
29. Dave Diewert (“**Diewert**”) is an individual residing in Surrey, British Columbia and has been a director of Samidoun since March 10, 2023.

30. Collectively, Samidoun, Kates, Barakat and Diewert are referred to in the balance of this Statement of Claim as the “**Samidoun Defendants.**”

The October 7, 2023 Terrorist Attacks

31. On the morning of Saturday, October 7, 2023, coinciding with the Jewish Sabbath and the holiday of Simchat Torah, Hamas and the other Terrorist Entity Defendants mounted a massive assault on areas of Israel adjacent to the Gaza Strip, including civilian communities (the “**7/10 Terror Attacks**”). The overarching goal of the 7/10 Terrorist Attacks was to inflict harm on civilians in Israel in order to advance the Terrorist Entity Defendants’ shared long-term goal of destroying the State of Israel, as well as shorter term objectives such as obtaining the release of Palestinian terrorists serving time in Israeli prisons, preventing Jewish worship in the holy city of Jerusalem, and disrupting a potential normalization agreement between the State of Israel and the Kingdom of Saudi Arabia, along with normalization with other Arab and Islamic states that do not currently have diplomatic relations with Israel. The 7/10 Terrorist Attacks had been planned and organized by the Terrorist Entity Defendants for years before they were carried out.
32. In the course of the 7/10 Terror Attacks, members of the Terrorist Entity Defendants perpetrated murder, rape and hostage-taking on a massive scale. Approximately 1,180 Israelis and foreign nationals present on Israeli territory were killed, of whom approximately 800 were civilians. Thousands more were injured. Approximately 250 Israelis and foreign nationals were abducted into the Gaza Strip as hostages.
33. The Terrorist Entity Defendants’ project of wanton and callous destruction continued until it was forcibly terminated by the Israel Defence Forces over the course of the following days. October 7, 2023 proved to be the deadliest day in modern Israel’s history and the deadliest day for Jews since the end of the Nazi Holocaust.

The Atrocities Inflicted upon the Deceased Plaintiffs

34. Judi, a Canadian citizen and 70 year-old mother of four and grandmother of seven, resided in Nir Oz, an Israeli kibbutz close to the Gaza Strip, with her husband Gad, who was 72 years old. Judi and Gad were out for an early morning walk near the kibbutz as the 7/10 Terror Attacks unfolded. They were both shot by members of the Terrorist Entity Defendants, following which another member of the kibbutz called Judi, who was able to answer the call despite her grievous injuries. Neither Judi nor Gad were ever heard from again.
35. Shortly after the 7/10 Terror Attacks, Gad's cellphone signal was detected inside the Gaza Strip, leading family members to believe that he and Judi might still be alive as hostages. However, on November 22, 2023, Iris viewed a video clip from Instagram Live that appeared to show Gad's body being transported by the Terrorist Entity Defendants from Israel to the Gaza Strip. Later, in December of 2023, Israeli authorities determined that Judi and Gad had been murdered on October 7, 2023, and that their bodies had been taken to the Gaza Strip. To this day, the Terrorist Entity Defendants continue to hold Judi and Gad's remains, preventing their family from holding a dignified burial service in accordance with Jewish traditions.
36. Tiferet, a 23 year-old Canadian-Israeli, was living in Australia in 2023, but came to Israel in the fall of that year for the Jewish High Holidays. On October 7, she was attending the Supernova Sukkot Gathering, an outdoor music festival being held outside the Israeli kibbutz of Re'im, near the Gaza Strip. In the course of the 7/10 Terror Attacks, the Terrorist Entity Defendants struck the Supernova Sukkot Gathering, a purely civilian target, murdering and/or raping hundreds of victims, mostly young adults. Tiferet managed to call her mother as the assault unfolded, which was the last time anyone heard from her alive. Tiferet's cellphone signal was detected inside the Gaza Strip, leading family members to believe that she might still be alive as a hostage, but her body was identified in Israeli territory ten days after October 7.

The Defendants Are Liable Pursuant to the *JVTA*

37. The plaintiffs plead and rely on the *Justice for Victims of Terrorism Act*, S.C. 2012, c. 1, s. 2 (the “*JVTA*”) in its entirety.
38. The plaintiffs further plead and rely upon the definition of “terrorist activity” provided at s. 83.01(1) of the *Criminal Code*:

Definitions

83.01 (1) The following definitions apply in this Part.

...

terrorist activity means

(a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:

...

(iv) the offences referred to in subsection 7(3.1) that implement the *International Convention against the Taking of Hostages*, adopted by the General Assembly of the United Nations on December 17, 1979,

...

(ix) the offences referred to in subsection 7(3.72) that implement the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997, and

(x) the offences referred to in subsection 7(3.73) that implement the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on December 9, 1999, or

...

(b) an act or omission, in or outside Canada,

(i) that is committed

(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and

(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law. (*activité terroriste*)

39. The Terrorist Entity Defendants, collectively and in cooperation with each other, planned, organized and carried out the 7/10 Terrorist Attacks, including the murders of Judi, Gad and Tiferet, and the ongoing unlawful detention and hostage-taking of Judi and Gad's remains. In doing so, the Terrorist Entity Defendants committed acts that would be punishable under Part II.1 of the *Criminal Code* if committed in Canada. In particular, the plaintiffs plead that the Terrorist Entity Defendants have committed offences including, but not limited to, providing or collecting property for terrorist activity, facilitating terrorist activity, committing indictable offences at the direction of a terrorist group,

instructing persons to carry out terrorist activity, and counselling the commission of terrorist offences.

40. The plaintiffs therefore plead that the Terrorist Entity Defendants are jointly and severally liable for all losses and damages that they have suffered as a result of the deaths of Judi, Gad and Tiferet, and the ongoing unlawful detention of Judi and Gad's remains, pursuant to ss. 4(1)(a) and 4(1)(b) of the *JVTA*.
41. The State Supporter Defendants, individually and collectively, have a longstanding relationship with Hamas, PIJ and other Terrorist Entity Defendants, in which they have supplied the Terrorist Entity Defendants with funding, training, propaganda, safe havens and other forms of support, for the explicit purpose of targeting civilians in Israel and otherwise engaging in terrorist activity.
42. In particular, Iran is the primary state sponsor of Hamas and PIJ, while also providing various forms of support to the other Terrorist Entity Defendants. Syria has hosted the headquarters of PIJ since 1990 and the PFLP since 1993 in its capital city of Damascus. The Hamas Political Bureau was also based in Damascus from 2000 to 2012.
43. The plaintiffs plead that pursuant to SOR/2012-170 of the *SIA*, Iran and Syria are each listed under Canadian law as state sponsors of terrorism. The plaintiffs further plead that the State Supporter Defendants have committed acts that would be punishable under ss. 83.02 to 83.04 and 83.18 to 83.23 of the *Criminal Code* if committed in Canada, for the benefit of the Terrorist Entity Defendants. In particular, the plaintiffs plead that the State Supporter Defendants have committed offences including, but not limited to, providing or collecting property for terrorist activity, facilitating terrorist activity, instructing persons to carry out terrorist activity, and counselling the commission of terrorist offences. With respect to Iran, these findings of fact have also been made by several Canadian Courts.
44. The plaintiffs therefore plead that the State Supporter Defendants are jointly and severally liable for all losses and damages that they have suffered as a result of the deaths of Judi, Gad and Tiferet, and the ongoing unlawful detention and hostage-taking of Judi and Gad's remains, pursuant to s. 4(1)(b) of the *JVTA*.

45. Since at least 2000, the PLO and PA have operated the Palestinian Authority Martyrs Fund (the “**Fund**”), a “pay for slay” program that disburses funds to deceased, injured and/or imprisoned Palestinians, and/or their family members, who have engaged in terrorist activity against Israelis and other people in Israel. The payments made through the Fund are significantly higher than the average Palestinian wage.
46. The goal and effect of the Fund is to incentivize acts of terrorism by Palestinians against Israelis, by assuring prospective terrorists that their families will be well provided for if they are killed, injured or imprisoned in the course of their terrorist activity, and by conveying broad governmental moral support and approval to Palestinians who engage in terrorist activity. As of September of 2023, shortly before the 7/10 Terror Attacks, the PA was spending a minimum of \$16 million USD monthly on the Fund.
47. Since the 7/10 Terror Attacks, the PA has publicly confirmed that payments from the Fund are being made or will be made to members of the Terrorist Entity Defendants who participated in the 7/10 Terror Attacks, including members of Hamas.
48. In his capacity as Chairperson of the PLO and President of the PA, Abbas has for decades overseen the operation of Fund, and has publicly defended the Fund against international criticism. In addition, Abbas simultaneously serves as the Chairperson of Fatah, and the plaintiffs therefore plead that he is vicariously responsible for the acts of Fatah as set out herein.
49. From their head office in Ottawa, Abuamara and the General Delegation have offered services to Palestinians in Canada that require the payment of a fee, such as the issuance/renewal of passports, provision of powers of attorney, and issuance of certificates of good conduct. These fees have then been remitted to the PA and/or PLO, which use a portion of these fees to finance the Fund. As official representatives of the PA in Canada, Abuamara and the General Delegation have actual knowledge or are wilfully blind to the purpose of the Fund, and the fact that a portion of the fees they collect make their way to the Fund.

50. In addition, the PA and/or PLO have designed and/or disseminated school curriculum materials used in the Gaza Strip, which glorify terrorism and martyrdom against Israel and its inhabitants, thereby inculcating a generation of Palestinian children who have been indoctrinated with hatred towards Israelis via school curriculum.
51. Through their respective roles in operating, directing and/or contributing to the Fund, the plaintiffs plead that the PA Defendants have committed acts that would be punishable under s. 83.02 to 83.04 and 83.18 to 83.23 of the *Criminal Code* if committed in Canada, for the benefit of the Terrorist Entity Defendants. In particular, the plaintiffs plead that the PA Defendants have committed offences including, but not limited to, providing or collecting property for terrorist activity, providing or collecting property for the benefit of persons facilitating or carrying our terrorist activity, and facilitating terrorist activity.
52. In addition, since 2006, 74 of the 132 seats of the Palestinian Legislative Council (“**PLC**”), the PA’s legislative branch, have been occupied by members of Hamas, who have used their position to draw funding from the PA. A further 45 seats of the PLC are occupied by members of Fatah, while three seats are occupied by members of the PFLP and one seat is occupied by a member of the DFLP. The plaintiffs plead that by funding and providing other material forms of support to Hamas, Fatah, the PFLP and the DFLP via the PLC, the PA has committed acts that would be punishable under s. 83.02 to 83.04 and 83.18 to 83.23 of the *Criminal Code* if committed in Canada, for the benefit of the Terrorist Entity Defendants.
53. Furthermore, the defendants Fatah, the PFLP and the DFLP are members of the PLO, and receive funding from the PLO. The plaintiffs plead that by funding Fatah, the PFLP and the DFLP, the PLO has committed acts that would be punishable under s. 83.02 to 83.04 and 83.18 to 83.23 of the *Criminal Code* if committed in Canada, for the benefit of the Terrorist Entity Defendants.
54. The plaintiffs therefore plead that the PA Defendants are jointly and severally liable for all losses and damages that they have suffered as a result of the deaths of Judi, Gad and

Tiferet, and the ongoing unlawful detention of Judi and Gad's remains, pursuant to s. 4(1)(b) of the *JVTA*.

55. The plaintiffs further plead that, as admitted by the General Delegation and Abuamara before this Court in other proceedings, the General Delegation does not enjoy formal diplomatic privileges or immunities and the PA does not have formal state status under Canadian or public international law. In addition, Canada does not recognize any independent "State of Palestine." Accordingly, the plaintiffs plead that none of the PA Defendants benefit from any form of state immunity or diplomatic immunity.
56. The defendant Samidoun was incorporated in Canada shortly after Kates and Barakat were expelled from Germany on account of their extremist and terror-supporting activities. As pleaded above, Barakat is or was a high-ranking member of the PFLP, and Kates is his spouse. Samidoun advocates primarily for the release of leaders and members of the defendant PFLP imprisoned by Israel and other states for terrorism offences, and there is a substantial overlap between the leadership of Samidoun and the PFLP.
57. The defendant Barakat remains a member of the PFLP, and provides membership fees and other services to the organization in that connection. In addition, he attended the most recent general conference of the PFLP in 2021, held in Gaza City, which was at that time controlled by Hamas. Samidoun also transfers funds to the PFLP, for which it acts as a proxy.
58. The plaintiffs plead that Samidoun was incorporated in Canada in 2021 for the illegal and/or improper purpose of advancing the goals of the PFLP, for which it acts as a proxy, and/or Hamas and the other Terrorist Entity Defendants.
59. The plaintiffs plead that it would be just to pierce the corporate veil vis-à-vis Kates, Barakat, and Diewert, because (i) Samidoun was incorporated for an illegal, fraudulent or improper purpose, (ii) while in control of the corporation these individuals expressly directed a wrongful thing to be done, and/or (iii) Samidoun is dominated, controlled and being used as a shield for fraudulent or improper conduct.

60. In addition, since the 7/10 Terror Attacks, the Samidoun Defendants have publicly and repeatedly glorified, justified and celebrated the 7/10 Terror Attacks, including from Canadian soil.
61. The plaintiffs plead that the Samidoun Defendants have committed acts that would be punishable under s. 83.02 to 83.04 and 83.18 to 83.23 of the *Criminal Code* if committed in Canada, for the benefit of one or more of the Terrorist Entity Defendants. In particular, the plaintiffs plead that the Samidoun Defendants have committed offences including, but not limited to, providing or collecting property for terrorist activity, providing or collecting property for the benefit of persons facilitating or carrying our terrorist activity, participating in the activity of a terrorist group, leaving Canada to participate in the activity of a terrorist group, and facilitating terrorist activity.
62. The plaintiffs therefore plead that the Samidoun Defendants are jointly and severally liable for all losses and damages that they have suffered as a result of the deaths of Judi, Gad and Tiferet, and the ongoing unlawful detention and hostage-taking of Judi and Gad's remains, pursuant to s. 4(1)(b) of the *JVTA*.

Damages

63. The plaintiffs estimate general damages in the amount of \$250 million, the particulars of which shall be provided before the trial of this action.
64. With respect to Judi and Gad, the illegal acts of the defendants are ongoing and continue to accrue additional damages, as the Terrorist Entity Defendants continue to unlawfully hold Judi and Gad's remains, thereby inflicting additional indignities upon them and psychological damages upon their friends and family members.
65. The plaintiffs claim special damages, in an amount to be specified before trial, in respect of expenses incurred by them as a result of the 7/10 Terror Attacks, including but not limited to funeral costs, estate administration costs and costs of travel.

66. The plaintiff Iris was engaged in launching her own line of textiles prior to October 7, 2023, but was unable to continue with this project after the murder of her parents and hostage-taking of their bodies during the 7/10 Terror Attacks, in light of the severe psychological and emotional trauma that Iris endured. Iris therefore claims as against the defendants for past loss of income, future loss of income and loss of competitive advantage.
67. The plaintiffs further claim punitive, exemplary and aggravated damages in the amount of \$100 million as against the defendants and each of them, arising from their diabolical and sadistic terrorist conduct in perpetrating and/or facilitating the 7/10 Terror Attacks.
68. The plaintiffs further claim their costs of this proceeding on a full indemnity basis.
69. The plaintiffs bring this action under section 61 of the *Family Law Act*, R.S.O. 1990, c. F.3, for damages arising as a result of injuries and losses sustained by Judi, Gadi and Tiferet's family members, all of whom are direct victims of the terrorist activities of the defendants.
70. The plaintiffs plead that leave for service of this Statement of Claim upon those defendants located outside of Ontario is not required pursuant to section 17.02 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. In the alternative, the plaintiffs plead that they have met the test for leave of this Statement of Claim outside of Ontario pursuant to section 17.03 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.
71. The plaintiffs plead and rely upon the *Justice for Victims of Terrorism Act*, S.C. 2012, c.1, the *Criminal Code*, R.S.C., 1985, c. C-46, the *State Immunity Act*, R.S.C., 1985, c. S-18, the *Family Law Act*, R.S.O. 1990, c. F.3, the *Trustee Act*, R.S.O. 1990, c. T.23, and the *Courts of Justice Act*, R.S.O. 1990, c. C.43, all as amended.
72. The plaintiffs request that this action be tried at Newmarket.

October 7, 2024

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ONTARIO
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PROCEEDINGS COMMENCED AT NEWMARKET

STATEMENT OF CLAIM

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