

Crown drops criminal charges against seven Freedom Convoy protestors

The Crown has stayed 49 charges against seven protestors who took part in the peaceful protest in Ottawa, due to lack of evidence. The seven protestors participated in the peaceful Ottawa protest that occurred in January and February 2022, which saw thousands of truckers and Canadians assemble to protest government Covid restrictions and vaccine mandates. The protestors were charged with mischief, mischief to property, disobeying a lawful order, and obstruction of a peace officer.

Rob McGown, one of the protestors whose charges have been stayed, is a veteran with PTSD who guarded the Tomb of the Unknown Soldier with other veterans during the protest. On February 18, 2022, heavily armed police arrived to disperse the protestors not far from the Tomb. Mr. McGown was arrested as a result.

Michael Flannery is another individual who had his tickets dropped. The 36-year-old oil patch flow line technician from Virden, Manitoba, married with three children, saw the divisiveness of the vaccination mandates and was concerned about the direction the country was going. The Crown was unable to obtain notes from the arresting officers in all of the cases, and without these notes, the Crown could not prove any grounds for arrest.

Court challenge filed against Ontario lockdown orders

A court challenge has been filed in Ontario Superior Court in Toronto, against provincial government health Orders and select sections of Covid-related legislation. Former Member of Provincial Parliament (MPP) Randy Hillier was criminally charged in connection with peaceful lockdown protests that took place in Cornwall and Brockville.

On April 8, 2021, Mr. Hillier was at the South Bank Bistro Restaurant in Brockville, Ontario to peacefully protest against the Ontario government's Stay-at-Home Order and Covid lockdown measures. On May 1, 2021, after the extension of the Stay-at-Home Order, Mr. Hillier was invited to speak at another peaceful protest in Cornwall against the lockdown measures.

As a result of attending these protests, Mr. Hillier was charged under the *Reopening Ontario Act*. If found guilty, he could be fined up to \$100,000 and spend one year in prison. In addition, Mr. Hillier was charged with hosting/organizing a public event where the number of those in attendance exceeded the number permitted under an Order, for which the minimum penalty is \$10,000. As part of the court challenge, lawyers will argue that province's Covid orders violated *Charter*-protected rights, such as the right to assemble peacefully and the right to free expression.

Hearing dates set for legal action against mandatory Covid shots for BC healthcare workers

The Justice Centre has filed a lawsuit on behalf of several BC healthcare workers who have lost their jobs due to government Orders that mandate the Covid shot as a condition of employment for specific groups of healthcare workers. Hearing dates are set for 10 days, beginning November 28, 2022.

This court action 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 constitutional challenge also cites violations of the right to informed consent, as well as violations of the healthcare workers' privacy. An exemption from the vaccine mandate is only allowed for limited medical reasons. No exemptions are permitted for religious or conscience reasons.

THE DOCKET

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Justice Centre
for Constitutional Freedoms

Justice Centre granted standing at Emergencies Act inquiry

The Justice Centre has been granted full participatory standing at the inquiry being held into the declaration of the *Emergencies Act* by the federal government in response to the February trucker convoy and protest in Ottawa. The role will include a seat at counsel table, the chance to make factual and legal submissions, submit policy papers, propose witnesses, cross-examine witnesses, and participate in deliberations.

On February 14, 2022, the Government of Canada declared a public order emergency under the *Emergencies Act*. The *Act* itself requires that a mandatory inquiry of the government's use of this extreme power be started within 60 days.

The Justice Centre "dispatched lawyers to Ottawa to provide *pro bono* legal advice to protesters. It also represented individuals identified as forming the leadership of the 'Freedom Convoy,'" wrote Commissioner Paul Rouleau, in his decision to grant standing.

New Report on danger of digital ID in Canada

The Justice Centre released a new Report (available at jccf.ca) on the growing threat of digital ID technologies in Canada. *Canada's Road to Beijing* outlines the Chinese Communist Party's use of digital ID technologies to suppress freedom in China, cautions Canadians about the immediate and increasing threat of government use of these technologies, and shows how they could impact *Charter*-protected rights and freedoms.

Like in Communist China, the use of digital ID technologies allow Canadian governments to track the financial and physical behaviour of citizens, and creates the framework for government to penalize individuals who exercise their *Charter*-protected rights and freedoms. In 2020, the federal government secretly authorized the surveillance of 33 million Canadian-based smartphones, to see if citizens complied with public health orders. In 2021, Canadian governments required citizens to present digital proof of Covid vaccination in order to use restaurants, play sports, or go into a movie theatre. We needed to divulge personal, private medical information to total strangers just to enjoy a normal life. In 2022, the Federal Government tracked and froze the bank accounts of more than 200 Freedom Convoy supporters and associates, with no due process, and no opportunity for appeal or objection.

Montréal public transit authority sued for censorship of bus ad

In defence of free expression, the Justice Centre is suing Montréal's transit authority, the Société de transport de Montréal, which refused to post an advertisement criticizing a transit fee rate hike. The transit authority rejected the ad on the alleged basis that it "denigrates public transit".

A non-profit organization of transit users seeking to improve the public transit system on the South Shore of Montréal, tried to place the ad in early June 2022. The ad reports the price for transit tickets from Montréal (\$3.50) and from the South Shore (\$5.25), with the following comment (English translation): "Logical? Not to us. Let us denounce the rate hike imposed by ARTM". ARTM is the regional transit authority with planning powers over an area including the South Shore of Montréal.

Over 14,000 pages of evidence filed in Peckford lawsuit against Federal Travel Vaccine Ban

Over 14,000 pages of evidence were filed by Justice Centre lawyers as part of the ongoing legal challenge on behalf of the Honourable Brian Peckford, the Honourable Maxime Bernier, and four other Canadians, against the federal government's travel ban against Covid-vaccine free travellers.

Under cross examination, Dr. Lisa Waddell, senior epidemiologist, and team lead at the Public Health Agency of Canada ("PHAC") admitted that vaccinating air travellers was not recommended by PHAC.

Tyler Brooks, Director of the Civil Aviation Medicine Branch at Transport Canada, said the federal government's approach to developing Covid public health measures was "a preventative approach." "The pandemic was like riding down a mountain with a blindfold on a bicycle. We have no idea where it's going," he testified.

Jennifer Little, Director General of Covid Recovery at Transport Canada, stated in an affidavit that the Canadian travel restrictions were "unique in the world in terms of strict vaccine mandate for domestic travel". Ms. Little also testified that it was a deliberate decision of the Federal Government to refuse to allow "exemptions for compassionate grounds (death in family, dependent care, etc.)".

Legal challenges filed against ArriveCAN and quarantine measures

In August the Justice Centre filed an action in the Federal Court of Canada, on behalf of 11 Canadians who were fined for not using ArriveCAN, and/or who were ordered to quarantine for 14 days after returning home from abroad. The Applicants involved have received fines of up to \$8,500 each, and were forced to disclose private medical information via ArriveCAN.

Matthew Leccese went to the United States for 25 minutes to pick up some vehicle parts. Upon his return, the Canadian Border Services Agency (CBSA) demanded that he submit his vaccination certificate via ArriveCAN. Mr. Leccese refused due to privacy concerns, but offered to present his vaccination certificate. CBSA issued him a ticket for \$7,210 for not using ArriveCAN.

Alexander Macdonald attempted to cross the U.S. border on two occasions, in April and July 2022 but was refused entry by U.S. border agents. A CBSA agent ordered Mr. Macdonald to download ArriveCAN and submit to the 14-day quarantine despite never having set foot in the U.S.

Amanda Yates returned to Canada via a land crossing. Her husband used ArriveCAN on their behalf, but a glitch in the system sent them to secondary screening. She refused to disclose her vaccination status, and was fined and required to quarantine for 14 days. Her husband disclosed his vaccination status, and was not required to quarantine, despite living in the same house with his wife.

In July 2022, a glitch with ArriveCAN sent an automated message to over 10,000 vaccinated Canadians, requiring them to quarantine for 14 days. It took the government 12 days to inform the affected individuals that the program had malfunctioned.