

Prominent trial lawyer will defend soldiers who refuse Covid shots

The Justice Centre has engaged well-known trial lawyer and former Combat Officer Phillip Millar to represent 16 serving members of the Canadian Armed Forces (CAF) who have declined the Covid vaccine on the basis of health concerns or conscientious objections. The action was filed in Federal Court on May 24, 2022. One client, Warrant Officer James Topp, is a member of the CAF reserve force facing the charge of "Conduct to the Prejudice of Good Order and Discipline," which has the potential to result in Court Martial, which is a formal trial in front of a military judge, in a military court.

Mr. Topp, who has been a serving member of the CAF for 28 years, has gained national headlines for his 4,293 kilometre "Canada Marches" walk across the country, in protest of mandatory vaccination mandates, forced quarantines, mandatory testing, and other conditions of employment or provision of services.

Mr. Millar is also representing Shannon Jones, a healthy and skilled Canadian Armed Forces (CAF) member who will be kicked out of the military because she has refused the mandated Covid shot.

Alberta Court rules protest were never banned by Public Health Orders

Calgary freedom rally organizer Brad Carrigan has been acquitted on charges that were laid under the Public Health Act, for peacefully protesting outdoors against lockdowns and mask mandates.

Brad Carrigan organized and attended weekly rallies against lockdowns throughout 2020 and 2021. On December 26, 2020, Mr. Carrigan was arrested and held in police custody overnight, charged with disobeying public health orders. He was released until his trial on May 9, 2022. Crown prosecutors argued that the freedom rally Mr. Carrigan was involved in was a "private social gathering" subject to public health orders issued by Chief Medical Officer Dr. Deena Hinshaw.

Judge Michael Dinkel agreed with Justice Centre lawyer Hatim Kheir, that protests are not a "private social gathering" because they are not private but open to the public, and also protected by the *Charter*.

Federal Court to hear challenge to travel ban in September

The Federal Court has set a trial date of September 19, 2022, for the hearing challenging the federal government's mandatory ban on air travellers who have not taken the Covid shots. The Justice Centre represents former Newfoundland Premier Brian Peckford, the only surviving drafter and signatory to the 1982 *Constitution* and the *Canadian Charter of Rights and Freedoms*.

The Justice Centre also represents Maxime Bernier, a federal party leader who needs to travel in order to do his job. The Court has consolidated several cases in which this travel ban is challenged.

On June 14, the federal government announced it would suspend vaccination mandates for domestic travel and flights leaving Canada; however, the Justice Centre will continue to advance litigation against the mandates and their unjustifiable infringement of Canadians' civil liberties. We must ensure that a court decision is obtained to prevent mobility rights from being restricted in future.

The travel ban prevented approximately six million vaccine-free Canadians (15% of Canada's population) from travel within Canada, and prevented them from flying out of Canada for approximately eight months.

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Justice Centre
for Constitutional Freedoms



Justice Centre sues to end mandatory vaccine for BC health care workers

The Justice Centre filed a Petition in BC Supreme Court to end the government's mandatory vaccination policies for health care workers. The Justice Centre's legal challenge cites violations of the *Charter*, including the right to life, liberty and security of the person, freedom of religion and conscience, and equality rights. This challenge also raises the issues of informed consent and privacy rights.

Provincial Health Officer Dr. Bonnie Henry issued a series of Orders in October and November 2021, that ultimately applied to all BC health care workers and staff who work in or for BC Health Authorities, or facilities across the province. These required workers to show proof of having received all doses of an approved Covid vaccine, or they would lose their jobs. These Orders also forced health care practitioners and staff to provide their legal names, dates of birth, and personal health numbers, as well as their Covid vaccination status, to their employers, upon request.

Court actions against Alberta Health Services' vaccination mandate continues

The Justice Centre is gratified that Alberta Health Services (AHS) lifted its Vaccine Mandate on March 10, 2022, after having already backed down previously on its demand to force all health care workers to get injected with the new Covid shots. Our court action will continue against AHS for violating the *Charter* rights of four physicians as we advocate for returning to basic medical principles including: recognition of natural immunity, doctor-patient privilege, informed consent, personal autonomy and the duty to disclose.

On December 17, 2021, Alberta Court of Queen's Bench Justice John Henderson noted in an interim ruling on procedural matters: "One thing is perfectly clear; the Plaintiffs have a right to refuse to take the vaccine. No one can force them to take the vaccine. That is a right that must be respected."



Tamara Lich appeals bail conditions that violate her *Charter* freedoms

Ontario Superior Court Justice Kevin Phillips issued a decision on Tamara Lich's bail conditions on May 25, 2022. Ms. Lich was one of the participants of the peaceful protest in Ottawa against vaccine passports this past February, and has been criminally charged simply for exercising her *Charter* freedoms of expression, association and peaceful assembly.

During the bail appeal hearing that took place, Assistant Crown Attorney Moiz Karimjee argued that Ms. Lich should be put back in jail because she had accepted the Justice Centre's 2022 George Jonas Freedom Award. Justice Phillips upheld a continued ban on Ms. Lich using social media and being involved with organizing or aiding peaceful protests, but also ruled that she had not violated any of her previous bail conditions by accepting the award. He further overturned a previous bail condition which prevented Ms. Lich from traveling to Ontario, allowing her to attend the June 16th George Jonas Freedom Award dinner in Toronto in person, but she is barred from entering downtown Ottawa.



McMaster University challenged for removing students who refused Covid shot

The Justice Centre challenged McMaster University's decision to ban four students because they decided against taking a Covid shot. The Court unfortunately declined to make a decision as to whether McMaster's decisions were reasonable, and found that the challenge should first go before the human rights tribunal. Lawyers for the Justice Centre are considering options with their clients.

The available Covid vaccines are known to have been tested using a cell-line known as HEK-293, which McMaster's own vaccine FAQ website states "are replications of tissue from elective abortions that happened 30 to 60 years ago." The students requested exemptions from McMaster's mandatory vaccination policy on sincere religious and conscience grounds, but were denied.



University of Ottawa drops mandatory Covid vaccination policy

After repeatedly calling on the University of Ottawa to end its abusive and discriminatory practices, the Justice Centre is pleased to announce that the University cancelled its mandatory vaccination policy for students.

The Justice Centre represented a pregnant student who was suspended from her university program after deciding against the Covid vaccine. Her doctor advised her that her pregnancy was at high-risk for reasons unrelated to Covid, and recommended that she complete her mandatory internship virtually, which was allowed by the curriculum.

However, the University of Ottawa refused to accommodate her, falsely claiming that she was trying to circumvent the vaccination policy and that there were no places available for a virtual internship.



City of Calgary drops oppressive injunction on peaceful protests

The City of Calgary has discontinued legal proceedings in which it had obtained a temporary injunction against ongoing peaceful pro-freedom rallies near the downtown core, which have been taking place since lockdowns were imposed in early 2020. Thousands of protestors had gathered peacefully each Saturday around Central Memorial Park and 17th Avenue SW.

The injunction gave police new powers to arrest and jail citizens for things that were already prohibited by existing provincial laws and city bylaws relating to assembling at parks, using amplification systems for speeches, walking on roadways, and honking horns. Justice Centre lawyers represented several protestors to challenge the injunction in court as an unjustified violation of citizens' rights to exercise their *Charter* freedoms of expression, association and peaceful assembly.

Regular law enforcement, by way of police issuing tickets to those who broke laws, was adequate for dealing with any illegal conduct that might arise, and there was no justification for empowering police to immediately arrest and imprison people.

