

# ***VICTORY!***

---

## **Canadian Human Rights Commission complaint against the Freedomsite Withdrawn**

Official notice just came in ... Marc Lemire has won his motion to have the complaint against the Freedomsite dismissed! Thanks to the great legal motion written by the famous civil liberties lawyer, Barbara Kulaszka, the "Human Rights" Commission and the complainant withdrew their complaint.

For the first time in Canadian history, we have won a case under Section 13 of the Canadian Human Right Act!

The battle still continues as the case against Marc Lemire is still going to proceed to the "Human Rights" Tribunal, a quasi-judicial proceeding where anything goes (and by "anything" we mean, anything against you!) The Tribunal is a blight on our legal system, where previous rulings have shown -- truth is no defence, intent is no defence, hearsay evidence can be accepted.

### **History of the case**

Back in 2004, the Canadian Human Rights Commission (Canada's leading internet censorship agency) received two complaints about content on the Freedomsite (<http://www.freedomsite.org>) and the Freedomsite message board located at <http://chat.freedomsite.org>.

The two separate complaints named Marc Lemire in one and the second named "The Freedomsite" which was listed as "www.freedomsite.org and chat.freedomsite.org"

As soon as these cases were referred to the Tribunal, we immediately complained that a legal proceeding can not be brought against domain name as it is simply an electronic address and has no personhood.

In November of 2005, we wrote to the Canadian Human Rights Commission and the complainant that this is trite law and they should withdraw their complaint against "The Freedomsite"

They refused to.

In December, 2005 we were forced to endure the expense and time to draft a legal motion to the tribunal demanding the complaint be withdrawn. Our legal motion was 15 pages long and contained superbly written legal arguments.

At the 11<sup>th</sup> hour, as the Canadian Human Rights Commission and the complainant, were due to respond to our motion, the complainant contacted the tribunal and expressed his interest to withdraw the complaint.

After a few more letters back and forth with the tribunal, official notice came into my fax machine today saying:

*“The Tribunal acknowledges receipt of Mr. Kulaszka’s letter and Mr. Vigna’s letter both dated January 10, 2006 confirming that they do not object to the complainant withdrawing his complaint against the respondent, The FreedomSite.*

*As a result, the proceedings in the matter against the Respondent, The FreedomSite, are discontinued and our file has now been closed.”*

Translated from legal terms. We have won. The complaint against the named respondent “The FreedomSite” is now dismissed!

### **One Battle won – The war continues.**

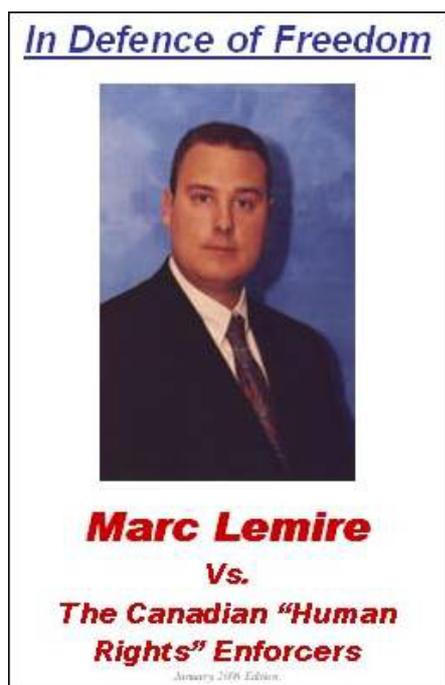
The case against “The FreedomSite” is now dismissed and the case against Marc Lemire continues its path towards a hearing at the Canadian Human Rights Tribunal.

In my case, we have filed two motions before the tribunal starts:

1. To dismiss the complaint against the FreedomSite (VICTORY)
2. That the law under which I am charged is unconstitutional and should be struck down. (Has been held over until the end of the hearing)

We continue to fight as hard as we can and we will stand up for all Canadians and their rights to freedom of speech and freedom of the press on the Internet.

This battle will be long and expensive. I need your help to continue the fight! Please read on for how to assist in my case and get a copy of “In Defence of Freedom” our latest booklet on the Canadian Human Rights Commission and the battle for Marc Lemire’s freedom.



**Via Credit Card/PayPal:** Click on "Buy Now" icon on <http://www.freedomsite.org>

**Via Mail:** Send Cheque or Money Order to:  
Marc Lemire  
152 Carlton Street  
PO Box 92545  
Toronto, Ontario  
M5A 2K1  
Canada

**Via CAFE:** You can also order this booklet through the CAFE  
Canadian Association for Free Expression  
P.O. Box 332, Station 'B'  
Etobicoke, Ontario  
M9W 5L3  
CANADA