

October 4, 2007

(sent by mail on August 15, 2007)

Jennifer Lynch, Q.C.
Chief Commissioner of the Canadian Human Rights Commission
Canadian Human Rights Commission
344 Slater Street , 8th Floor
Ottawa , Ontario K1A 1E1
Canada

Madame Lynch,

I am hereby filing a complaint against the Government of Canada for violating the Canadian Human Rights Act and Canada Revenue Agency Policy Statement CPS-021 by subsidizing racial discrimination through granting and maintaining charitable status for the Jewish National Fund ("JNF"), an organization whose bylaws and operations have been deemed to represent racial discrimination by the United Nations Committee on Economic Social and Cultural Rights (1998) and the Attorney General of Israel (2005). The following facts are relevant to this complaint:

1) According to the Canadian Human Rights Act, discriminatory practices include the following:

Discriminatory Practices

Denial of good, service, facility or accommodation

5. It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public

(a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual, on a prohibited ground of discrimination.

1976-77, c. 33, s. 5.

Denial of commercial premises or residential accommodation

6. It is a discriminatory practice in the provision of commercial premises or residential accommodation

(a) to deny occupancy of such premises or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual, on a prohibited ground of discrimination.

1976-77, c. 33, s. 6.

2) In 1998, the United Nations Committee on Economic Social and Cultural Rights indicated that the JNF practices an "institutionalized form of discrimination", as stated in the following excerpt from their report:

<http://domino.un.org/UNISPAL.NSF/9a798adbf322aff38525617b006d88d7/0bc7883100a95730852569af00575179!OpenDocument>

"11. The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant."

3) In 2005, the Attorney General of Israel ruled that the Government of Israel will no longer do business with the JNF because of the discriminatory practices of the JNF, as stated in the following excerpt from an article in The Jewish Daily Forward:

<http://www.forward.com/articles/zionist-groups-facing-legal-problems/>

"Even more devastating was the decision two months ago by Israel's attorney general, Menachem Mazuz, requiring the Israel Lands Authority to open its land sales to all Israeli citizens regardless of ethnicity or religion. The decision effectively forced the lands authority to stop marketing properties owned by JNF, whose bylaws require it to lease its properties to Jews only. The attorney general's ruling followed appeals to the Supreme Court by two Israeli civil-rights organizations, claiming that the exclusion of Arab Israelis from JNF properties — some 13% of Israel's territory — was racist and violated the principle of equality before the law. In its reply, the lands authority noted that JNF properties are "intended for the development of Jewish settlement in the Land of Israel," and that "all the funds of the JNF are from Jewish donors." Mazuz declined to defend the

case, concluding that the authority's claim would not hold up in court. The justices had ruled in an earlier case that "Jews-only" clauses were illegal."

here are two other related articles:

<http://www.forward.com/articles/in-watershed-israel-deems-land-use-rules-of-zioni/>

<http://www.thejewishweek.com/news/newscontent.php3?artid=11080>

4) On September 2, 2003, Canada Revenue Agency Policy Statement CPS-21 concerning Registering Charities that Promote Racial Equality became effective. The following is taken from the Government of Canada webpage describing this Statement:

"This policy focuses on organizations whose purpose is to educate about, or to promote racial equality in Canada . Organizations that want to address other forms of discrimination prohibited by the Canadian Charter of Rights and Freedoms and human rights legislation may also qualify for charitable registration. Although they do not fall within the scope of the current policy, the grounds for recognizing or denying charitable status to such organizations would likely parallel those in this policy. Guidelines will be developed for organizations whose purpose is to eliminate other forms of discrimination. The current policy states that programs qualifying under the 'advancement of education' category can undertake such activities outside Canada . However, the policy does not presently address programs intending to operate abroad that qualify under the 'other purposes beneficial to the community' category. CCRA will consider such applicants on a case by case basis until guidance which clarifies these circumstances becomes available."

<http://www.cra-arc.gc.ca/tax/charities/policy/cps/cps-021-e.html>

Summary

By granting and maintaining charitable status for the JNF, the Government of Canada is subsidizing discriminatory practices which run counter to the Canadian Human Rights Act and Canada Revenue Agency Policy Statement CPS-021 concerning Registering Charities that Promote Racial Equality.

Sincerely,

Ronald Saba
Canadian Citizen

Follow up and further documentation:

(By Fax)

October 2, 2007

Jennifer Lynch, Q.C.
Chief Commissioner of the Canadian Human Rights Commission.
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1
Canada

Madame Lynch,

In connection with the complaint I filed on August 15, 2007 concerning the Government of Canada and the Jewish National Fund (“JNF”), please view the following 1991 documentary concerning the JNF’s “Canada Park” and add the documentary to the file concerning my complaint.

<http://video.google.ca/videoplay?docid=-2500957394773313398>

Please note in particular the following comment by former Israeli Knesset Member Uri Avnery which appears at the 3 minute 6 second point in the documentary:

“By putting that park there and calling it Canada Park, you give a Canadian cover-up to a war crime”.

In effect the Canadian government, by deeming the JNF a charitable organization, is complicit in the financing of ***“a Canadian cover-up to a war crime”.***

No doubt your staff will need to do extensive research on the Canadian Government’s complicity in the financing of ***“a Canadian cover-up to a war crime”.*** In this regard, there is a large amount of scholarly evidence concerning this issue and I would be more than pleased to provide you with resources and can also help put you in touch with Israeli scholars who have written on this.

Sincerely,

Ronald Saba
Canadian Citizen