

Canadian Truckers Score Big Victory Over Trudeau in Federal Court

By [Michael Nevradakis](#)

Global Research, January 28, 2024

[Children's Health Defense](#) 24 January 2024

Region: [Canada](#)

Theme: [Law and Justice](#)

All Global Research articles can be read in 51 languages by activating the Translate Website button below the author's name (only available in desktop version).

To receive Global Research's Daily Newsletter (selected articles), [click here](#).

Click the share button above to email/forward this article to your friends and colleagues. Follow us on [Instagram](#) and [Twitter](#) and subscribe to our [Telegram Channel](#). Feel free to repost and share widely Global Research articles.

[New Year Donation Drive: Global Research Is Committed to the "Unspoken Truth"](#)

In a historic decision, [Canada's Federal Court](#) on Tuesday ruled the Canadian government's use of the [Emergencies Act](#) in 2022 to disperse truckers protesting the government's COVID-19 vaccine mandates was "unreasonable" and violated several articles of the [Canadian Charter of Rights and Freedoms](#).

The truckers, dubbed the "[Convoy for Freedom](#)," organized a [cross-country protest](#) beginning in January 2022, following a Jan. 15, 2022, order by the Canadian federal government mandating the vaccine for all cross-border U.S. and Canadian truckers.

In his [190-page ruling](#), **Justice Richard G. Mosley** said the government's invocation of the Emergencies Act "does not bear the hallmarks of reasonableness — justification, transparency and intelligibility — and was not justified in relation to the relevant factual and legal constraints that were required to be taken into consideration."

The court ruled that invoking the Emergencies Act infringed upon Section 2(b) of the Charter, which protects freedom of thought, belief, opinion and expression, and Section 8, which pertains to the right to be secured from unreasonable seizure.

Mosley, who [according to Global News](#) "is a 21-year veteran of the Federal Court and is a respected voice on national security legal matters," found that the [freezing of protesters' bank accounts](#) amounted to such seizure.

Arguments in the case were heard over three days in April 2023, [CTV News reported](#).

EMERGENCIES ACT INVOCATION DECLARED UNREASONABLE BY FEDERAL COURT!!!! pic.twitter.com/IGD6W44es2

Plaintiffs included the [Canadian Civil Liberties Association](#) (CCLA), the [Canadian Constitution Foundation](#) (CCF), Canadian Frontline Nurses and five individuals — two of whom “[had their bank accounts frozen.](#)”

According to [The Epoch Times](#), the plaintiffs “argued ... that the Liberal government did not meet the legal threshold to invoke the legislation in response to the protest.”

In a statement provided to [The Defender](#), attorneys for the Canadian Frontline Nurses said:

“We are proud to be the party that initiated the application to the Federal Court challenging the government’s invocation of the Emergencies Act in response to the Freedom Convoy protest.

“We are pleased that the Federal Court agreed with our position that the Trudeau government’s action in invoking the Emergencies Act was unreasonable and outside their jurisdiction and that it was a violation of Canadians’ rights and freedoms under the Charter.”

Tom Marazzo, a spokesperson for the Freedom Convoy and author of “[The People’s Emergency Act: Freedom Convoy 2022](#),” told [The Defender](#), “The ruling by Judge Mosley was a great victory for all who participated and supported the Freedom Convoy.”

Marazzo said:

“When the government overreaches, as the Provincial, Municipal and Federal governments did, it is up to the citizens to remind them that they work for us and that we determine the direction of Canada. Unfortunately, the political class in Canada see themselves as royalty and not as simple representatives.

“Judge Mosley also reminded the Liberal/New Democratic Party government that they don’t rule over Canadians with impunity.”

Marazzo was referring to Canada’s ruling government coalition led by **Prime Minister Justin Trudeau**.

Deputy Prime Minister and Finance Minister Chrystia Freeland, who attended [the annual meeting](#) of the [World Economic Forum](#) in Davos, Switzerland, last week, said the government will appeal the decision.

[According to the CBC](#), this may lead to “a legal battle that could go all the way to the Supreme Court of Canada.”

Ruling ‘a Rebuke’ to the Canadian Government

According to [The New York Times](#), The Freedom Convoy resulted in “encampments of trucks in the nation’s capital.” In response, and as the convoy reached Ottawa, Canada’s federal government invoked the Emergencies Act for the first time in its history on Feb. 14, 2022.

Tuesday’s decision is “the first instance of a court delivering a rebuke to Mr. Trudeau over

his handling of the protest,” the Times wrote.

According to CTV News, the government argued “that the national security risks stemming from the protests [justified its use.](#)”

CTV News reported that the act “allowed the federal government to enact wide-sweeping but temporary powers,” which CBC said included “extraordinary powers to remove and arrest protesters ... the power to freeze the finances of those connected to the protests [and] the ability to commandeer tow trucks to remove protesters’ vehicles.”

The Times reported that, under the act, “an enormous force of police officers from across the country finished clearing the streets” in Ottawa — an operation during which 230 protesters were arrested

The bank accounts of 257 Canadians were frozen under the act, [The Countersignal reported.](#)

Today's Federal Court decision is a powerful reminder to Canadians that the rule of law must be applied equally to all individuals, regardless of whether they are a protester or the Prime Minister. Upholding and protecting our democratic values requires us to adhere to the... <https://t.co/hLHox6QYgk>

— Eva Chipiuk, BSc, LLB, LLM (@echipiuk) [January 23, 2024](#)

CBC reported that the Canadian government “has long argued the measures it took under the Emergencies Act were targeted, proportional and temporary.”

But writer and blogger [Margaret Anna Alice](#), whose [writings](#) have focused on health, politics, mass control and propaganda, and who has written extensively about Canada’s [COVID-19](#) policies, told The Defender, “This single act of peaceful noncompliance triggered a cascade effect that dissolved the [mental enslavement](#) keeping the populace under the thrall of tyranny.”

“That is precisely what occurred as freedom convoys began erupting all over the world,” Alice said. “And yet, as this peaceful movement rose, so did the government’s tyranny.”

In his ruling, Mosley said he initially believed invocation of the Emergencies Act was justified as a response to an “unacceptable breakdown of public order,” but that the plaintiffs’ arguments swayed him.

“There was no national emergency justifying the invocation of the Emergencies Act and the decision to do so was therefore unreasonable and [ultra vires](#),” he wrote.

The judgement against the [#emergenciesact](#) is a catastrophic rebuke of Trudeau and his POEC. All he had to do was walk across the street and meet with [#Tamaralich](#) + [#ChrisBarber](#). Instead he chose to traumatize us with violence and tyranny. Trudeau must resign. [@thevivafrei...pic.twitter.com/bgDysDxyp3](#)

— Trish Wood (@WoodReporting) [January 23, 2024](#)

“Trudeau and his cabinet did not make even a single attempt to engage with the truckers. In blatant violation of the Canadian Charter of Rights and Freedoms, they leapt to invoking the Emergencies Act [without meeting the necessary threshold](#),” Alice said.

[Joanna Baron](#), plaintiff and CCF executive director, told the CBC the decision is a “huge vindication for many people.” In a [statement CCF provided](#) to The Defender, Baron said, “The invocation of the Emergencies Act is one of the worst examples of government overreach during the pandemic.”

[Christine Van Geyn](#), CCF’s litigation director, said the ruling is “a complete vindication of the position of civil liberties organizations who viewed the invocation of the Emergencies Act as illegal, unjustified and unconstitutional.”

Speaking to the CBC, [Noa Mendelsohn Aviv](#), executive director of the CCLA, said “Emergency is not in the eye of the beholder. [Emergency powers](#) are necessary in extreme circumstances, but they are also dangerous to democracy.”

CCLA attorney [Ewa Krajewska](#) told Global News, “I think it’s in the interest of this government and future governments and all Canadians that the threshold to invoke the Emergencies Act remains high.”

The ruling elicited reactions from across the political spectrum in Canada. [Pierre Poilievre](#), leader of the Conservative Party, the country’s main opposition party, tweeted:

BREAKING: Judge rules Trudeau broke the highest law in the land with the Emergencies Act.

He caused the crisis by dividing people. Then he violated Charter rights to illegally suppress citizens. As PM, I will unite our country for freedom.

Sign here to fire Trudeau and unite... pic.twitter.com/k7d9VxozCK

— Pierre Poilievre (@PierrePoilievre) [January 23, 2024](#)

[Jagmeet Singh](#), leader of the New Democratic Party, said his party “[reluctantly](#)” supported the invocation of the Emergencies Act, in remarks quoted by CBC.

Journalist and podcaster [Trish Wood](#) told The Defender, “The trucker protest was a classic class struggle [involving] citizens taking on the power elites and winning until government decided it had had enough,” adding that “This decision restores some power back to the people.”

Greg Hill, a captain with a major Canadian airline who was suspended in 2021 for not complying with [Canada’s vaccine mandate](#) and who subsequently became director of the [Free to Fly](#) advocacy group, told The Defender, “We certainly welcome the decision. The unjustified and unconstitutional use of the Emergencies Act resulted in grave professional and personal loss for thousands of Canadians — damage that’s ongoing.”

Internationally acclaimed novelist [Colin McAdam](#) attended the Freedom Convoy in Ottawa. He told The Defender “There are many things to be happy about with this decision, not least the declaration that the government acted illegally.”

“What is most encouraging is that the ruling upholds certain sections of our Charter of Rights and Freedoms, which has otherwise been a feckless document through the COVID years,” he said. “I like that it has been acknowledged in law that when people fight for their rights, those rights are paramount to inconvenience.”

[Alex Pattakos, Ph.D.](#), co-founder of the [Global Meaning Institute](#) and contributing writer for Psychology Today, is unvaccinated and was unable to travel while Canada’s vaccine mandates were in effect. He told The Defender invocation of the Emergencies Act was “a stain on Canada’s identity and history.”

“It’s a reflection of the Trudeau government’s fear of its citizens and a manifestation of a ‘totalitarian movement’ it has been advancing in the name of the public good,” he said.

Freezing Protesters’ Accounts an ‘Unreasonable Search and Seizure’

Mosley’s ruling referred to the freezing of hundreds of protesters’ financial accounts. In writing that this action violated Section 8 of the charter, Mosley said the government’s decision to freeze the accounts, even if for a “pressing and substantial” reason, was “not minimally impairing,” as “less impairing alternatives” were available to the government.

He added that freezing the accounts amounted to “unreasonable search and seizure of the financial information of designated persons” and infringed upon freedom of expression, “as they were overbroad in their application to persons who wished to protest but were not engaged in activities likely to lead to a breach of the peace.”

TD, Scotia, BMO, RBC et al froze the Accounts of Canadians because they didn’t fight back for their customers.

They didn’t fight for Canadians when they should have.

— Tom Marazzo (@TomMarazzo) [January 24, 2024](#)

This rejects arguments made by the Canadian government when the measures were invoked. [According to The National Post](#), federal lawyer [Timothy Huyer](#) claimed at the time, “The Emergency Economic Measures Order [does not seize any assets](#).”

Notably, Mosley’s ruling also found that the Canadian government’s action did not infringe upon people’s right to freedom of peaceful assembly.

Mosley did rule that the Canadian government was wrong in its application of the Emergencies Act, under which a national emergency can be declared only if the situation “cannot be effectively dealt with under any other law of Canada.”

“The act defers to the Canadian Security Intelligence Service’s [CSIS] [definition of such threats](#) [including] serious violence against persons or property, espionage, foreign interference or an intent to overthrow the government by violence,” CBC said.

Testimony heard by the [Public Order Emergency Commission](#), a public inquiry examining the invocation of the Emergencies Act, revealed CSIS did not believe the Freedom Convoy posed a threat to national security, The Epoch Times reported.

According to CBC, the inquiry, led by Justice [Paul Rouleau](#), heard from over 70 witnesses and reviewed more than 7,000 documents — and [found that Trudeau met the threshold](#) to invoke the Emergencies Act.

CBC reported that Rouleau determined, “Lawful protest descended into lawlessness, culminating in a national emergency.” However, he acknowledged that he did not consider the factual basis for the invocation “overwhelming” and added that “Reasonable and informed people could reach a different conclusion” from his.

In its defense, the Canadian government cited the seizure of a cache of weapons, body armor and ammunition in Coutts, a town in Alberta where the border with the U.S. was blockaded by truckers, according to CTV News, which added that four men are awaiting trial on charges of conspiring to murder Royal Canadian Mounted Police officers.

According to Global News, “Much of the Coutts blockade was cleared prior to the Feb. 14, 2022, declaration of a public order emergency, the first step in invoking the act.”

According to The Countersignal, less than a day before the invocation of the act, [Trudeau was told](#) by a national security adviser that there was potential for a “breakthrough” in talks with the Freedom Convoy protesters.

And according to an [investigation by Public](#), the Trudeau government used fake intelligence to frame participants in the Freedom Convoy as “violent extremists” and then shared the information with other “[Five Eyes](#)” countries.

Global News reported that “CCLA successfully argued that the existing laws of Canada were sufficient in dealing with the blockades and extraordinary powers granted by the Emergencies Act were not needed.”

In his ruling, Mosley wrote that “The harassment of residents, workers and business owners in downtown Ottawa and the general infringement of the right to peaceful enjoyment of public spaces there, while highly objectionable, did not amount to serious violence or threats of serious violence.”

“Sadly, the concept of a ‘state of exception’ is used by many governments today as the rule, not the exception, in order to transcend the rule of law, suspend freedoms and exercise what otherwise would be considered government overreach,” Pattakos said.

McAdam said what he observed during the protests in Ottawa was far from violent.

“When I was on Parliament Hill in the early part of the convoy, there was a beautiful feeling of celebration and togetherness,” he said. “As the weeks passed this dissipated. By the time the Emergencies Act was declared, the scene was more Orwellian. If I had simply stood on the Hill in those final days with a ‘placard,’ as the judge hypothesized, I could have been arrested and my bank account frozen.”

Tucker takes down Trudeau:

“We came to bring the fragrance of freedom to the rotting corpse of despotism.”

He says Canadians “have it in them to throw off the yoke of totalitarianism.”

👍👍👍👍❤️ pic.twitter.com/e4QLAjWQ3g

— Kat Kanada (@KatKanada_TM) [January 24, 2024](#)

Canadian Government to Appeal, ‘Convinced’ It Was ‘the Right Thing to Do’

At a press conference in Montreal on Tuesday, Freeland said the federal government will appeal Mosley’s decision, while according to CBC, **Justice Minister Arif Virani** cited the inquiry’s findings and said it “also informs our decision to appeal.”

“I would just like to take a moment to remind Canadians of how serious the situation was in our country when we took that decision,” Freeland said, in remarks quoted by CTV News. “The public safety of Canadians was under threat. Our national security, which includes our national economic security, was under threat.”

“It was a hard decision to take,” she said. “We took it very seriously after a lot of hard work, after a lot of careful deliberation. We were convinced at the time — I was convinced at the time — it was the right thing to do, it was the necessary thing to do ... I remain and we remain convinced of that.”

Sarah Choujounian, co-founder of the Canadian Frontline Nurses, told The Defender she was not surprised by the government’s reaction.

“We expected that they would appeal if they lost,” she said. “At the moment, we are not sure what this means for anyone affected by these measures. We hope that, in time, justice will be served. One thing is for sure, it will be much harder for anyone to impose the Emergencies Act in the future, and we see that as somewhat of a victory for now.”

Marazzo said the appeal “is yet another demonstration of the Liberal government’s hubris,” adding that “Unsurprisingly, the government is denying any accountability and plans to continue their abuse of Canadians with an appeal. Regardless, we need to remain steadfast and unmovable in working for a return to truth, principle and justice.”

In CCF’s statement, Van Geyn said that the government now has “a mountain to climb” after Tuesday’s ruling, adding, “We look forward to the fight.”

And in remarks shared with CTV News, University of Ottawa associate professor of criminology [Michael Kempa, Ph.D.](#), said the federal court’s decision is “legally binding” and “sets a legal precedent” — unlike the conclusion reached by the inquiry.

With today's court ruling, the Freedom Convoy has been vindicated. The abuse of power deployed by this current crop of politicians, requires full accountability.

Never forget what they did, but always celebrate the beauty in what forced them to do it.

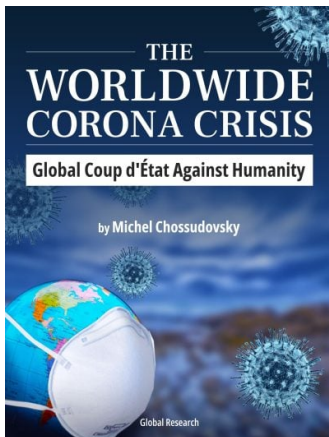
Keep on honking! pic.twitter.com/SNX3RHOyta

*

Note to readers: Please click the share button above. Follow us on Instagram and Twitter and subscribe to our Telegram Channel. Feel free to repost and share widely Global Research articles.

Michael Nevradakis, Ph.D., based in Athens, Greece, is a senior reporter for The Defender and part of the rotation of hosts for CHD.TV's "Good Morning CHD."

Featured image is from CHD



The Worldwide Corona Crisis, Global Coup d'Etat Against Humanity

by Michel Chossudovsky

Michel Chossudovsky reviews in detail how this insidious project "destroys people's lives". He provides a comprehensive analysis of everything you need to know about the "pandemic" — from the medical dimensions to the economic and social repercussions, political underpinnings, and mental and psychological impacts.

"My objective as an author is to inform people worldwide and refute the official narrative which has been used as a justification to destabilize the economic and social fabric of entire countries, followed by the imposition of the "deadly" COVID-19 "vaccine". This crisis affects humanity in its entirety: almost 8 billion people. We stand in solidarity with our fellow human beings and our children worldwide. Truth is a powerful instrument."

Reviews

This is an in-depth resource of great interest if it is the wider perspective you are motivated to understand a little better, the author is very knowledgeable about geopolitics and this comes out in the way Covid is contextualized. —Dr. Mike Yeadon

In this war against humanity in which we find ourselves, in this singular, irregular and massive assault against liberty and the goodness of people, Chossudovsky's book is a rock upon which to sustain our fight. —Dr. Emanuel Garcia

In fifteen concise science-based chapters, Michel traces the false covid pandemic, explaining how a PCR test, producing up to 97% proven false positives, combined with a relentless 24/7 fear campaign, was able to create a worldwide panic-laden “plandemic”; that this plandemic would never have been possible without the infamous DNA-modifying Polymerase Chain Reaction test – which to this day is being pushed on a majority of innocent people who have no clue. His conclusions are evidenced by renown scientists.
—**Peter Koenig**

Professor Chossudovsky exposes the truth that “there is no causal relationship between the virus and economic variables.” In other words, it was not COVID-19 but, rather, the deliberate implementation of the illogical, scientifically baseless lockdowns that caused the shutdown of the global economy. –**David Skripac**

A reading of Chossudovsky’s book provides a comprehensive lesson in how there is a global coup d’état under way called “The Great Reset” that if not resisted and defeated by freedom loving people everywhere will result in a dystopian future not yet imagined. Pass on this free gift from Professor Chossudovsky before it’s too late. You will not find so much valuable information and analysis in one place. –**Edward Curtin**

ISBN: 978-0-9879389-3-0, **Year:** 2022, PDF Ebook, **Pages:** 164, 15 Chapters

Price: ~~\$11.50~~ **FREE COPY!** [Click here \(docsend\) and download.](#)

We encourage you to support the eBook project by making a donation through Global Research’s [DonorBox “Worldwide Corona Crisis” Campaign Page.](#)

The original source of this article is [Children's Health Defense](#)
Copyright © [Michael Nevradakis, Children's Health Defense](#), 2024

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Michael Nevradakis](#)

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca
www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca

