

Court File No.

T-882-25

**FEDERAL COURT OF CANADA**

**STATEMENT OF CLAIM**

FEDERAL COURT

BETWEEN:

NAJEEB RAFIC MANAH

Plaintiff

-and

THE CHIEF OF THE EDMONTON POLICE SERVICE

Defendant

**STATEMENT OF CLAIM**

TO THE DEFENDANT:

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 a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the *Federal Courts Rules*, serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

13:1

FEDERAL COURT COUR FÉDÉRALE	
MAR 17 2025	
FILED	DÉPOSÉ
CHARLOTTE TORGERSON	
EDMONTON, AB	-1-

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the Federal Courts Rules.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: MAR 17 2025

Issued by: ORIGINAL SIGNED BY  
CHARLOTTE TORGERSON  
A SIGNÉ L'ORIGINAL

(Registry officer)

**Address of local office:** Scotia Place  
10060 Jasper Avenue  
Tower 1, suite 530  
Edmonton AB T5J 3R8 Canada

TO: THE CHIEF OF THE EDMONTON POLICE  
SERVICE  
9620-103 Ave NW  
Edmonton, Alberta, Canada  
T5H 0H7

## **I. PARTIES**

1. The Plaintiff, Najeeb Manah, is a living man residing with his family (ex-spouse Kristin Manah and their four children) in Edmonton, Alberta, and was directly harmed by the unlawful acts of the Edmonton Police Service and its agents.
2. The Defendant, The Chief of the Edmonton Police Service, is responsible for the oversight and command of the Edmonton Police Service (EPS) and is legally accountable for the conduct of its officers.
3. The Plaintiff is seeking an ordinary action against the Defendant.

## **II. OVERVIEW**

4. The Plaintiff brings this action against the Edmonton Police Service (EPS) and its agents for their unlawful and unconstitutional actions, including but not limited to unlawful trespass, excessive force, unlawful detention, violations of Charter-protected rights, and other serious misconduct that has caused significant harm to the Plaintiff and his family.
5. The Edmonton Police Service failed to investigate this matter before they got involved and neglected their due diligence, instead unlawfully taking direction and succumbing to pressure from a corporate bank and its lawyers, actions that directly contravened due process and the rule of law.
6. The Defendant's actions resulted in the Plaintiff and his family suffering financial, emotional, and physical harm, violating fundamental legal rights and procedural safeguards enshrined in the Canadian Charter of Rights and Freedoms and other applicable laws.
7. The Edmonton Police Service relied on orders issued by Masters of an inferior court, who exceeded their jurisdictional authority. There was no accompanying Writ of Possession, Writ of Enforcement, or Warrant

lawfully authorizing police action on the Plaintiff's private property. Masters do not hold the power to authorize warrantless forcible entry into private property with unlimited policing power to enforce it using tactical and SWAT teams for civil debt collection. Despite this, police reports show that the officers referred to the Master as an "Honourable Justice," which was incorrect and misleading. The Defendant failed to investigate the validity and lawful authority of the order before acting on it, in violation of their legal duties and responsibilities under law.

### **III. FACTUAL BACKGROUND**

8. On five separate occasions in 2024, members of the Edmonton Police Service attended the Plaintiff's private property and engaged in unlawful actions against the Plaintiff and his family, including but not limited to:

- Unlawful entry onto the Plaintiff's property without a valid warrant, mandatory writs, or legal authority.
- Excessive use of force by tactical and SWAT officers against the Plaintiff and family members, causing severe physical and psychological harm, and property damage without lawful authority
- Unlawful detention, arrests, and intimidation tactics.
- Complicity in an unlawful foreclosure/civil enforcement action in collaboration with private parties.
- Violation of procedural fairness and due process under the law.

9. On January 29, 2024, when the Edmonton Police Service unlawfully gained access to the Plaintiff's private property using a battering ram with a scared child behind it, officers intimidated the remaining family members, including Kristin Manah, who is medically vulnerable, and her four minor children. Despite the absence of lawful authority, the officers treated them

as criminals, using threats and intimidation to coerce them into leaving the property under duress.

10. During these unlawful evictions in 2024 officers made threatening statements towards the teenage girls, including remarks such as, *"I'm not against roughing up any teenagers,"* and issued threats to physically remove Kristin and her children if they did not hurry to gather their few personal belongings and stop asking questions. The Plaintiff asserts that such threats caused significant fear and trauma to Kristin and the children. The children have lost all trust in law enforcement.
11. In one incident, officers instructed the teenage girls and young boys to change out of their pyjamas and into street clothes in full view of the officers, with the door open, claiming they needed to "keep an eye on them." This demand was made while the officers were wearing body cameras, raising serious concerns about the unauthorized recording and potential exploitation of the children's privacy. Kristin Manah had to beg and plead with the officers to allow their privacy to change, further exacerbating the humiliation and emotional trauma inflicted on the family. The children did nothing wrong and were not criminals to be treated this way. .
12. The Plaintiff pleads that these actions constitute gross violations of privacy, dignity, and protection owed to minors and vulnerable persons. Such conduct may also constitute breaches of the Criminal Code of Canada, including offences relating to intimidation, harassment, voyeurism, and potential violations under child protection laws. These traumatic events have caused long-term psychological harm to the Plaintiff's children and Kristin Manah.
13. The actions of the Defendant and its agents were unjustified, unlawful, and in direct contravention of statutory and constitutional protections.
14. Debt is not a crime, and debt collection is not listed as a lawful duty of the Edmonton Police Service in the Police Act. This is further acknowledged in the Civil Enforcement Act, which states only registered debt collectors are permitted to conduct evictions, and the EPS are not registered as

debt collectors in Alberta. EPS took over the role of primary debt collector instead of their lawful role of peacekeepers therefore were in breach of their duty and fully responsible for their harmful actions.

15. Without lawful authority to be on the Plaintiff's private property, the Edmonton Police Service were in breach of their duty and were no longer officers of the law but instead trespassers who breached multiple provisions of the **Criminal Code of Canada**, including but not limited to:

- **Section 21 – Parties to Offense:** By aiding and abetting the unlawful actions of private parties in an illegal foreclosure and eviction process.
- **Section 122 – Breach of Trust by Public Officer:** By acting in bad faith and contrary to their sworn duty to uphold the law and protect citizens impartially. Refusing to investigate the Plaintiff's claims of fraud and misconduct by TD bank and its solicitors.
- **Section 129 – Offenses Relating to Public or Peace Officers:** By willfully obstructing justice and refusing to investigate reported indictable offences.
- **Section 180 – Common Nuisance:** By unlawfully occupying private property and creating a hazardous and oppressive environment for the Plaintiff and his family.
- **Section 215 – Failure to Provide Necessities of Life:** By facilitating and enabling the wrongful eviction of the Plaintiff and his family, exposing them to harm, and depriving them of shelter and basic necessities.
- **Section 265 – Assault:** By using excessive force during unlawful entries, resulting in physical harm and psychological trauma to the Plaintiff and his family.
- **Section 279 – Forcible Confinement:** By unlawfully detaining and restricting the movement of the Plaintiff and family members without legal authority.

- **Section 346 – Extortion:** By using threats, force, and intimidation to compel the Plaintiff to leave his home and surrender property rights without lawful justification.

- **Section 423 – Intimidation:** By intimidating the Plaintiff and his family through the presence of tactical and SWAT units and the threat of arrest or harm.

- **Section 430 – Mischief:** By causing damage to the Plaintiff's property and interfering with the lawful enjoyment and use of his home without legal authority.

16. Officers were asked to leave the private property multiple times for inability to produce lawful authorization by property owners, occupants, neighbors and invited guests, which they ignored and refused, turning them into unlawful trespassers. These breaches illustrate the Defendant's willful disregard for the law and demonstrate the severe misconduct that warrants judicial intervention. The actions of the Defendant and its agents were unjustified, unlawful, and they are fully liable for their actions.

17. Following the first unlawful actions by the Defendant and its agents, the Plaintiff made diligent efforts to report indictable offences committed by the corporate bank and its solicitors to the Edmonton Police Service. The Plaintiff attended the downtown Edmonton Police Service detachment in person, accompanied by ten (10) witnesses, each providing sworn affidavits, along with substantial documentary evidence of the alleged offences.

18. The Plaintiff was issued a police file number; however, four days later, Sergeant Kubric of the Northeast Police Detachment contacted the Plaintiff and advised that the Edmonton Police Service would not be conducting any investigation into the reported criminal matters and will not take a look at any of my evidence. This refusal to investigate constitutes a breach of the Edmonton Police Service's sworn public duty and oath to protect the public and uphold the law without favour or bias.

19. The Defendant's refusal to investigate, despite clear evidence and testimony from multiple witnesses, demonstrates their systemic neglect of duty, favouritism towards private corporate interests, and abandonment of their lawful role as impartial protectors of the public.
- 20.. As a direct result of the Defendant's misconduct, the Plaintiff and his family have suffered immense hardship, including but not limited to; financial losses, reputational damage, emotional distress, and violations of fundamental rights.

## **IV. CHARTER, BILL OF RIGHTS, AND CHILD PROTECTION VIOLATIONS**

21. The Defendant's actions directly contravened multiple legal protections under the **Canadian Charter of Rights and Freedoms** and the **Canadian Bill of Rights**, resulting in severe violations of the Plaintiff's fundamental rights. These violations include, but are not limited to:

- **Section 1(a) of the Canadian Bill of Rights** – The right to enjoyment of property, and the right not to be deprived thereof except by due process of law.
- **Section 1 of the Canadian Bill of Rights** – Violation of the right to security of the person, protection from arbitrary detention, and due process.
- **Section 2 of the Charter** – Violation of freedom of thought, belief, opinion, and expression.
- **Section 7 of the Charter** – Violation of life, liberty, and security of the person through unlawful police action.
- **Section 8 of the Charter** – Unlawful search and seizure.
- **Section 9 of the Charter** – Arbitrary detention and imprisonment without lawful justification.

- **Section 12 of the Charter** – Cruel and unusual treatment or punishment by police officers.

- **Section 15 of the Charter** – Equality rights violation through discriminatory law enforcement practices and bias.

22. These violations reflect a gross abuse of police authority and demonstrate the Defendant's failure to uphold the fundamental rights of the Plaintiff as guaranteed under both constitutional and statutory laws.

23. Additionally, the Defendant's actions violated **Article 16 of the United Nations Convention on the Rights of the Child**, which guarantees protection of children from arbitrary or unlawful interference with their privacy, family, home, or correspondence. The actions of the Edmonton Police Service caused harm and undue distress to the Plaintiff's children, subjecting them to trauma and violating their fundamental rights to security and protection under international law. The arrest of 16 yr old Gabriella Manah after an unlawful raid Jan 29/24 caused serious ongoing psychological damage. The Defendant's actions constitute a severe and unjustifiable breach of trust by a public institution meant to uphold justice and fairness.

## **V. INTERNATIONAL LAW BREACHES AND VIOLATIONS OF THE UNITED NATIONS CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS**

24. In addition to breaches of Canadian constitutional and statutory law, the Defendant's actions constitute clear violations of internationally recognized standards governing law enforcement conduct. Specifically, the actions of the Edmonton Police Service and its officers contravened multiple

provisions of the **United Nations Code of Conduct for Law Enforcement Officials**, adopted by the United Nations General Assembly through Resolution 34/169 of 17 December 1979.

25. The Plaintiff pleads that the following Articles of the Code of Conduct were breached by the Defendant and its agents:

- **Article 1** – Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

- ▶ *The Defendant failed to protect the Plaintiff and his family against illegal acts committed by private parties and, instead, facilitated and participated in those unlawful actions.*

- **Article 2** – In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

- ▶ *The Defendant failed to protect the dignity and human rights of the Plaintiff and his family, subjecting them to unlawful entry, detention, and excessive force and public humiliation.*

- **Article 3** – Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

- ▶ *The use of tactical and SWAT teams, along with the excessive and unwarranted force of a battering ram with minor children behind the door in the absence of lawful authority, constitutes a direct violation of this principle.*

- **Article 5** – No law enforcement official may inflict, instigate, or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.

► *The Defendant subjected the Plaintiff and his family, including minor children, to degrading and inhuman treatment, causing prolonged emotional distress, trauma, and reputational harm.*

• **Article 7** – Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

► *The Defendant acted under unlawful direction from private corporate interests and failed to act impartially or investigate credible allegations of wrongdoing by the bank and its solicitors, amounting to a form of corruption and dereliction of duty.*

• **Article 8** – Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

► *The Defendant's actions demonstrate a systemic failure to respect the law and prevent unlawful conduct. Instead, the Defendant actively facilitated legal breaches and failed to oppose them.*

26. The Defendant's violations of internationally accepted standards further demonstrate an abuse of public trust, a failure of public duty, and an abdication of their lawful role as peace officers under both Canadian and international law.

## **VI. CAUSES OF ACTION**

27. The Plaintiff alleges the following legal causes of action against the Defendant:

• **Charter Violations:** Breach of Sections 7 (life, liberty, and security of the person), 8 (unlawful search and seizure), 9 (arbitrary detention), and 12 (cruel and unusual treatment or punishment).

- **Trespass:** The unlawful entry onto private property without legal justification.
- **Assault and Battery:** The excessive use of force against the Plaintiff and/or their family members.
- **False Imprisonment:** The unlawful detention or arrest of the Plaintiffs and child without just cause.
- **Negligence:** The failure of the Edmonton Police Service and its officers to act in accordance with their duties under the law.
- **Abuse of Public Office:** The willful misuse of authority by police officers to further unlawful objectives.
- **Breach of Oath of Office and Public Trust:** The Defendant, by failing to fully investigate the matter and instead siding with a corporate bank over their duty to protect and serve the public, breached their sworn oath as peace officers. This breach undermines the fundamental duty of law enforcement to uphold justice, protect citizens impartially, and act in the public interest.

## VII. DAMAGES AND RELIEF SOUGHT

28. The Plaintiff seeks the following relief and damages against the Defendant, The Chief of the Edmonton Police Service, arising from the unlawful actions, breaches of duty, and constitutional violations described in this Statement of Claim:

- **General Damages** in the amount of \$6,000,000.00 for pain, suffering, emotional distress, psychological trauma, and harm suffered by the Plaintiff and his family, including severe emotional harm to the Plaintiff's minor children with potentially life long recovery.
- **Special Damages** in the amount of \$3,000,000.00 for direct financial losses and out-of-pocket expenses incurred as a result of the Defendant's unlawful conduct. These include, but are not limited to, legal fees, costs

associated with the forced eviction and relocation, loss and damages of home and personal property, destruction of Plaintiff's business, defamation of character of the Plaintiff and his family that resulted in loss of long term relationships affecting family, neighbors and children's friendships, and the costs related to psychological and medical treatment for the Plaintiff and his family.

- **Aggravated Damages** in the amount of \$2,000,000.00 for the oppressive, high-handed, and malicious conduct of the Defendant in acting without lawful authority, laying baseless criminal charges, and abusing their powers to harm the Plaintiff and his family.
- **Punitive and Exemplary Damages** in the amount of \$10,000,000.00, or such amount as this Honourable Court deems just and appropriate, to punish the Defendant for their egregious conduct and to deter similar unlawful actions by law enforcement agencies and public authorities in the future.
- **Declaratory Relief** stating that the actions of the Edmonton Police Service and its officers violated the Plaintiff's rights under the Canadian Charter of Rights and Freedoms, Canadian Bill of Rights, and Article 16 of the United Nations Convention on the Rights of the Child.
- **Injunctive Relief** restraining the Defendant and any of its agents from engaging in further unlawful conduct against the Plaintiff or his family, including any actions without lawful authority and due process.
- Any further relief this Honourable Court deems just and appropriate.

## VIII. LEGAL PRECEDENTS AND EVIDENCE

29. This claim is based on violations of:

- Canadian Charter of Rights and Freedoms
- Canadian Bill of Rights
- Police Act (Alberta)

- Criminal Code of Canada
  - United Nations Code of Conduct for Law Enforcement Officials
  - Common Law Principles

The Plaintiff has a vast amount of evidence, including but not limited to police reports, court documents, sworn affidavits, case law, statutory laws and enactments as well as other documentary evidence that substantiate the claims to be presented in discovery and trial. Additionally, the Plaintiff has many witnesses prepared to testify that were in attendance during these unlawful actions of the EPS.

## **IX. MALICIOUS PROSECUTION AND DEFAMATION**

30. The Defendant, acting without lawful authority and while unlawfully present on the Plaintiff's private property, laid five (5) criminal charges against the Plaintiff in direct violation of their legal duties and without justification or legal grounds.
31. These charges were filed despite the Edmonton Police Service having no lawful jurisdiction or authority to be on the Plaintiff's private property, rendering their actions illegal and those charges invalid.
32. As a direct result of these baseless and unlawful charges, the Plaintiff suffered prolonged emotional distress, reputational harm, and undue hardship. The Plaintiff and his family were subjected to unnecessary public scrutiny, fear, and humiliation.
33. The Crown Prosecution Service ultimately withdrew and cancelled all charges against the Plaintiff, recognizing that the Edmonton Police Service had acted without lawful authority and in direct contravention of due process and the rule of law.

34. The Defendant's actions in initiating and pursuing these baseless charges constitute malicious prosecution and defamation, and the Defendant is fully liable for all damages arising therefrom, including reputational damage, emotional suffering, and financial loss.

## **X. CONCLUSION**

35. The Plaintiff pleads that the unlawful acts of the Defendant have caused significant harm and warrant judicial intervention. Pursuant to Section 24(1) of the Canadian Charter of Rights and Freedoms, the Plaintiff seeks an appropriate and just remedy for the violations of his and his family's constitutional rights. The Plaintiff respectfully requests that this Honourable Court grant the relief sought above and any other relief it deems appropriate in the interests of justice.

The plaintiff proposes that this action be tried at Federal Court  
Edmonton located at Rice Howard Place, Scotia 1, 10060 Jasper Ave,  
Edmonton, AB T5J 1V8

This statement of claim prepared by:

Najeeb Rafic Manah

115 162 Ave N.E. T5Y3K5

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Phone : (780) 984 6566 Date :

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SOR/2021-150, s. 12

Signature : 

March 17/25