



Alberta court strikes down public health orders that violated Charter freedoms

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CALGARY, ALBERTA: The Justice Centre for Constitutional Freedoms is pleased with the Court of King's Bench of Alberta's decision to invalidate the public health orders of Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH), in Ingram v. Alberta. The court struck down these lockdown measures because they were effectively issued by Cabinet

rather than by the CMOH. Dr. Hinshaw testified at trial that politicians were the final decision-making authority, and that she merely provided advice and recommendations.

With these health orders having been invalidated, it is expected that Crown prosecutors will need to withdraw charges against Ty Northcott/ Northcott Rodeo Inc., Pastor James Coates of Grace Life Church of Edmonton, Pastor Tim Stephens' church, Fairview Baptist Church, and others.

The court's ruling also confirms that lockdowns did violate Albertans' fundamental freedoms of conscience, religion, association, and peaceful assembly protected in the *Canadian Charter of Rights and Freedoms*. In this court action, the Alberta government produced no comprehensive studies, reports or data analyzing lockdown harms. Without any comprehensive cost-benefit analysis, Justice Barbara Romaine nevertheless concluded that lockdowns were justified violations of *Charter* freedoms because they produced more good than harm.

Using the slogan "two weeks to flatten the curve," the Alberta Government first declared a public health emergency in March of 2020, after which various *Charter* rights and freedoms were violated during the next two years. When Rebecca Ingram and other applicants filed their court action in December of 2020, the Alberta government had already been restricting Albertans' rights to associate freely, assemble peacefully, and practice their religious beliefs for almost nine months. This was the first court challenge to lockdown measures in Alberta. In spite of *Charter* freedoms having already been violated for almost nine months, the court granted the Alberta government's request to delay presenting its evidence until July of 2021.

In April 2022, Dr. Deena Hinshaw was cross-examined about what expert information she had at the time that these public health decisions were being determined. Dr. Hinshaw was specifically asked whether she was aware of any evidence of harms to elementary school children from being compelled to wear masks. Under oath, Dr. Hinshaw

said no. Yet the court's ruling in another case, *C.M. v. Alberta*, has revealed that Dr. Hinshaw did receive information about how children could be harmed by mandatory mask-wearing. A February 7, 2022 memo sent to Premier Jason Kenney, on which Dr. Hinshaw was copied, stated that masks can disrupt learning and interfere with children's social, emotional, and speech development by impairing verbal and non-verbal communication, emotional signaling and facial recognition. Nevertheless, the Court dismissed an interlocutory application to compel Dr. Deena Hinshaw to re-attend court for further cross-examination.

"Significant injustice has taken place in the past three years under these draconian public health measures. We are hopeful this ruling will mean the withdrawal of charges against Pastor James Coates, Fairview Baptist Church, Ty Northcott, and other courageous citizens who refused to comply with unjust and utterly unscientific measures," states John Carpay, President of the Justice Centre.

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