**John Fraser**President & CEO
National Media Council

37 Front Street East. Suite 200
Toronto Ontario M5E 1B3

January 29, 2017

Dear Mr. Fraser:

Further to our telephone conversations in December 2016, I am submitting herewith my complaint against Postmedia Network Inc. (“Postmedia”). In essence, my complaint is that, during the last six months of 2016, Postmedia newspapers exhibited a blatant bias against the BDS movement and the Green Party of Canada, and failed to afford to proponents of BDS a reasonable opportunity to respond to the condemnations of BDS which Postmedia newspapers repeatedly published during that period.

**THE CIRCUMSTANCES GIVING RISE TO THIS COMPLAINT**

***My Background***

I am a lawyer called to the bars of Ontario and New York State. I retired from the practice of law in July 2016 to devote myself to activism and independent journalism, and to spend more time with my family.

In 2012, Canadian Lawyer Magazine named me one of the 25 most influential lawyers in Canada, and in 2013, Canadian Business Magazine named me one of the 50 most influential persons in Canadian business.

In the 2015 federal election, I ran as a candidate for the Green Party of Canada (“GPC”) in the riding of London West. In March 2016, I was appointed by Elizabeth May as the justice critic in the shadow cabinet of the GPC.

***The GPC’s BDS Resolution***

In August 2016, the GPC held its biannual convention in Ottawa.

According to the constitution and by-laws of the GPC, any member in good standing may submit a policy resolution in advance of a biannual convention if that resolution enjoys the support of at least 20 other members of the GPC. GPC members wishing to propose policy resolutions at the GPC’s August 2016 convention were required to submit those resolutions to the GPC in the second quarter of 2016. In accordance with the GPC’s normal procedures, the resolutions were then voted upon in a preliminary online vote held in June 2016. Resolutions that received more than 50% but less than 60% support were required to go to workshop at the August Convention.

In advance of the GPC convention, I authored and submitted a [resolution](https://www.greenparty.ca/en/convention-2016/voting/resolutions/g16-p006) (the “BDS Resolution”) expressing limited support for the Palestinian-led Boycott, Divestment & Sanctions (“BDS”) movement. In June 2016, the BDS Resolution and all other policy resolutions submitted in advance of the August convention were put to a preliminary online vote of the GPC members. In that vote, 58.5% of those who voted approved the BDS Resolution and only 13.5% voted against it. Thus, the BDS Resolution was required to go to workshop at the August convention before being submitted to a vote of all convention delegates

Shortly following the online vote, and as discussed more fully below, Postmedia newspapers began to publish reports and commentary on the BDS Resolution.

At the convention in August, the BDS Resolution was overwhelmingly approved without amendment in a workshop. It was then approved by a large majority of convention delegates in a plenary session, and became GPC policy. The BDS resolution was adopted despite the opposition of Elizabeth May, who argued against the BDS Resolution both in workshop and in the plenary.

Immediately following the convention, Elizabeth May threatened to resign as GPC leader due in large part to her opposition to the BDS Resolution. The GPC’s Federal Council then called a special general meeting (“SGM”) to revisit the BDS Resolution. The SGM was held in Calgary over the first weekend of December 2016.

After the August convention and before the SGM, I entered into negotiations with Elizabeth May and other members of the GPC shadow cabinet with a view to developing a compromise resolution on Palestine and Israel. Those negotiations were successful and resulted in a [policy resolution](https://www.greenparty.ca/en/sgm-2016/voting/resolutions/s16-p013) (the “Consensus Resolution”) that was arguably an even stronger statement of support for Palestinian rights than the BDS Resolution. At the SGM in Calgary, Elizabeth May endorsed the Consensus Resolution, and it passed with the support of nearly 85% of the delegates. If the Consensus Resolution is ratified by GPC members in an online vote that is scheduled to conclude on February 6, 2017, then it will replace the BDS Resolution.

***My Removal from the GPC Shadow Cabinet***

Immediately following the GPC’s adoption of the BDS Resolution in August 2016, the leader of the B.C. Green Party, Andrew Weaver, [publicly condemned](http://www.bcgreens.ca/statement-by-andrew-weaver-on-the-passage-of-bds-policy-by-green-party-of-canada) the BDS Resolution and those GPC members who had advocated for it. In response, I and 23 other GPC members, including 14 former GPC candidates and 2 other members of the GPC shadow cabinet, co-authored an op-ed in which we defended the BDS Resolution from Andrew Weaver’s attacks. That [op-ed](https://www.thetyee.ca/Opinion/2016/09/13/Canada-Green-Party-Anti-Occupation/) was published in The Tyee on September 13, 2016.

Promptly following the publication of our Tyee op-ed, Elizabeth May issued an ultimatum to me and the two other members of GPC shadow cabinet who had signed the op-ed: she demanded that we apologize to Andrew Weaver, failing which we would be removed from shadow cabinet. As I explained in [an interview with Ricochet Media](https://ricochet.media/en/1396/why-i-was-fired-by-elizabeth-may), all three of us refused to apologize to Mr. Weaver, and we were therefore removed from shadow cabinet.

Despite our removal from shadow cabinet, Elizabeth May invited us to participate in subsequent negotiations over the Consensus Resolution.

***Israel’s Human Rights Record and the BDS Movement***

In my respectful submission, my complaint of biased coverage by Postmedia cannot be properly evaluated without understanding the nature and extent of Israel’s human rights violations.

The human rights violation that is most discussed in the Western media is Israel’s construction of settlements in the West Bank. In 2004, the International Court of Justice [ruled](http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6) unanimously that the settlements violate the Fourth Geneva Convention. The U.N. Security Council has repeatedly condemned the settlements as a violation of international law and a serious obstacle to peace. The [most recent of those condemnations](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2334(2016)) was issued in December 2016, by a vote of 14-0 (with the U.S. abstaining). Canada’s department of foreign affairs [explicitly acknowledges](http://www.international.gc.ca/name-anmo/peace_process-processus_paix/canadian_policy-politique_canadienne.aspx?lang=eng) that the settlements violate the Fourth Geneva Convention and are a serious obstacle to peace.

Israel’s human rights violations are by no means limited to its West Bank settlements. As has been documented by reputable human rights organization, including [Amnesty International](https://www.amnesty.org/en/documents/mde15/3529/2016/en/), the U.S.-based [Human Rights Watch](https://www.hrw.org/world-report/2016/country-chapters/israel/palestine), and the Israeli human rights organization [B’Tselem](http://www.btselem.org/settlements/20161014_security_council_address), Israel employs [collective punishment](http://www.btselem.org/razing/collective_punishment), which is also a violation of the Fourth Geneva Convention. It engages in torture, [including the torture of children](https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf). Finally, it uses [unlawful extra-judicial assassination](http://www.middleeasteye.net/news/israeli-human-rights-group-urges-netanyahu-stop-extrajudicial-killings-palestinians-2141547833) and [imprisons peaceful protesters for indefinite periods of time without charge or trial](https://www.amnesty.org/en/latest/news/2012/06/israel-injustice-and-secrecy-surrounding-administrative-detention/).

In 2005, in response to the International Court of Justice’s ruling that Israel’s settlements violate the Fourth Geneva Convention, over 170 Palestinian citizens’ organizations [called for a boycott of Israel](https://bdsmovement.net/call). From the very beginning, the founders of the BDS movement have condemned all forms of racism, including anti-Semitism. Indeed, in October 2016, a cofounder of the BDS movement, Omar Barghouti, issued a [statement of gratitude](https://www.youtube.com/watch?v=ErDufB8wUxY&t=1s) to the Green Party of Canada in which he unequivocally denounced anti-Semitism. Postmedia’s newspapers completely ignored Mr. Barghouti’s statement.

***Postmedia Coverage of the Green Party of Canada’s Debate Over BDS***

Since June 2016, Postmedia newspapers published 15 articles relating to the Green Party’s debate on Palestinian rights. A complete list of these articles, with hyperlinks, appears at the end of this letter.

The first of these articles appeared in the *National Post* on June 27, 2016, shortly after the Green Party’s members expressed strong support for the BDS policy in a preliminary online vote. [That article](http://news.nationalpost.com/news/canada/canadian-politics/green-party-draws-outrage-anti-israel-accusations-over-proposal-to-add-bds-to-party-policies) was entitled “Greens draw outrage, ‘anti-Israel’ accusations, over proposal to add BDS to party policies,” and it established the highly belligerent tone of all Postmedia reporting on the Green Party’s Palestinian rights debate. The *National Post’s* June 27 article quoted only persons who vehemently denounced the proposed BDS policy, using such language as “outrageous”, “just bizarre”, “tremendously hypocritical” and “anti-Jewish-Canadian”.

Like the *National Post’s* June 27 article, virtually all of Postmedia’s 15 articles on the Green Party’s Palestinian rights debate bore titles that suggested extremism, anti-Israel bias or infighting within the Green Party. For example, a Toronto Sun article of August 14, 2016 was entitled “[Greens self-destruct with Israel Bashing](http://www.torontosun.com/2016/08/14/greens-self-destruct-with-israel-bashing).”  A mere seven days later, the *Toronto Sun* published another article entitled “[Greens attacking Israel? Hardly a surprise](http://www.torontosun.com/2016/08/23/greens-attacking-israel-hardly-a-big-surprise).”

Even worse than the strident tone of Postmedia’s articles was the absence from Postmedia’s reporting of pro-BDS and Palestinian perspectives. Postmedia’s 15 articles quoted opponents of BDS on 17 occasions, quoted anti-BDS organizations on 8 occasions, and quoted Israel’s ambassador to Canada on one occasion. By contrast, on only one occasion did any of Postmedia’s 15 articles quote a supporter of BDS (Jill Stein, the leader of the U.S. Green party). In none of their 15 articles on the Green Party’s Palestinian rights debate did Postmedia newspapers quote a single Palestinian or Palestinian solidarity organization.

Worst of all, Postmedia’s reporters completely ignored the issue that lies at the heart of the debate over BDS: Israel’s long-standing and egregious human rights abuses.

Not one of Postmedia’s 15 articles disclosed that the governments of Canada, the [U.S.](http://time.com/4619064/john-kerrys-speech-israel-transcript/) and the [EU](https://en.wikipedia.org/wiki/Israeli_settlement#Illegality_arguments), as well as the U.N. Security Council and the International Court of Justice, all acknowledge that Israel’s settlements in the West Bank violate the Fourth Geneva Convention and are a serious obstacle to peace.

Not one Postmedia article disclosed that Israel makes extensive use of collective punishment, and that that, too, is a severe violation of the Fourth Geneva Convention.

Not one Postmedia article disclosed that multiple human rights bodies have documented the Israeli forces’ physical and psychological abuse of Palestinian children — in some cases amounting to torture.

And not one Postmedia article disclosed that Gaza, home to nearly 2 million trapped Palestinians, is on the verge of becoming [uninhabitable](http://www.un.org/apps/news/story.asp?NewsID=51770#.WG7mkrEZMk8) due to Israel’s unrelenting and cruel siege.

**POSTMEDIA VIOLATES JOURNALISTIC ETHICS**

In September 2011, the Canadian Association of Journalists issued a set of [principles for ethical journalism](https://accountablejournalism.org/ethics-codes/Canada-CAJ-Principles). These principles include the following:

* We avoid allowing our biases to influence our reporting;
* We give people, companies or organization that are criticized in our reporting the opportunity to present their points of view prior to publication; and
* We seek to capture in our stories the diverse values, viewpoints and lives of the people in our communities.

During the past six months, dozens of Palestinian solidarity organizations have issued statements praising the Green Party’s defence of Palestinian rights. Those organizations include [Palestine House](http://saiayork.org/saia-blog/2016/11/28/palestine-house-and-saia-york-support-green-party-resolution), [Independent Jewish Voices](http://www.newswire.ca/news-releases/independent-jewish-voices-congratulates-the-green-party-of-canada-on-the-passage-of-its-historic-palestinian-rights-resolutions-589491721.html) and [Canadians for Justice and Peace in the Middle East](http://www.cjpme.org/pr_2016_08_08). Yet in its 15 articles on the GPC’s Palestinian rights debate, Postmedia quoted no supportive statements from any such organizations – *not one*. How therefore could Postmedia claim with a straight face that it sought to capture Canadians’ diverse viewpoints on Palestinian rights? At Postmedia, the voices of Palestinians and those who support their rights simply do not matter.

Postmedia’s bias is so extreme that, shortly after the GPC adopted the BDS policy, the *Vancouver Sun* published an ‘editorial’ in which it defamed Independent Jewish Voices and three members of the GPC (including the undersigned). Among other things, the ‘editorial’ identified me by name and described me and certain others as members of “marginalized groups expounding extreme anti-Israel and anti-Jewish views” [emphasis added]. Within days of this publication, the *Vancouver Sun* received a letter from IJV’s counsel alleging defamation. The *Sun* promptly erased the ‘editorial’ from its website and later published a retraction and an [apology](http://www.theprovince.com/Apology%2BIndependent%2BJewish%2BVoices%2BCanada/12335843/story.html) to IJV. However, the Vancouver Sun has never issued any apology to me.

**REMEDY REQUESTED FROM THE MEDIA COUNCIL**

In light of the above facts, I request that the Media Council reprimand Postmedia, that it require Postmedia to publish an apology to me for the Vancouver Sun’s ‘editorial’, and that it require Postmedia to publish in its flagship newspapers an op-ed authored by me, not to exceed 750 words, in which I will explain the GPC’s call for sanctions on Israel.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

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phone: (519) 851-5991

***Postmedia’s 15 articles on the Green Party of Canada’s Debate Over Palestinian Right***s

[Greens draw outrage, ‘anti-Israel’ accusations, over proposal to add BDS to party policies](http://news.nationalpost.com/news/canada/canadian-politics/green-party-draws-outrage-anti-israel-accusations-over-proposal-to-add-bds-to-party-policies) **(National Post, June 27)**

[Josh Cooper: The Green party’s anti-Israel agitators](http://news.nationalpost.com/full-comment/josh-cooper-the-green-partys-anti-israel-agenda) (**National Post, July 26**)

[Holocaust deniers threaten Green Party credibility](http://www.torontosun.com/2016/08/02/former-green-party-candidate-denies-holocaust) (**Toronto Sun, August 2**)

[Elizabeth May: Greens stand firmly against anti-Semitism](http://news.nationalpost.com/full-comment/elizabeth-may-greens-stand-firmly-against-anti-semitism) (**National Post, August 2)**

[Greens remove reference to Jewish group in new policy to revoke status of charities that violate human rights](http://news.nationalpost.com/news/canada/canadian-politics/greens-remove-reference-to-jewish-group-in-new-policy-to-revoke-status-of-charities-that-violate-human-rights) (**National Post, August 6**)

[Green Party’s boycott Israel policy ‘totally unhelpful’ to peace, ambassador to Canada says](http://news.nationalpost.com/news/canada/canadian-politics/green-partys-boycott-israel-policy-totally-unhelpful-to-peace-ambassador-to-canada-says) (**National Post, August 8**)

[Green Party losing members, riding associations as BDS controversy highlights infighting](http://news.nationalpost.com/news/canada/canadian-politics/green-party-losing-members-riding-associations-as-bds-controversy-highlights-infighting) (**National Post, August 10**)

[Greens self-destruct with Israel Bashing](http://www.torontosun.com/2016/08/14/greens-self-destruct-with-israel-bashing) (**Toronto Sun, August 14**)

[Elizabeth May chooses to stay after Green Party’s pro-BDS stance tempted her to step down as leader](http://news.nationalpost.com/news/canada/canadian-politics/elizabeth-may-chooses-to-stay-after-green-partys-pro-bds-stance-tempted-her-to-step-down-as-leader) (**National Post, August 22**)

[Greens attacking Israel? Hardly a surprise](http://www.torontosun.com/2016/08/23/greens-attacking-israel-hardly-a-big-surprise) (**Toronto Sun, August 23**)

[Elizabeth May’s leadership versus the card shark](http://www.torontosun.com/2016/08/22/elizabeth-mays-leadership-versus-the-card-shark) (**Toronto Sun, August 23**)

[Green Party Lost its Way](http://www.canadalandshow.com/editorial-vancouver-sun-removed/) (**Vancouver Sun, August 25**)

[B.C. Green Party considering name change, as federal leader May fires shadow cabinet trio](http://vancouversun.com/news/local-news/b-c-green-party-considering-name-change-as-federal-leader-may-fires-shadow-cabinet-trio) (**Vancouver Sun, September 13**)

[Calgary Jewish Federation say Green Party resolution places blame on Israel](http://calgaryherald.com/news/local-news/calgary-jewish-federation-say-green-party-resolution-places-blame-on-israel) (**Calgary Herald, December 4**)

[Green Party rejects BDS movement, but still supports economic pressure on Israel](http://news.nationalpost.com/news/canada/canadian-politics/green-party-rejects-bds-movement-but-still-supports-economic-pressure-on-israel) (**National Post, December 5, 2016**)