

Ontario Constable Defends his Political Expression



In March, Constable Brisco was found guilty of discreditable conduct for making a \$50 donation to the Freedom Convoy. A highly trained police officer, Brisco had no prior disciplinary record. The donation was brought to the attention of Windsor Police Service when the donor list was hacked from the crowd funding site GiveSendGo. The Ontario Provincial Police identified police donors

throughout Ontario. Constable Brisco was required to forfeit 80 hours of work as punishment, a ruling he is now appealing with help from the Justice Centre.

“Constable Brisco was exercising his right to freedom of expression when he made a small donation to the Freedom Convoy. He fully believed that the protests were peaceful, and his beliefs were confirmed by the Superior Court, which allowed for the protests to continue,” says Sayeh Hassan, counsel for Constable Brisco.

Technology and the *Charter*

The Justice Centre is leading Canada in research and advocacy on the Digital ID programs being implemented at the provincial, federal, and international levels. In April, as part of our mandate to educate Canadians about the free society, we released a new report: “Digital ID, Surveillance, and the Value of Privacy – Part One”. Our analysis suggests that some Digital ID programs in Canada violate the privacy of Canadians and generate ethical concerns surrounding access, equality, and consent. This report articulates the importance of protecting private spheres from government overreach. Read and share the report at jccf.ca/tech-and-the-charter/

Freedom of Expression continuing education course in development



Education Programs Coordinator, Luke Neilson, completed the first version of the course on Freedom of Expression in time for the Alberta Home Educators Association conference in May, where more than thirty course packages were sold. This curriculum explores the theories, law, and Supreme Court rulings behind the *Charter*-protected freedom of expression. The course is designed for high school students, community groups, and others who want to continue their education about Canadian law. The Justice Centre is committed to educating Canadians about *Charter* freedoms and is dedicating significant time and resources to achieve this over the next few years.



Justice Centre
for Constitutional Freedoms

the Docket Summer 2023

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Woman Acquitted of all Freedom Convoy Charges; Crown Appeals



Christine DeCaire was arrested in February 2022, for participating in the Freedom Convoy by standing on Nicholas Street in Ottawa after the invocation of the *Emergencies Act*. Ms. DeCaire declined to leave the protest area and was then arrested and jailed. She was criminally charged with mischief, obstructing/resisting an officer, and disobeying a Lawful Order. The Ontario Court of Justice acquitted her of all charges after a three-day trial in March 2023.

With the help of the Justice Centre, Ms. DeCaire stood by her *Charter* rights throughout, including her right to be presumed innocent – a presumption that the Crown failed to refute. Despite requesting a lawyer within minutes of her arrest, the Court found that Christine was deprived of her *Charter* right to counsel for nearly two hours.

The Court's acquittal of Ms. DeCaire and finding that her *Charter* right was breached could impact other Freedom Convoy trials our lawyers are conducting. The Ontario Crown has now appealed her acquittal. Our lawyers will continue to defend her.

Are Federal Travel Restrictions Really a "Moot" Issue?



On October 20, 2022, the Federal Court notified the Honourable Brian Peckford, the Honourable Maxime Bernier, and other appellants that their constitutional challenge against the federal government's Covid-19 travel mandate was "moot" and would not be heard by the Court.

Associate Chief Justice Jocelyne Gagne stated that, since the travel mandates had already been lifted, the use of judicial resources for a five-day hearing outweighed the public interest in hearing the case.

This decision is being appealed to the Federal Court of Appeal.

"The public interest in this case is staggering. Canadians need to know whether it is lawful for their own government to prevent them from travelling across Canada or leaving the country based upon whether they have taken a novel medication," states Allison Pejovic, legal counsel in this case.

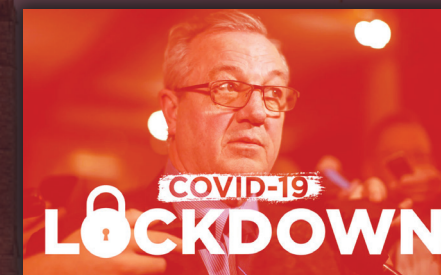
The Justice Centre participates in National Citizen's Inquiry in Alberta and Quebec



In April, Justice Centre President John Carpay participated in the National Citizen's Inquiry in Red Deer, AB. In his testimony, John submitted that protecting human dignity includes having governments respect and uphold the freedoms of expression, religion, mobility and peaceful assembly, as well as the *Charter* right of every person to accept or reject medical treatments including vaccinations and other injections.

"The Justice Centre applauds the excellent and necessary work of the National Citizens Inquiry. We are pleased to be involved with this citizen-led inquiry, which is critical to shining the light of truth on a dark chapter in Canadian history. Governments need to be held to account for their actions, and have better policies in place for future responses to public health crises," John said. The Justice Centre's Director of French Canada, lawyer Samuel Bachand, provided evidence and testimony to the Inquiry in Quebec City in May of 2023.

The Ongoing Fight to Regain Freedom



The fight to regain Canadians' constitutional freedoms taken during the pandemic is far from over. Almost every week, our lawyers provide effective representation to clients facing Covid-19 charges for protesting, going to church, or playing basketball, alone. Our team is continuing to advance constitutional challenges to many of the unscientific Covid restrictions that allowed these kinds of charges to be laid in the first place.

In April 2021, Ontario implemented a Stay-At-Home Order in response to Covid-19, which effectively banned any form of peaceful protest, and confined people to their homes except for 29 government-approved purposes (like leaving home to buy alcohol and cannabis).

We bring a challenge on behalf of former MPP Randy Hillier, who along with others was charged for participating in peaceful outdoor protests. Mr. Hillier faces up to \$100,000 in fines and a year in prison, if convicted.

We engaged the services of three expert witnesses: the former Chief Medical Officer of Manitoba, an infectious disease specialist, and a medical anthropologist whose reports details some of the significant and documented harms of lockdown measures. This case will be argued on July 27-28, 2023.