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Thousands of protesters gathered on Ottawa's Parliament Hill and sang "O Canada" on Feb. 12, 2022. (Richard Moore/The Epoch Times)

## CANADA

# Constitutional Rights Group to Sue Ottawa Over 'Abuse of Government Power' in Invoking Emergencies Act

By [Andrew Chen](#) | February 27, 2022 Updated: February 27, 2022

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A constitutional rights group says it's suing Ottawa for invoking the [Emergencies Act](#) and freezing the financial accounts of several individuals who participated in the recent protests opposing the federal COVID-19 mandates.

The [Justice Centre for Constitutional Freedoms](#) (JCCF) said in a [Feb. 25 news release](#) that it has filed a constitutional challenge ([pdf](#)) against the feds on behalf of four Canadians, including two decorated military veterans and a retired police officer.

On Feb. 14, Prime Minister Justin Trudeau invoked the act to give the police sweeping additional powers to oust protesters from downtown Ottawa as well as demonstrators blockading several Canada-U.S. border crossings in solidarity with those at the national capital. Under the [public order emergency](#) declared on Feb. 15, financial institutions were also authorized to freeze the accounts of individuals and corporations suspected of being involved in the protest without requiring a court order.

The JCCF said it will proceed with legal action against what its president, John Carpay, describes as one of the “most egregious and disturbing, unnecessary, and unjustified power grabs” by a democratic government in his lifetime.

“The freezing of bank accounts is a gross abuse of government power, used to punish those who supported a peaceful protest for the return of Charter rights and freedoms that were taken away from Canadians 23 months ago,” Carpay said.

The protest began as a truckers’ initiative, dubbed “Freedom Convoy,” that was opposed to the federal government’s vaccine mandate requiring cross-border truck drivers re-entering Canada from the United States to be fully vaccinated against COVID-19 or face a 14-day quarantine. It soon expanded into a national movement as large truck convoys from different parts of the country made their way to Ottawa to stage a large-scale protest on Jan. 29, with many joining to call for an end to all COVID-19 measures and restrictions.

On Feb. 21, the House of Commons [voted to pass a motion](#) to approve the emergency measures. But as the Senate began debating whether to follow suit, Trudeau revoked the act on Feb. 23.

By that time, [at least 206 accounts](#) totalling \$7.8 million had been frozen due to support of the Freedom Convoy, Isabelle Jacques, assistant deputy minister of finance, said at a parliamentary Finance Committee meeting on Feb. 22.

The JCCF said it has engaged constitutional lawyers Brendan Miller of Foster LLP and Blair Ector of Ector Law to act on its behalf and on behalf of its clients. The centre will proceed with the court action as “a matter of public interest,” aiming to hold the government accountable for the decision to invoke the extraordinary powers that it said had infringed on Canadians’ charter rights and freedoms.

“The Justice Centre’s legal action will argue that the use of the Emergencies Act was unconstitutional and an excessive use of Executive Power, not authorized by the law in the circumstances,” the JCCF said.

Alberta Premier Jason Kenney, the Canadian Civil Liberties Association, and the Canadian Constitution Foundation [had each launched legal cases](#) earlier to challenge Ottawa’s invocation of the emergency measures. Following Trudeau’s revocation of the act on Feb. 23, all three said they would carry on with their court actions.

## **Military Veteran: ‘I Am Not a Terrorist’**

The JCCF said two of its clients had their bank accounts frozen under the Emergencies Act “without judicial authorization or a review process, using laws that normally only apply to terrorists and enemy nations.”

The JCCF news release provided details of the experience of Edward Cornell, 64, a retired Canadian Armed Forces warrant officer from New Brunswick who had gone to Ottawa to support the truckers’ protest on different occasions in January and February.

“I had zero beliefs or intentions about overthrowing the elected government of Canada ... my military record supports my belief in standing up for democracy and democratic rights all over the world,” Cornell told the JCCF.

Cornell was awarded a Medal of Bravery on June 15, 1987, in recognition of his heroism in hazardous circumstances during active duty in Cyprus, where he saved a man from drowning. He also served as an auxiliary officer with the Ontario Provincial Police from 2013 to 2015.

In a [sworn affidavit](#) that will be filed with the Federal Court, Cornell said the protests in Ottawa were “entirely peaceful” and “festive and friendly,” with people of all different backgrounds, races, and ethnicities participating.

During the protests, Cornell was asked to help liaise between the police and the protestors, yet his efforts resulted in his bank accounts and credit cards being frozen, the JCCF said.

“I was left in a very desperate situation and unable to pay any of my bills that were due during this time,” Cornell said, adding that the experience of having his bank accounts seized has been “traumatic.”

“I broke no law, yet the government seized my accounts and froze my hard-earned money. I am not a criminal. I am not a terrorist. I am a retired Canadian military veteran who honourably served his country ... I feel betrayed by my own government,” he said.

The JCCF said the four applicants it is representing have asked the Federal Court to find Trudeau’s declaration of a national emergency to be “unconstitutional, unjustified, and unauthorized by law.”

It noted that in order to declare a public order emergency, the situation must amount to a “threat to the security of Canada,” which includes “acts of serious violence against persons or property for the purpose of achieving a political, religious, or ideological objective within Canada.”

“This court action argues that there were no grounds or facts to support the existence of a real national security threat to Canada when the declaration was made,” the JCCF said.