

Canada's Justice Centre for Constitutional Freedoms: Over 14,000 Pages of Evidence Filed in Lawsuit Against Federal Travel Vaccine Ban

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by [Justice Centre for Constitutional Freedoms](#)

August 18, 2022

CALGARY: The [Justice Centre for Constitutional Freedoms](#) filed its legal [Argument](#) and over 14,000 pages of [Evidence](#) as part of an ongoing legal challenge on behalf of the Honourable Brian Peckford, the Honourable Maxime Bernier, and four other Canadians, to strike down the federal government's mandatory Covid vaccine requirements for air travellers (the "Travel Ban"). Lawyers for the Justice Centre spent all of June 2022 in extensive cross examinations of 16 witnesses including senior federal government officials and five expert witnesses.

Earlier this month, on August 9, 2022, the Justice Centre filed a [Response](#) to the Federal Government's motion to strike the ongoing legal challenge. The response reads in part, "The Federal Government has maintained that the impacts of Covid represent a public health emergency, which justifies impositions on the rights and freedoms of Canadians at an unprecedented level. The Covid pandemic and restrictions have caused much division in Canada. These Applicants have applied to this Court to review the Federal Government's actions,

secure their rights and bring clarity and finality to a controversial and divisive topic that has had far reaching impacts throughout all of Canada. It is these Applicants' position that without a hearing on the merits of this matter, in an open and transparent court, it would erode the democratic foundation of our society."

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. Dr. Waddell was asked whether vaccination is an effective mitigation measure for air travel and she testified as follows: "...there wasn't a lot of evidence on that so, as a strategy as a whole, it has not been evaluated in the literature and therefore is not elaborated in the review. (Waddell Cross Examination Transcript – page 92 lines 22-25, [Part 7.](#))

Government witnesses made important admissions during cross-examinations. Tyler Brooks, Director of the Civil Aviation Medicine Branch at Transport Canada, described the federal government's approach to developing Covid public health measures as follows: "So when you're talking about public health and public protection, public safety you often have to take a preventive approach to it. The pandemic was like riding down a mountain with a blindfold on a bicycle. We have no idea where it's going." (Little Affidavit, Exhibit "E", at pages 12 and 13, [Part 3](#))

In her sworn Affidavit, Jennifer Little, Director General of Covid Recovery at Transport Canada, stated that the Canadian travel restrictions challenged in this application are "unique in the world in terms of strict vaccine mandate for domestic travel" and stated it is "one of the strongest vaccination mandates for travellers in the world." (Little Affidavit, Exhibit "E", at page 15, [Part 3](#)) 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.)”.

The Applicants’ Legal [Argument](#) states: “*The [Travel Ban is] [outside] the authority delegated to the Minister of Transport under section 6.41(1) of the Act, which restricts the Minister’s order-making power to matters related to aviation safety consistent with the scope and objects of the Act. The [Travel Ban is] [outside the authority of the Minister of Transport] as it was made for an improper purpose, and in bad faith in furtherance of an ulterior motive to pressure Canadians into taking Covid vaccines.*”

The evidence in this Application shows that this travel ban was unnecessary to maintain citizens’ well-being. The vaccines do not prevent transmission. The more fundamental the interest that is impaired by the government’s actions, the less deferential a court should be toward government.

Mobility rights are among the most fundamental of Canadians’ rights. The Respondent cannot argue two years into the pandemic that Covid is an unknown crisis that requires deference.”

In October of 2021, the federal government announced that anyone travelling by air, train, or ship, must receive the required number of Covid vaccines in order to travel. The travel ban prevented approximately 6 million Covid vaccine-free Canadians (15% of Canada’s population) from travel within Canada and prevented them from flying out of Canada. Canada’s new definition for vaccination as including required boosters could double or triple the number of affected Canadians should the travel mandate be renewed in the future.

The Justice Centre’s lawyers filed evidence in March 2022 on behalf of 11 witnesses, including five expert witnesses. The evidence filed shows how the Canadians involved in the lawsuit could not travel to help sick loved ones, get to work, visit family and friends, access health care outside of Canada, take

international vacations, and live ordinary lives. Expert medical evidence now filed with the court ranges from scientific evidence about Covid spread among both vaccinated and unvaccinated, risks associated with taking the new Covid vaccines, vaccine harms such as myocarditis and possible effects on fertility, and the superiority of natural immunity.

Schedule of the Travel Ban lawsuit:

September 21: One day in-person Mootness Hearing

September 30: Service and filing of Respondent's Record

October 31 – November 4: Hearing

“The good people of Canada relied on the federal government to be honest and transparent with them. Public Health is an important factor that the Federal Government must consider when making decisions, but it cannot be the only factor,” states Justice Centre lawyer Eva Chipiuk.

“We encourage Canadians to look at the evidence submitted by the federal government, in defending the Travel Ban, to make a decision for themselves whether or not the federal government was justified in restricting millions of Canadians from visiting family, travelling for work, or travelling for pleasure after more than two years of difficult and divisive times,” adds Ms. Chipiuk.

Justice Centre Federal Vaccine Travel Ban Evidence

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Canadians, to strike down the federal government's mandatory Covid vaccine requirements for air travellers (the "Travel Ban"). Lawyers for the Justice Centre spent all of June 2022 in detailed cross examinations of 16 witnesses including senior federal government officials and five expert witnesses.

The 14,000 pages of evidence, known as the Application Record Compendium, are found below in 10 parts:

- [Part 1](#)
- [Part 2](#)
- [Part 3](#)
- [Part 4](#)
- [Part 5](#)
- [Part 6](#)
- [Part 7](#)
- [Part 8](#)
- [Part 9](#)
- [Part 10](#)

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