

Justice Centre for Constitutional Freedoms

Annual Report 2023



Justice Centre
for Constitutional Freedoms

We Defend Freedom in Canada

www.jccf.ca

Table of Contents

About the Justice Centre	3
Letter from the President	4
Letter from the Chairman of the Board	5
2023 by the numbers	6

Litigation

Defending BC healthcare workers from unreasonable vaccine mandates	7
Challenging gathering restrictions and discrimination in BC	7
Taking the University of British Columbia to court for censorship of students	8
Defending free speech at the University of Lethbridge	9
Helping Lynda di Armani challenge a censorious school board	10
Challenging expanding definitions of “hate speech”	10
Fighting back against Parliamentary Police Service censorship	11
Federal Court strikes down discriminatory election policy in Alberta First Nation	11
Defending free speech for BC nurse Amy Hamm	12
Defending children and parental rights in Saskatchewan	13
Defending Canadians who peacefully exercised their <i>Charter</i> freedoms	13
Defending peaceful Freedom Convoy protestors against \$290 million lawsuit	15
Challenging the federal government’s use of the <i>Emergencies Act</i>	15
Defending Constable Michael Brisco against unjust disciplinary proceedings	16
Challenging ArriveCAN and the <i>Quarantine Act</i>	17
Defending Ontario pastors against unreasonable gathering restriction charges	17
Alberta court strikes down Covid lockdowns as illegal	18
Legislative victory: a step towards accountable government	18
Taking Quebec’s notorious Covid curfew to court	19
Defending Nova Scotia judge against vaccine mandates and privacy violations	19

Education and Outreach

The 2023 George Jonas Freedom Award	20
Educating Canadians about freedom	21
Advocating for better laws and policies	22
Thank you to our donors and supporters	22



About the Justice Centre

Founded in 2010, the Justice Centre is Canada's leading defender of *Charter* rights and freedoms. Our mission is to defend the constitutional freedoms of Canadians through litigation and education. Our vision is a free society where governments uphold human dignity by respecting fundamental rights and freedoms, and where Canadians can realize their potential and fulfil their aspirations.

Our Charitable Registration Number: 817174865RR0001

Our Beliefs:

Equality: We believe that every Canadian should be treated equally by governments and by the courts, regardless of race, ancestry, ethnicity, age, sex, religion, political conviction or other personal characteristics.

Expression: We believe that all Canadians should be free to express peacefully their thoughts, opinions and beliefs without fear of censorship, persecution or oppression, as per Section 2 of the *Canadian Charter of Rights and Freedoms*.

Information: We believe the ability of the news media to gather and disseminate information, independent of government control and interference, is necessary for the functioning of a free and democratic society. We believe this same freedom is also the foundation of higher learning and education.

Autonomy: We believe all Canadians have the right to self-determination to make fundamental life choices for themselves and their children as free and responsible members of society, as protected under Section 7 of the *Canadian Charter of Rights and Freedoms*.

Assembly: We believe Canadians have the freedom to gather together publicly and peacefully to express, promote, pursue and defend their common interests. This includes the freedom of Canadians to peaceful protest and demonstrations on public property.

Responsibility: We believe every Canadian has a responsibility to recognize, protect and preserve their human rights and constitutional freedoms.

Letter from the President

In 2023, the Justice Centre for Constitutional Freedoms posed a powerful challenge to overreaching governments across the country. Thanks to the generosity of thousands of Canadians, we held elected and non-elected government officials to account at the municipal, provincial, and federal levels of government. In British Columbia, we challenged Dr. Bonnie Henry's vaccine mandates, which saw 2,500 healthcare workers terminated from their jobs, including many who had no contact with patients, for having exercised their *Charter* right to bodily autonomy, and for exercising their freedoms of conscience and religion. In Quebec, we challenged the notorious Covid curfew that effectively placed honest Canadians under house arrest for months on end. We successfully challenged the mandatory use of ArriveCAN at Canadian borders, convincing dozens of prosecutors and judges to drop charges. We continued to defend dozens of peaceful Freedom Convoy protestors against baseless criminal charges, and defended the privacy rights of Canadians who donated to the Freedom Convoy and now face a \$290 million lawsuit.

We challenged the Parliamentary Police Service over its attempt to censor expression in the nation's capital. We helped the Free Speech Club sue the University of British Columbia after they cancelled a student event merely to protect the "emotional and psychological safety" of the campus community. In British Columbia and Saskatchewan, we defended nurses Amy Hamm and Leah McInnes, whose professional licenses were threatened because they had publicly expressed their opinions. We defended Constable Michael Brisco of the Windsor Police Service after he was unjustly punished for donating to the Freedom Convoy. We came to the defence of Nova Scotia Judge Rickcola Brinton, who was pressured by Chief Judge Pamela Williams to disclose her Covid vaccination status.

Finally, we continued to fill critical knowledge gaps in Canada through our high school courses on the *Canadian Charter of Rights and Freedoms*, our workshops, podcast, petitions, and George Jonas Freedom Award – presented this year to academic, psychologist, and public educator Dr. Jordan Peterson.

I thank every Canadian who donated to our mission in 2023.



John Carpay, B.A., LL.B.

President

Justice Centre for Constitutional Freedoms

Letter from the Chairman of the Board

For many Canadians it seemed 2023 was the year things ‘returned to normal.’

Indeed, it became possible for people to move and travel freely, and to access restaurants and gyms, all without divulging personal and private medical information to strangers.

While some Canadians prefer to just ‘move on,’ others find it impossible to simply ignore the abuses we’ve suffered at the hands of governments. Lost jobs, destroyed businesses, students expelled from universities. Lost physical and mental health. Lost freedoms. Lost confidence in our institutions.

To remain silent about what happened is to send a powerful message that governments can abuse us again in the future, with impunity.

That is why the work of the Justice Centre is so vital. Defending and advocating for Canadians whose rights have been violated is our fundamental *raison d’être*.

The work of the Justice Centre over these past few years has seen our advocacy on behalf of hundreds of Canadians pay dividends as countless Covid-related charges have been thrown out. And, in what eventually resulted as an historic victory, we supported the successful challenge to the Trudeau Government’s outrageous and illegal use of the *Emergencies Act*. Scores of Canadians who saw their bank accounts frozen can now seek just recompense, and the Trudeau Government is finally being held to account.

The Justice Centre continues to expand its efforts at educating the public about the importance of our rights and freedoms through a large-scale educational campaign. We cannot take for granted that everyone understands these basic concepts which are so vital to the proper functioning of a democracy and to a prosperous, free society.

As always, the Board of Directors is deeply appreciative of the tremendous work of our lawyers, paralegals, and other remarkable professionals who make the Centre such a success. We understand that all of this work is made possible through the generosity of donors.



Peter Stock
Chairman, Board of Directors

2023 by the numbers

Our Team

13 lawyers

5 paralegals

10 administration, communications, and education staff and contractors

Our Impact in the Media

News releases: 102

Podcasts: 73

Speaking engagements: 31

Media interviews: 140

Columns published: 32

Facebook Followers: 37,000

Twitter Followers: 106,000

Website visits: 259,000

Litigation

In 2023, the Justice Centre for Constitutional Freedoms advanced dozens of cases across Canada. We defended the freedoms of conscience and religion, expression, peaceful assembly, association, and the rights to mobility, autonomy and security, and equality. In this annual report, we highlight a few of these cases.

Defending BC healthcare workers from unreasonable vaccine mandates

In late 2021, BC Provincial Health Officer Dr. Bonnie Henry issued Orders mandating Covid vaccination for all healthcare workers in BC, including those working remotely without contact with patients or colleagues. As a result, 2,500 healthcare workers were terminated, causing critical healthcare personnel shortages across the province. In many cases, terminated employees were replaced by contract workers who were not required to be vaccinated for Covid. The government did not respect *Charter*-protected freedoms of conscience or religion. Exemption requests were processed centrally by health authorities, not by individual medical doctors.

The Justice Centre assisted 11 healthcare workers, including a doctor, a midwife, a nurse practitioner, a therapist, support workers and administrators in filing a Supreme Court of British Columbia petition challenging these mandatory vaccination policies. The petitioners swore affidavits detailing the unjustifiable nature of the mandates, highlighting cases of denied exemptions for religious reasons or reasons of conscience, and demonstrating that terminated healthcare workers were being replaced by contract workers who were not required to be injected with the Covid vaccine. Expert testimony from Dr. Thomas Warren and Dr. Joel Kettner underscored the lack of vaccine efficacy, supporting arguments that the mandates were unreasonable and a violation of healthcare workers' rights. Counsel presented their case to the Court on December 18, 2023. A decision is anticipated in 2024.

Lawyer Charlene Le Beau emphasized, "The Charter is the highest law in the land, and no health Order or legislation should violate the Charter's protection of fundamental freedoms such as freedom of religion and freedom of conscience."



Challenging gathering restrictions and discrimination in BC

In November 2020, Dr. Bonnie Henry banned all in-person worship services in BC. The Free Reformed Church in Chilliwack, BC, along with other churches in the Fraser Valley, reopened in 2020 and 2021, while complying with health orders regarding masks, hand-sanitizing and social distancing. In January 2021, these pastors filed a constitutional challenge against the ban on in-person worship services. They also submitted an accommodation request to gather indoors. Two business days before their constitutional challenge was scheduled to be heard, Dr. Henry allowed limited outdoor gatherings for their churches but denied indoor gatherings. However, that same week she permitted Orthodox synagogues to hold indoor meetings while denying Muslims permission to gather either indoors or outdoors.

On March 18, 2021, BC Supreme Court Chief Justice Christopher Hinkson dismissed the church's challenge, in part because they had been granted permission to meet outdoors. The BC Court of Appeal upheld this decision, and the Supreme Court of Canada declined to hear the case.

Meanwhile, Pastor Koopman of the Free Reformed Church and other pastors were prosecuted for not following Dr. Henry's orders. Pastor Koopman was found guilty of hosting an in-person worship service,

but he filed an application alleging that the actions of Dr. Henry had made this prosecution offensive to societal standards of decency and had brought the administration of justice into disrepute.

From May 15-18, 2023, our lawyers presented arguments to Judge Andrea Ormiston that the abuse-of-process Application should proceed to an evidentiary hearing. Later, on September 6, Judge Ormiston denied the Crown's Application to summarily dismiss the abuse-of-process Application because she found that there was "some evidence that the Provincial Health Officer preferred some faith groups over others." Judge Ormiston found that, under the circumstances, it was not "manifestly frivolous" to think that the continued prosecution of Pastor Koopman "risks undermining the integrity of the judicial process."

Lawyer Marty Moore stated, "The actions of the Provincial Health Officer toward people of faith in British Columbia during Covid were frankly shameful. She categorically prohibited in-person gatherings for worship, indoor or outdoor, and even brought an injunction application seeking to have pastors and parishioners arrested for gathering for worship. At that same time, she was providing permission to select groups to meet for worship, both outdoors and, in some cases, indoors, while ignoring, from what we can tell, all other requests from other religious groups to meet. In this context, we believe that the prosecution of Pastors in BC for violating the Provincial Health Officer's Orders 'offend societal notions of fair play and decency and bring the administration of justice into disrepute,' and that, consequently, these prosecutions should be stayed."



Taking the University of British Columbia to court for censorship of students

In 2019, students of the Free Speech Club at the University of British Columbia (UBC) organized an event, "Understanding Antifa Violence," featuring journalist Andy Ngo, who was himself attacked by Antifa members during an Antifa protest in Portland, Oregon, in 2019. One month before the event was to take place, UBC cancelled it on the pretext of protecting the emotional and psychological safety and security of the campus community. UBC did not provide the Free Speech Club with any opportunity to address these concerns before the cancellation. With help from the Justice Centre, members of the Free Speech Club sued UBC over its unreasonable decision and for violating its own commitment to academic freedom.

The Free Speech Club argues that cancelling the event (1) was not compliant with UBC policies or procedures, (2) breached the rental contract of the event, (3) breached students' enrollment contracts, and (4) constituted a deceptive act or practice. The Claim seeks a declaration that the University breached sections 2(b) and 2(c) of the *Charter*, a small sum of money for *Charter* damages, and an injunction prohibiting the University from violating the *Charter* in future.

Significant research, planning and preparation of evidence and arguments were made in 2023. Much of this research relates to government control of UBC and UBC's position as a government entity, which receives hundreds of millions of dollars in taxpayer funding, operates on government land,

and implements government objectives. This case raises the important issue of whether universities are obligated to respect *Charter* protection for freedom of expression on campus. Courts in Alberta have ruled that the *Charter* applies to universities (in part thanks to our court actions) while courts in BC and Ontario have ruled that the *Charter* does not protect free speech for students on campus. Our court action against UBC provides a significant opportunity to have this issue clarified. This matter is expected to be significantly advanced in litigation in 2024.

Defending free speech at the University of Lethbridge

In November 2022, Professor Paul Viminiz of the University of Lethbridge invited Dr. Frances Widdowson to present about “How Woke-ism Threatens Academic Freedom.” The event was approved and set to take place on January 30, 2023. Dr. Widdowson specializes in indigenous public policy, especially on the significant socioeconomic disparities between indigenous and other Canadians. Despite the University of Lethbridge’s own policies and commitment to critical thinking, President Mike Mahon cancelled the event in response to a student petition and concerns expressed by various faculty.

Despite the cancellation, Dr. Widdowson attempted to speak at a public space on the campus on February 1, 2023, but she was harassed and drowned out by loud and disruptive protestors.

On July 26, 2023, a court action against the University of Lethbridge was filed, asserting Dr. Widdowson’s *Charter* rights as well as the *Charter* rights of students to hear, listen and consider alternative viewpoints.

“My experience at the University of Lethbridge is a textbook case of how ‘woke-ism’ is threatening academic freedom and freedom of expression on university campuses,” said Dr. Widdowson. “Instead of encouraging faculty and students to engage with my ideas in order to reach a better understanding of totalitarian identity politics and its impact on the academy, the University of Lethbridge created an ‘unsafe space’ for critical thinking and open inquiry. This means that the development of knowledge and theoretical understanding is being compromised at this academic institution.”



“In a liberal democracy, it is essential that diverse voices and viewpoints be free to gather to share ideas, to seek truth, and to discuss policy,” stated lawyer Glenn Blackett. “This is perhaps most essential on a post-secondary campus, which fails to serve its function without open inquiry and, as Dr. Widdowson says, rational disputation. Increasingly, universities are in the business of interfering with the search for knowledge, on the premise that the truth is already known and that dissenting voices are somehow dangerous. It is, in other words, dogma, which is the opposite of science. If we can’t save our universities, there’s no telling what scientific, social, and economic progress we’re denying future Canadians.”



Helping Lynda di Armani challenge a censorious school board

On June 13, 2023, Lynda di Armani, grandmother and former school employee, attended a school board meeting to express her concerns about a potential conflict of interest involving an elected board member. She was repeatedly interrupted by Chair Willow Reichelt, who claimed that Ms. di Armani's remarks were "discriminatory," after which Ms. di Armani had her microphone cut off. At times, the audio for the entire meeting was muted, providing voters and taxpayers with only silence on the public record. A full-length video of the proceedings, including the muted segments, is available on the School District's YouTube Channel.

The Justice Centre has provided lawyers to Ms. Di Armani to file a petition in the BC Supreme Court, to challenge the Board for censoring and ultimately ending her public remarks at the June 13 public school board meeting. Ms. di Armani seeks a court declaration that the Board exceeded its authority and violated her *Charter* Rights. She is also asking for Court orders that would prevent the Board from acting in a similar censorious manner in the future, and that would allow members of the public to make their own recordings of these public meetings.

Litigation on this matter is continuing in 2024.

"Elected officials exercising government power must respect Canadians' Charter freedoms," stated Marty Moore, counsel for Ms. di Armani. "The Chilliwack School Board's actions in this case show complete disregard for the freedom of expression, not only of my client, but also of the listening public, who have a right to hear the views of others at Board meetings. Unfortunately, this kind of censorship is a regular occurrence at Chilliwack School Board meetings. We are seeking Court orders to put an end to these violations of Charter rights and freedoms."



Challenging expanding definitions of "hate speech"

Self-described "Christian Truth Activist" William Whatcott faces criminal charges for willfully promoting hatred after distributing flyers at the 2016 Toronto Pride Parade. The flyers highlighted health risks associated with gay sex, featured photos of diseases, and urged belief in Jesus Christ. He was acquitted on December 10, 2021, but the Crown appealed, alleging the trial judge had misapplied the meaning of "hatred" and had excluded key evidence from expert witnesses.

Crown prosecutors argued that advocacy against gay sex was legally equivalent to advocating for "eradicating" gay men, and urged the Ontario Court of Appeal to expand the definition of criminal hatred to include disapproval of certain sexual behaviors. With help from the Justice Centre, the citizens' advocacy group Free to Care intervened to protect legitimate conversations from becoming criminalized. At a June 21, 2023 appeal hearing, our lawyers argued against equating criticism of certain sexual behaviours with advocating for group eradication, warning that such an equivalence could stifle dialogue and curtail freedoms for all Canadians, including religious and LGBTQ communities. We emphasized freedom of expression's crucial role in democracy, protecting unpopular views under the *Charter*.

On August 11, 2023, the Ontario Court of Appeal set aside the acquittal and ordered a new trial, without accepting or endorsing the Crown's argument that criticizing gay sex amounts to advocating for the "eradication" of gay men.

In the words of its founder and spokesperson, Jojo Ruba, Free to Care sought to intervene "because of the potential implications this case could have, both on our work, as well as in the lives of millions of Canadians, including members of the LGBT community, who uphold traditional views on sexuality. Specifically, Free to Care was concerned that the Crown's arguments would result in criminalizing legitimate conversations that seek to persuade people to change their actions or beliefs."

Fighting back against Parliamentary Police Service censorship

The Justice Centre is defending free expression in the face of arbitrary censorship imposed by the Parliamentary Protective Service (PPS), which ordered a pro-life group to cease showing disturbing photographs during a news conference on Parliament Hill in May 2023. The group planned to show images of abortions performed at different stages of pregnancy. Prior to the press conference, a PPS officer reviewed the signs and prohibited them for being too graphic. This decision was later confirmed via email, referencing a policy prohibiting signs on Parliament Hill "that are obscene, offensive, or that promote hatred." That policy was later changed to prohibit "signs or banners that display explicit graphic violence or blood."

Our court application challenges both this censorship policy as well as the censorship decision by the PPS to violate the freedom of expression of this citizens' group.

"Freedom of expression means the right to say what the majority deems to be wrong or false," stated lawyer Hatim Kheir. "Freedom of expression necessarily includes the right to offend. Banning 'offensive' speech amounts to near-total censorship. Photos of blood and graphic violence are frequently used by various groups to denounce genocide, torture, other human rights abuses, cruelty against animals, and whatever else an advocate considers to be unjust. Parliament Hill is historically a public square where people of various viewpoints come to convey a message to the government and other Canadians. Subjecting political expression on Parliament Hill to literal police censorship based on subjective criteria strikes at the core of Canadians' democratic right to freedom of expression."



Federal Court strikes down discriminatory election policy in Alberta First Nation

Since 2021, the Justice Centre has provided lawyers to Cree grandmother Lorna Jackson Littlewolfe, who was disqualified from running in the Whitefish Lake First Nation band elections on account of her marital status. She filed a constitutional challenge on May 14, 2021, after she was removed

as a candidate in the 2021 Whitefish Lake elections for Chief and Council because she was in a common-law relationship. An old rule prohibited persons in common-law relationships from running in elections (the “Common Law Marriage Prohibition”). According to current census data, however, there are hundreds of Whitefish Lake members in common-law relationships.

On January 15, 2023, the Federal Court of Canada ruled that the Common Law Marriage Prohibition violated section 15(1) of the *Charter*, which protects the rights of Canadians to be free from discrimination on the basis of (among other things) their marital status.

“As Canadians, First Nation members have an equal right to be free from discrimination on the basis of their sex or marital status, and we are pleased that this Court decision affirms that fact,” stated Marty Moore, counsel for Ms. Jackson-Littlewolfe. “Ms. Jackson-Littlewolfe looks forward to having fair elections at Whitefish free of discrimination against band members.”



Defending free speech for BC nurse Amy Hamm



Since 2020, nurse Amy Hamm has been subjected to disciplinary proceedings by the BC College of Nurses and Midwives, after she publicly stated that there are only two genders. Her ordeal began when she co-sponsored a billboard featuring the words, “I ♥ JK Rowling” – a reference to the best-selling British author who, in 2019, publicly defended a woman whose employment contract was terminated because she had expressed the “controversial” opinion that there are only two genders, and that women deserve safe spaces where males may not enter. In response, members of the BC College of Nurses and Midwives conducted

an investigation that resulted in a 332-page report on Ms. Hamm’s tweets, podcast transcripts and articles she had authored on the topic of gender identity and women’s rights.

The charge against Ms. Hamm reads, “Between approximately July 2018 and March 2021, you made discriminatory and derogatory statements regarding transgender people, while identifying yourself as a nurse or nurse educator. These statements were made across various online platforms, including but not limited to, podcasts, videos, published writings and social media.” In total, she spent 21 days spanning 14 months before the investigation panel: three days in September 2022, four days in October 2022, four days in January 2023, and 10 days in October and November 2023. Much of the hearings to date have concentrated on the qualification, testimony and questioning of expert witnesses for both sides. Ms. Hamm’s disciplinary hearings will conclude in March 2024.

Lisa Bilty, lawyer for Amy Hamm, stated, “A key issue in this case is whether professionals can express criticism of gender identity ideology or other political issues in the public square without being subject to regulatory discipline. The College should enforce high standards of performance for nurses and midwives when caring for their patients, and otherwise refrain from taking sides on political, cultural and moral issues that are debated in the public square. The College has lost its way.”



Defending children and parental rights in Saskatchewan

In a major case affecting children and parental rights, Justice Centre lawyers secured intervenor status for two groups that advocate for the rights of parents to educate, support and protect their children. In August 2023, the UR Pride Centre for Sexuality and Gender Diversity (“UR Pride”) commenced a constitutional challenge to a Saskatchewan policy that would require teachers and principals to obtain parental consent before children could use opposite-gender names and pronouns in school.

Our lawyers quickly advanced intervenor applications for Parents for Choice in Education and Gender Dysphoria Alliance, to provide crucial perspectives to the court. Parents for Choice in Education is a non-partisan, not-for-profit advocacy group that supports parents’ rights in education, including their right to be informed about their children’s school activities. Lead by a Canadian transsexual man, Gender Dysphoria Alliance promotes evidence-based approaches to gender dysphoria and is concerned about the direction that gender medicine and activism has taken.

Andre Memaury, counsel for GDA and PCE, stated, “UR Pride argues that children have a constitutional right to keep secrets from their parents. If this argument is accepted by the court, such an outcome would be harmful to the parent-child and parent-school relationship and ultimately would undermine the security of the children in this vulnerable group. Only in rare exceptions can excluding parents be justified. Allowing it to be the rule ignores the general fact that parents act in the best interests of their own children.”



Defending Canadians who peacefully exercised their *Charter* freedoms

In 2023, the Justice Centre continued to defend Chris Barber and dozens of Canadians against unfounded criminal charges against peaceful protesters exercising their *Charter* freedoms during the historic Freedom Convoy in Ottawa in early 2022. Here are the stories of five Canadians we helped in 2023.

Steven Vardy: Steven Vardy was unjustly accused of criminal conduct simply for having participated in the Freedom Convoy. On February 19, 2022, five days after Prime Minister Trudeau declared the Freedom Convoy a “national emergency,” Mr. Vardy was stopped by police while leaving downtown Ottawa. After allegedly failing to produce identification, he was arrested and charged with obstructing a public officer and later with an additional charge of mischief. Mr. Vardy asserted his innocence. His trial took place on August 29 and 30, 2023. Before the trial, his obstruction charge was withdrawn at the Crown Prosecutor’s request. At trial, the judge determined that the Crown could not prove beyond a reasonable doubt that Mr. Vardy was the person speaking in the social media videos. Even if he was, narrating events did not amount to criminal mischief. The judge acquitted Mr. Vardy.

Lawyer Chris Fleury stated, “After almost 18 months of waiting, my client and I are thrilled with this result. We are pleased that the Court agreed with us that the alleged conduct did not amount to mischief and that Mr. Vardy can finally put these charges behind him.”

Evan Blackman: On February 18, 2022, Evan Blackman was charged with mischief and obstructing police during the Freedom Convoy. Arrested while police cleared downtown Ottawa streets, evidence against Mr. Blackman included a 14-minute drone video and one officer's testimony. For nine minutes, the video shows Mr. Blackman among protestors facing police on Rideau Street. He is seen deescalating tensions by holding back other protestors, raising his hand to stop confrontations, and kneeling in front of police. During the five minutes before his arrest, he kneels, removes his hat, places his hand on his chest, and sings "O Canada." Mr. Blackman was arrested and released the same day. Upon release, he found his bank accounts frozen under the Emergency Economic Measures Order. Mr. Blackman pled not guilty and went to trial on October 23, 2023. The Judge dismissed all charges against him.

Christine DeCaire: Christine DeCaire was charged with mischief, obstructing/resisting an officer, and disobeying a lawful order on February 18, 2022, following her arrest in downtown Ottawa. Despite requesting a lawyer immediately upon arrest, she was not provided one, violating Section 10(b) of the *Charter*, which guarantees the right to counsel upon arrest or detention. Evidence at her trial confirmed she had no opportunity to speak to a lawyer. The Ontario Court of Justice ruled that denying Ms. DeCaire legal counsel was not a minor *Charter* breach. The Crown's evidence did not prove the allegations beyond a reasonable doubt, and police witnesses corroborated that Ms. DeCaire had been cooperative.

On March 23, 2023, after a three-day trial, Ms. DeCaire was acquitted of all charges. She expressed relief and satisfaction with the verdict. Her lawyer, Monick Grenier, stressed the importance of Canadians knowing and asserting their *Charter* rights, especially their right to legal counsel.

Chris Barber: The owner of a trucking company in Saskatchewan, Chris Barber was arrested on Parliament Hill on February 17, 2022, just days after the Prime Minister invoked the *Emergencies Act* and one day before hundreds of police officers in tactical gear advanced on Parliament Hill to remove peaceful protestors. For his involvement in this entirely peaceful protest, Mr. Barber faced charges of mischief, intimidation, obstructing a highway, obstructing a police officer, and counselling others to commit the same offences. He was released with bail conditions on February 18, 2022.

The criminal trial of Chris Barber and Tamara Lich began on September 5, 2023, almost 19 months after they were charged. Our lawyers are defending Chris Barber against his charges and against the Crown's argument that Chris Barber and Tamara Lich conspired together to organize an illegal protest. While initially scheduled to run for 16 days, by early December 2023, the trial had already taken 32 days and was far from over. Their trial is scheduled to resume in January 2024.

Harold Jonker: Harold Jonker is an elected councillor for the Township of West Lincoln in the Niagara Region as well as a trucker. After he attended the Freedom Convoy, an anonymous complaint was filed against him, leading to a Township Council Investigation. The Integrity Commissioner deemed the protest illegal. On July 18, 2022, the Council found that Mr. Jonker had breached the Township's Code of Conduct, fined Jonker 30 days' pay, and demanded repayment for food and gasoline donations received during the protest. On September 23, 2022, Jonker sought a judicial review, arguing his *Charter* rights to freedom of expression, peaceful assembly, and association were unjustifiably limited by the Township, which failed to consider these rights in their decision. Mr. Jonker stated he attended the protest as a trucker, not as a councillor. His hearing is scheduled for January 2024.

Lawyer James Manson stated, “Whenever a government decision-maker issues a ruling that infringes someone’s Charter rights or freedoms, the government must ensure that Charter rights and freedoms are violated as little as possible, that the decision is rational, and that its benefits outweigh the harms. In this case, the Township completely failed to do so; accordingly, its decision to punish Mr. Jonker for having participated in the Freedom Convoy protest was unreasonable.”

Defending Freedom Convoy protestors against \$290 million class action lawsuit



Throughout 2023, the Justice Centre continued to defend Tamara Lich, Chris Barber and other Canadians against a class-action lawsuit brought by Ottawa bureaucrat Zexi Li. She and other plaintiffs are seeking \$290 million in damages after losing sleep due to truckers honking their horns during the first few days of the Freedom Convoy protest. Of great concern, this lawsuit also seeks damages from citizens who donated to the peaceful protest.

On December 14, 2023, lawyer James Manson argued that the plaintiffs’ entire class-action lawsuit should be dismissed because it constitutes what is known as a Strategic Lawsuit Against Public Participation (SLAPP), a lawsuit intended to punish the defendants for participating in the 2022 Freedom Convoy protest. If our application is successful, all or part of the class-action lawsuit will be dismissed.

Lawyer James Manson stated, “Zexi Li’s lawsuit engages the very purpose that ‘anti-SLAPP’ legislation was designed to address: an attempt to silence peaceful expression, and the right of defendants to participate in public debate.”

Challenging the federal government’s use of the *Emergencies Act*

On February 14, 2022, Prime Minister Justin Trudeau invoked the *Emergencies Act* and used violence to crush the peaceful Freedom Convoy protest in Ottawa. This included banning protests near Parliament and freezing numerous protestors’ bank accounts. The Justice Centre’s lawyers had already been in Ottawa in the preceding weeks, providing legal advice and representation to the peaceful protesters. We quickly provided lawyers to four Canadians who commenced an action in Federal Court to challenge the illegal declaration of a “national emergency.” Jeremiah Jost, Edward Cornell, Harold Ristau, and Vincent Gircys were personally impacted by the government’s illegal use of the *Emergencies Act*, and felt betrayed by their government’s militaristic response, which they believed was unnecessary and disproportionate.

This case highlights the tension between security measures and civil liberties, prompting a critical examination of government actions under the *Emergencies Act*. As the legal battle unfolds, it underscores the broader implications for democracy and freedom of expression in Canada. We expect a ruling from the Federal Court in 2024.

"The evidence of these four Canadian protestors shows a shared sense of betrayal by the Government for invoking emergency measures to mount a needless and militaristic crackdown on peaceful protesters that left them fearful for their futures and the future of Canada. The Federal Court has an important responsibility to hold the government to account and prevent the unjustified claim of an 'emergency' to trample on the rights of Canadians," stated John Carpay, President of the Justice Centre.



Defending Constable Michael Brisco against unjust disciplinary proceedings



Constable Brisco of the Windsor Police Service, a highly trained and respected officer with no prior disciplinary record, made a \$50 donation to the peaceful Freedom Convoy protest through GiveSendGo on February 8, 2022. This was one day after an Ontario Superior Court Judge ruled that peaceful, lawful, and safe protests in Ottawa could continue, as long as excessive horn-honking ceased. Constable Brisco did not identify himself as a police officer when making his donation, and he also assumed that his donation was private and confidential.

Days later, the GiveSendGo donor list was hacked. The Ontario Provincial Police Service obtained the list and forwarded names to the Windsor Police Service, who discovered Constable Brisco's donation. The Windsor Police Service then charged Constable Brisco with "discreditable conduct." On March 24, after a six-day hearing, Constable Brisco was found guilty. Two months later, the Tribunal ordered that he forfeit pay for 80 hours of work as a penalty.

On June 14, 2023, with help from the Justice Centre, Constable Brisco filed a Notice of Appeal with the Ontario Civilian Police Commission, challenging his conviction and penalty. Counsel for Constable Brisco argued that the prosecution lacks sufficient evidence. The claim that the Freedom Convoy in Ottawa was an unlawful protest was based entirely on newspaper articles by various officials, including the Prime Minister and the Premier of Ontario. Further, counsel argued that the evidence against him was obtained illegally.

Finally, Constable Brisco argued that the Tribunal's decisions fail to acknowledge or proportionately balance their impact on his *Charter*-protected right to freedom of expression. While a police officer's right to free expression is limited during their duties, Brisco did not donate to the Freedom Convoy in his capacity as a police officer. He expected the donation to be confidential and did not seek to advertise his giving. The expression of off-duty police officers is protected by the *Charter* to the same degree as any other citizen's expression.

The hearing was held before the Ontario Civilian Police Commission on November 21, 2023, with a decision expected in 2024.

Darren Leung, one of Constable Brisco's lawyers, stated, "Freedom of expression is a right that is guaranteed to all Canadians. Police officers are also entitled to express their political beliefs, so long as they do it without identifying themselves as police. Furthermore, it is an injustice that Constable Brisco was investigated on the basis of illegally obtained information. Instead of investigating who was responsible for the hack, the Windsor Police Service have dedicated their resources to prosecuting Constable Brisco."



Challenging ArriveCAN and the *Quarantine Act*

The Justice Centre was the first organization in Canada to commence a constitutional challenge to the mandatory use of ArriveCAN. Several weeks after we filed our court action in August 2022, the federal government stopped making it mandatory to use ArriveCAN.

The Justice Centre continued to defend numerous Canadians who were fined for not using ArriveCAN when returning home to Canada from abroad. We have assisted 11 Canadians in launching a constitutional challenge against the mandatory use of ArriveCAN and the compelled quarantine for non-users.

ArriveCAN became mandatory for air and land travelers in July 2021. Non-compliance could result in fines up to \$750,000 or six-months imprisonment. Privacy concerns were paramount as ArriveCAN potentially shared personal medical data widely with other government entities, police forces, and foreign countries. A critical glitch in July 2022 caused 10,000 people to erroneously quarantine despite uploading vaccine certificates. Affected individuals were only notified 12 days later, after needlessly spending time in quarantine. Canada's border authorities routinely faced delays and other problems when using ArriveCAN.

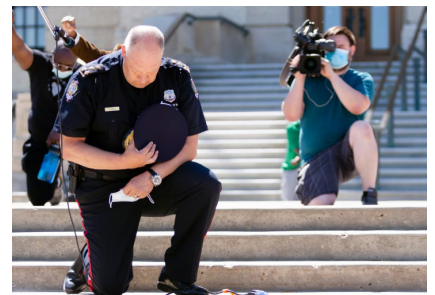
Unfortunately, the Federal Court dismissed our action as "moot" (no longer relevant) in July 2023. Despite this setback, our lawyers continue to mount provincial court constitutional challenges defending Canadians charged for not using ArriveCAN. Our efforts have seen the charges and fines of many travelling Canadians withdrawn and reduced, and we continue to seek to have the constitutional issues with the ArriveCAN requirement determined in Court.

Defending Ontario pastors against unreasonable gathering restriction charges

The Justice Centre continued to defend pastors charged with non-compliance with unreasonable and unscientific Covid lockdown gathering restrictions. We have assisted Pastor Aaron Rock and Pastor Henry Hildebrandt in multiple cases challenging Covid restrictions through peaceful protests in Ontario.

Pastor Aaron Rock faced three charges related to his participation in peaceful outdoor protests against Ontario's lockdown restrictions, held in 2021 in Stratford and Waterloo. Lawyer Chris Fleury negotiated favourable outcomes whereby various charges were withdrawn or stayed, without an admission of guilt.

The Justice Centre also assisted Pastor Henry Hildebrandt in various cases. In Brantford, Ontario, Pastor Hildebrandt, his wife Martha, and his son Herbert faced charges for attending an anti-lockdown rally in April 2021. The peaceful protest involved approximately 1,000 attendees protesting Covid mandates. Each family member was fined \$880 for attending a gathering of more than five people. The Crown dropped all charges against the Hildebrandt family on February 27, 2023. Pastor Hildebrandt had previously faced charges in Chatham and Waterloo for similar protests, where evidentiary gaps led to the withdrawal of charges.



Regina Police Chief Evan Bray at a June 5, 2020 Black Lives Matter rally attended by hundreds in violation of Saskatchewan's outdoor gathering restrictions.

Pastor Hildebrandt expressed his views on Covid mandates, stating they were politically rather than scientifically motivated. He criticized the discrepancies in enforcement, noting that while large gatherings like Black Lives Matter rallies were allowed, peaceful religious gatherings were penalized. Chris Fleury, representing Pastor Hildebrandt, highlighted the dismissal of charges as a positive outcome, signaling a shift in prioritizing serious criminal matters over minor Covid-related infractions. Pastor Hildebrandt remains committed to defending his faith and advocating for justice amidst ongoing legal challenges in other jurisdictions, including Elgin County.

Alberta Court strikes down Covid lockdowns as illegal

In *Ingram v. Alberta*, the Alberta Court of King's Bench invalidated Alberta's lockdowns as illegal, in a landmark judgment rendered in July 2023. Following this *Ingram* decision, many lockdown-related charges were dropped in Alberta. Charges against Pastor James Coates and GraceLife Church were dismissed by the Crown; charges against Ty Northcott for his "No More Lockdowns Rodeo" were stayed; Pastor Timothy Stephens was found "not guilty," and the charges against his Fairview Baptist Church were withdrawn by the Crown.

The Court found that lockdowns had been imposed on Albertans by Premier Jason Kenney rather than by Chief Medical Officer Deena Hinshaw, and ruled that this was contrary to the *Public Health Act*. The Court interpreted the *Public Health Act* as conferring nearly unlimited power on the Chief Medical Officer, to the exclusion of elected representatives. Without considering the serious harms that lockdowns inflicted on citizens, the Court also ruled that government violations of *Charter* rights and freedoms were justified.

In October 2024, the Justice Centre submitted a proposal for amending the *Public Health Act* to Alberta Premier Danielle Smith and all MLAs. These amendments were designed to empower MLAs to hold the Chief Medical Officer accountable for any laws or health orders that violate the *Charter*.

Legislative victory: a step towards accountable government

On November 4, in a significant victory for the constitutional principle of democratic accountability, Alberta Minister of Justice Mickey Amery tabled a Bill that would put public health decision-making authority in the hands of elected officials. Minister Amery stated, "Elected officials have a responsibility to act in the best interests of Albertans and swear an oath to duly and faithfully execute the powers and trust imparted. This legislation ensures that final decision-making authority and the accountability that must come with it rest with those entrusted by Albertans."

"The Justice Centre is proud to have provided lawyers to courageous citizens who appropriately exercised their Charter rights and freedoms when these were being unjustifiably violated by governments, from March 2020 onwards. We are very pleased that the Alberta Government accepted our recommendation to amend the Public Health Act. An unelected, unaccountable official should not have unlimited power to impose laws on an entire province," stated John Carpay, President of the Justice Centre.



Taking Quebec's notorious Covid curfew to court

On January 9, 2021, the Government of Quebec imposed one of the harshest Covid lockdown policies in the world, prohibiting people from leaving their homes between the hours of 8:00 p.m. and 5:00 a.m. Quebec was the only jurisdiction in Canada to impose a curfew. Police officers, empowered by the *Public Health Act*, levied fines against citizens ranging from \$1,000 to \$6,000. The curfew came into force twice, first from January 9 to May 28, 2021, and a second time from December 31, 2021, to January 17, 2022. Between September 2020 and October 2021, 46,000 tickets were issued in Quebec to citizens who simply exercised their *Charter* rights and freedoms in the face of a curfew that was based on speculation rather than science. Approximately 22,500 of those tickets were for curfew violations, with total fines estimated in the range of \$30 million.

One brave Canadian, Stéphanie Pépin, chose to challenge the curfew and the violation of her rights and freedoms. On the evening of January 9, 2021, while driving to join a 9:00 p.m. protest against the curfew, Ms. Pépin was stopped by police and ticketed for violating the curfew.

With help from the Justice Centre, Ms. Pépin launched a constitutional challenge against certain sections of the *Public Health Act* as violations of her freedoms of expression and peaceful assembly – protected by the *Canadian Charter of Rights and Freedoms*.

Her hearing took place September 18-21, 2023. The week-long trial featured testimony from Dr. Horacio Arruda, Quebec's National Director of Public Health during the pandemic, and Dr. Richard Massé, Arruda's right-hand man and architect of the *Public Health Act* under which the curfew was enacted. Unfortunately, Justice Mme Marie-France Beaulieu dismissed Ms. Pépin's constitutional challenge on January 30, 2024, in the Courthouse of Amos in western Quebec.

The decision is being appealed.

Lawyer Olivier Séguin, representing Ms. Pépin, stated, "There have been dozens of challenges to the curfew law, but this one was different. This is the first time in Canadian history that the crafters of the laws under scrutiny were questioned under oath, and it became evident they had no constitutional basis on which to act."



Defending Nova Scotia judge against vaccine mandates and privacy violations

The Justice Centre is providing lawyers for Judge Rickcola Brinton against the Provincial Court, former Chief Judge Pamela Williams, and the Province of Nova Scotia over a mandatory Covid vaccine policy that Judge Brinton argues violated her contractual rights and *Charter* rights, including her judicial independence and her ability to be impartial.

The conflict began in September 2021 when Judge Brinton received an email from Chief Judge Williams asking judges to disclose their vaccination status. Judge Brinton objected to this policy, citing medical privacy concerns and the potential societal division caused by vaccine mandates. Despite Justice Brinton offering to undergo frequent Covid testing, Chief Judge Williams rejected her proposal.

Judge Brinton went on short-term disability leave at the end of October 2021, supported by medical documentation. On November 1, 2021, Chief Judge Williams sent out an email to all judges stating that “only fully vaccinated judges will be assigned to sit in our courtrooms.” On November 25, 2021, she issued a public statement announcing that “[a]ll Provincial Court judges presiding in courtrooms, both now and in the future, are fully vaccinated.”

On February 22, 2022, Chief Judge Williams informed Judge Brinton that unless she disclosed her vaccination status, she would be deemed unvaccinated and unable to conduct in-person court proceedings, possibly facing suspension and referral to the Judicial Council. In March 2022, Chief Judge Williams contacted Judge Brinton’s doctor without her consent, seeking access to her private medical information, which the doctor declined to share.

Since April 2022, Judge Brinton has not received further communication from Chief Judge Williams, whose term ended in August 2023.

This case highlights the constitutional importance of judicial independence, crucial for the judiciary’s impartiality and effective functioning. Judge Brinton’s lawsuit, filed in the Supreme Court of Nova Scotia on September 29, 2023, seeks damages for the deliberate infringement on her judicial independence and medical privacy rights, asserting that her principled objections were met with unwarranted threats of disciplinary action and suspension.

Education and Outreach

The 2023 George Jonas Freedom Award



The Justice Centre presented the 2023 George Jonas Freedom Award to Dr. Jordan Peterson - psychologist, academic, public intellectual, and best-selling author. Dr. Peterson is a prominent advocate for personal responsibility, responsible government, and freedom of expression. The prestigious award was presented to Dr. Peterson in June 2023 in Toronto to a sold-out audience. Previous recipients of the George Jonas Freedom Award include Mark Steyn, Christie Blatchford, the Society for Academic Freedom and Scholarship, and Tamara Lich.

Author, poet, journalist and National Post columnist, George Jonas (1935-2016) made significant contributions to freedom in Canada after escaping from communist Hungary in 1956. George Jonas experienced totalitarianism under both Stalinist communism and the pro-Nazi Hungarian fascist regime during the Second World War. George Jonas supported the Justice Centre in his capacity as a board member of the Aurea Foundation, thereby greatly aiding the Justice Centre throughout its early years. In 2018, the Justice Centre inaugurated this annual award to carry on the legacy of George Jonas and to highlight the impact that one individual can make in defence of a free society.



Educating Canadians about freedom

The Justice Centre continues to educate Canadians about freedom through courses, reports, events, contests, and podcasts. Visit the Justice Centre website to sign our petitions, explore our policy positions, or to learn more about our active cases.

The Justice Centre continues to develop a high school curriculum on the *Canadian Charter of Rights and Freedoms*. This curriculum will educate high school students, parents, and teachers about the value of human dignity, about the importance of fundamental rights and freedoms, and about Canadian political institutions. Canadians of all ages, in particular younger Canadians, lack an understanding of these important concepts. This curriculum will contribute to the advancement of knowledge in Canada and will equip the next generation of voters and public servants to regard the *Charter* for what it is: a significant moment in the history of Canada's quest for freedom and democracy. Our first module, "Exploring Freedom of Expression," was taught in two Alberta private schools in 2023, with positive feedback from students, parents, and school administrators. We look forward to developing additional modules of the freedoms of conscience and religion, peaceful assembly, and association in 2024.

In 2023, the Justice Centre released two policy papers on digital ID and the value of privacy. We also addressed the rise in excess deaths in Canada, noting an increase in unexpected deaths among all age groups in Canada, and a lack of analysis from government statistics agencies.

In 2023, the Justice Centre launched the "In Conversation" Series online with the goal to educate Canadians and help them connect with each other. Hundreds of Canadians joined us for online webinars about critical topics in Canada: digital ID and privacy violations, the Canadian bail system, the findings of the Public Order Emergency Commission, the rights and responsibilities of parents at public school boards, and more.

Advocating for better laws and policies

Registered charities can legally advocate for changes to proposed and existing laws and government policies, so long as the advocacy is non-partisan. Our non-partisan advocacy is conducted through educational resources, brochures, videos, podcasts, and public policy analyses in a coordinated effort to inform the public about *Charter* rights and freedoms. We evaluate the potential *Charter* impacts of proposed and existing legislation. Whenever we have concerns, we engage with MPs and Senators, as well as provincial elected representatives, in the committees considering the legislation and propose amendments that will educate the public and protect *Charter* rights.

In 2023, we launched a petition against proposals for a federal digital ID framework, citing concerns about privacy, security, autonomy, and human dignity. Thousands of Canadians signed our petition.

In late October 2023, the Justice Centre sent policy recommendations to the Government of Alberta, asking for the *Public Health Act* to be amended such that MLAs would be empowered to hold the Chief Medical Officer accountable for any laws or public health orders that violate the *Charter*.

Thank you to our donors and supporters

Your donations are making a difference in Canada's courts, classrooms, and public spaces from coast to coast. When you choose to give, you are choosing to partner with our team of litigators, researchers, and advocates in defending Canadians' rights and freedoms from harmful and discriminatory laws and policies. We cannot secure a future of freedom without you. Since our founding in 2010, we have chosen not to accept any government funding. We rely on the generosity of Canadians like you.

Consider giving today!

www.jccf.ca/donate/

#253, 7620 Elbow Drive SW, Calgary, AB T2V 1K2

(403) 475-3622 | info@jccf.ca

Charitable Registration Number: 817174865RR0001

