

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**CAMPAIGN LIFE COALITION and MAEVE ROCHE**

Applicants

and

**PARLIAMENTARY PROTECTIVE SERVICE**

Respondent

APPLICATION UNDER section 11 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and rules 14.05(3)(h) and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

---

**AFFIDAVIT OF [REDACTED] SWORN MAY 6<sup>TH</sup>, 2025**

---

I, [REDACTED], of the [REDACTED] in the Province of [REDACTED] MAKE  
OATH AND SAY:

1. I am a licensed medical doctor and specialist in obstetrics and gynecology. I am an associate clinical professor of obstetrics and gynecology at McMaster University. I have knowledge of the matters herein deposed, except where such knowledge is based on information and belief, in which case I have specified the source of such information and belief and verily believe the same to be true.

2. I have been asked to provide an expert opinion replying to the Affidavit of [REDACTED] affirmed April 16, 2025 and, specifically, answering the questions that are set out below. My signed Acknowledgement of Expert's Duty is attached to this affidavit as **Exhibit "A"**.

3. I graduated from the Queen's University School of Medicine in 2000. I completed a five-year residency in obstetrics and gynecology at The University of Ottawa in 2005. In 2007 I completed a Masters in Health Sciences in Bioethics at The University of Toronto. I have been

practicing at the Groves Memorial Community Hospital in Fergus and the Palmerston & District Hospital since 2005. I have held my teaching position at McMaster University since 2005.

4. As a physician I have combined a full clinical practice with teaching residents, medical students, and midwifery students and various physician leadership roles at the local and provincial level. I have received numerous awards for excellence in teaching.

5. I perform the procedures used for abortion for patients experiencing a non-viable pregnancy. Since 2005 I have provided those patients with both medical (using pills) and surgical (both suction and extraction) terminations of their pregnancies. Such procedures are part of the education and training I provide to medical students, residents, and family physicians. A copy of my CV is attached to this affidavit as **Exhibit “B”**.

### **Facts and Assumptions**

6. I have been provided with and have reviewed the Notice of Application in this matter and the Affidavits of [REDACTED] and [REDACTED] and the Reply Affidavit of [REDACTED]

[REDACTED] For one of the questions put to me (detailed below) I have been asked to provide an opinion given an assumption about the dating method used in the signs (the “**Signs**”) that Campaign Life Coalition (“**CLC**”) attempted to display on Parliament Hill. In my opinion below, I state where I rely on that assumption.

### **Opinion**

7. I have been asked by counsel for the applicants, CLC and Maeve Roche, to provide an opinion answering the following questions:

1. From what point in time are the age of fetuses measured by medical doctors.

How does this differ from your understanding of the practices of embryologists?

2. If the Signs were dating the age of the fetuses from the date of fertilization, how would the age listed on the Signs have to be adjusted to obtain the age as measured from the last menstrual period?
3. Assuming that the Signs are measuring the age of the fetuses since the date of fertilization (as is believed by CLC) is it reasonably possible that the fetuses depicted are the age they are claimed to be? Given the quality and nature of the photographs, can one reasonably conclude otherwise?
4. What is the most common method of surgical abortion for pregnancies under 14 weeks of gestation (as measured from the last menstrual period) in Canada? What would a fetus aborted by such a method look like with respect to physical damage?
5. Prior to the adoption of suction dilation and curettage abortion, how were surgical abortions performed at under 14 weeks of gestation? What would a fetus aborted by such a method look like with respect to physical damage?
6. Is there a method by which a surgical abortion could be performed which could result in fetuses in the condition in which they are depicted on the Signs?
7. Overall, is it more likely than not that the photos are real depictions of aborted fetuses, or would they need to be doctored to appear as they do?
8. An article from the Guardian is attached as Exhibit C to [REDACTED] affidavit. In the article, a photo depicts the result of an abortion performed at 10 weeks. It appears very different from the photos on the Signs. In your opinion, if both photos could be real, what explains the difference in appearance?

8. Medical doctors refer to the age of a fetus the same way they refer to the age of the pregnancy. Pregnancies are dated from the first day of the menstrual period prior to the pregnancy or by ultrasound determination based on measurements of the fetus. Both methods assume fertilization occurred and the embryo came into existence 14 days after the first day of the last menstrual period. This is referred to as the “gestational age” of the fetus. Embryologists refer to the age of a fetus using fertilization as the first day. Thus, when a physician states the age of a fetus, they state an age 2 weeks greater than an embryologist referring to the same fetus.

9. If the Signs stated the age of the fetuses from the date of fertilization, then 2 weeks would be added to the stated age to be consistent with gestational age.

10. If Poster 1 – “8-week aborted embryo” uses the dates from fertilization, then it would be a 10-week fetus by gestational age. I agree with [REDACTED] that the appearance of the fetus is consistent with 10 weeks of gestational age.

11. If Poster 2 – “10-week aborted fetus” uses the dates from fertilization, then it would be a 12-week fetus by gestational age. At paragraph 12 of her affidavit, [REDACTED] states that she believes the fetus depicted would need to be 14 or 15 weeks. While I agree that her estimate is within a reasonable range, I do not believe that the age of the fetus can be accurately determined to within 1 or 2 weeks, given the mutilated nature of the fetus and the absence of any indication of the degree to which the image is magnified. In my opinion, one cannot reliably rule out that the fetus depicted is at 12 weeks of gestation.

12. If Poster 3 – “11-week aborted fetus” uses the dates from fertilization, then it would be a 13-week fetus by gestational age. At paragraph 14 of her affidavit, [REDACTED] states that she believes that the fetus depicted would need to be 14 or 15 weeks. Again, I agree that her estimate is within a reasonable range. However, I do not think that the fetus can be accurately determined

to within 1 or 2 weeks, given the mutilated nature of the fetus and the absence of any indication of the degree to which the image is magnified. In my opinion, one cannot reliably rule out that the fetus depicted is at 13 weeks of gestation.

13. The most common method of surgical abortion for pregnancies under 14 weeks of gestational age is dilation of the cervix and suction curettage of the uterus (“**Suction D&C**”). All of the contents of the uterus are removed through a suction device. All the contents, including the fetus would be fragmented.

14. Prior to the adoption of Suction D&C for surgical abortion, surgical abortions performed at under 14 weeks of gestation used an instrument called a curette to remove the contents of the uterus after dilation (“**Sharp D&C**”). A fetus aborted by such a method would be fragmented but to a lesser degree than with suction.

15. It is possible that the image on Poster 1 is consistent with pieces of a fetus at 10 weeks gestational age after Sharp D&C.

16. The images on Posters 2 and 3 are not consistent with Suction or Sharp D&C. For a fetus to be as intact as pictured the cervix would need to be opened more than is done for either D&C technique. The fetus could then be grasped and pulled through the cervix. An alternate possibility is that the abortion was done by medically inducing expulsion of the pregnancy from the uterus in a manner like how the pregnancy is passed with natural abortion, generally referred to as miscarriage.

17. At paragraph 16, [REDACTED] states that she believes that the images on the posters “are likely not real aborted fetuses or have been manipulated...in some way.” It is my opinion that it can not be concluded, from a medical perspective, that the images are not of real aborted fetuses. It is possible that the images in the Posters are real fetuses and that the images have not been

manipulated. For Poster 1 the fetal fragments would need to be collected from all the tissue removed from the uterus and then magnified. For Posters 2 and 3 the fetus would need to be removed from the uterus in a manner that did not fragment the fetus.

18. An article from the Guardian that is attached as Exhibit C to Dr. Lovett's affidavit contains a photo depicting the result of an abortion performed at 10 weeks gestational age. It appears very different from the photo on Poster 1. The Guardian photo is of all of the contents of the uterus, not of fetal fragments under magnification. The Guardian photo has removed any blood that would come from the uterus. In my opinion, both photos could be real given the differences in the processing of the contents of the uterus, magnification, and selection of what contents were photographed. The differences between the photos appears to be a matter of portrayal, rather than veracity.

19. I certify that I am satisfied as to the authenticity of every authority or other document or record referred to in this affidavit.

20. I swear this affidavit *bona fide* for no improper purpose.

SWORN REMOTELY by videoconference by

[REDACTED]  
in the Province of [REDACTED],  
before me at the City of [REDACTED],  
in the Province of Ontario  
on the 6<sup>th</sup> day of May, 2024  
in accordance with O.Reg 431/20.



Hatim Kheir  
Barrister & Solicitor  
A commissioner of oaths  
in the Province of Ontario

[REDACTED]  
[REDACTED]

This is **Exhibit “A”** referred to in the Affidavit  
of [REDACTED] sworn before me this 6th  
day of May, 2025.

A handwritten signature in cursive script, reading "Hatim Kheir", positioned above a horizontal line.

---

Hatim Kheir  
Barrister & Solicitor

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**CAMPAIGN LIFE COALITION and MAEVE ROCHE**

Applicants

and

**PARLIAMENTARY PROTECTIVE SERVICE**

Respondent

APPLICATION UNDER section 11 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and rules 14.05(3)(h) and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

---

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

---

1. My name is [REDACTED].
2. I have been engaged by or on behalf of the applicants, Campaign Life Coalition and [REDACTED] to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - (a) to provide opinion evidence that is fair, objective and non-partisan;
  - (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.
5. I certify that I am satisfied as to the authenticity of every authority or other document or record to which I have referred in the expert report accompanying this form, other than:



- a. documents and records provided to me by or on behalf of the party intending to call me as a witness and consisting of evidence or potential evidence in the court proceeding that I have analysed or interpreted in my report; and
- b. authorities and other documents and records to which I have referred in my report **only** in order to address how another expert witness in the same court proceeding has used them in their report.

Dated this 4 day of May, 2025,



This is **Exhibit "B"** referred to in the Affidavit  
of [REDACTED] sworn before me this 6th  
day of May, 2025.

A handwritten signature in cursive script, reading "Hatim Kheir", written in black ink. The signature is positioned above a horizontal line.

---

Hatim Kheir  
Barrister & Solicitor



[Redacted text line]  
[Redacted text line]  
[Redacted text line]

[Redacted text line]

[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]

[Redacted text line]

[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]

[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]

[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]

[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]  
[Redacted text line]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**CAMPAIGN LIFE COALITION ET AL.**  
**APPLICANT**

**-and-**

**PARLIAMENTARY PROTECTIVE SERVICE**  
**RESPONDENT**

Court File No.: CV-24-00094951-0000

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**  
Proceeding Commenced at OTTAWA

**AFFIDAVIT OF**

**CHARTER ADVOCATES CANADA**

**Hatim Kheir (LSO# 79576K)**

**Chris Fleury (LSO# 67485L)**

**Counsel for the Applicant**