

Canadian Court Facing Compelling Testimony From Charter Signatory Brian Peckford as Action Proceeds to Strike Down Vaccine Travel Ban

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by [Justice Centre for Constitutional Freedoms](#)

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OTTAWA: The [Justice Centre](#) announced today that its legal team has eleven affidavits in the Federal Court lawsuit to strike down the federal government's mandatory Covid-19 vaccine requirements for air travellers (the "Travel Ban"). The [Notice of Application](#) was initially filed on February 1, 2022 behalf of several Canadians from across Canada challenging the Travel Ban on the basis that their *Charter* rights and freedoms have been infringed.

The main applicant in the case is former Newfoundland Premier, The Honourable A. Brian Peckford. Mr. Peckford is the only surviving drafter and signatory to the 1982 Constitution and the *Canadian Charter of Rights and Freedoms*.

In his sworn affidavit, Mr. Peckford states: "What I find perhaps the most disturbing is that the federal government has mandated a two-tiered society where one group of people has

benefits while another group is disadvantaged. As a person who has chosen not to receive the new medical treatment, I am all of a sudden treated as an outcast, labelled a “racist” and “misogynist”, and as an undesirable person not fit to be seated with vaccinated people on an airplane ... The Covid-19 vaccinated are allowed to travel by airplane and to see their families and the unvaccinated are not. This is not the Canada I know and love, and this type of segregation causes me utmost sadness.”

In October of 2021, the federal government announced that anyone travelling by air, train, or ship, must have taken the requisite number of mRNA Covid shots (currently two).

The travel vaccination mandate has prevented approximately 6 million vaccine-free Canadians (15% of Canada’s population) from travel within Canada and prevents them from flying out of Canada. The evidence filed with the court shows how the Canadians involved in the lawsuit cannot travel to help sick loved ones, cannot get to work, cannot visit family and friends, cannot access health care outside of Canada, cannot take international vacations, and cannot 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.

The Federal Court has consolidated the Justice Centre action with three other similar cases, brought by other unrelated parties, asking for the travel ban to be ruled unconstitutional. All applicants have asked the Federal Court to hear the case on an expedited basis given the serious infringement on Canadians’ mobility and other rights. The parties have agreed to the following timelines, and hope to have the matter heard in September of this year at the latest:

March 11 – Service of Applicants’ Affidavits and Documentary Exhibits

April 25 – Service of Respondent’s Affidavits and Documentary Exhibits

May 16 – Completion of cross-examination on Affidavits

June 6 – Service and filing of Applicants’ Records

June 27 – Service and filing of Respondent’s Record

Fall 2022 – Hearing (proposed timeline)

“Canada is the only country in the developed world that bans unvaccinated citizens from air travel,” states Keith Wilson, Q.C., lead counsel on the case for the Justice Centre. Mr. Wilson adds, “Canada’s ban on unvaccinated flying is especially egregious given Canada is the second largest country in the world by landmass and Canadians have a far greater need to use air travel for work, family and health reasons than do the citizens of most other countries.”

“Our experts confirm that both the vaccinated and unvaccinated spread Covid. This means the government’s rationale for the ban on air travel is fatally flawed and there is no justification for the serious infringement on Canadians’ *Charter* rights,” notes Mr. Wilson.

“Our evidence refutes government claims that infringing the mobility, conscience, security and privacy rights of Canadians is justified,” states Justice Centre lawyer Allison Pejovic.

“Canadians have the right not to be discriminated against, and this *Charter* challenge seeks to enforce that right,” adds Ms. Pejovic.

The Justice Centre for Constitutional Freedoms is a non-profit national constitutional law organization funded by voluntary donations from concerned Canadians.

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