



Written by [James Murphy](#) on October 28, 2022

Canadian Court Dismisses Lawsuit Against Travel Vaccine Mandate as “Moot”

In January, Brian Peckford, an historic figure in Canadian politics, along with others launched a lawsuit against Canada’s federal government alleging that a federal travel ban targeting Canadians who had not been vaccinated against Covid-19 was contradictory to Canada’s Charter of Rights and Freedoms.

The ban prevented unvaccinated Canadians from boarding planes or trains to travel and, reportedly, affected millions.

Last week, Associate Chief Justice Jocelyne Gagné announced that the Federal Court would not hear the case, calling it “moot.”

The Justin Trudeau government first imposed the mandate in October 2021 by order-in-council. Although they suspended the mandate on June 20 of this year, they made it clear that it could reappear quickly should the need arise.

A press release from the government [stated](#) that they would not hesitate to reimpose travel restrictions should they feel the need:

The Government of Canada will not hesitate to make adjustments based on the latest public health advice and science to keep Canadians safe. This could include an up-to-date vaccination mandate at the border, the reimposition of public service and transport vaccination mandates, and the introduction of vaccination mandates in federally regulated workplaces in the fall, if needed.

Given the government’s threat to reimpose the draconian mandate, how can the judge simply call the case against it moot and dismiss it?

Peckford, a former premier of Newfoundland, is the last living signer of the Charter of Rights and Freedoms, often referred to as simply “the Charter,” and he believes that the Trudeau government went way too far when it banned airplane and train travel for Canadian citizens who refused to receive the experimental Covid-19 vaccines.

It’s not as if it’s just some “nobody” suing the government for a breach of the Charter — it’s an actual signatory of the Charter suing the government for violating the Charter. Yet, Canadian media has barely touched the story.

[Said Peckford:](#)

It is becoming more obvious that being vaccinated does not stop people from getting Covid and does not stop them from spreading it.... The government has not shown that the policy



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makes flying safer — it simply discriminates....

When I heard Prime Minister Trudeau call the unvaccinated “racists,” “misogynists,” “anti-science” and “extremist,” and his musing, “do we tolerate these people?” it became clear he is sowing divisions and advancing his vendetta against a specific group of Canadians.... This is completely against the democratic and Canadian values I love about this country.

The federal travel ban has segregated me from other Canadians. It’s discriminatory, violates my Charter rights and that’s why I am fighting the travel ban.

The attorney for Peckford and the others challenging the travel mandate is Keith Wilson. Speaking to [Viva Frei](#), Wilson laid out reasons why the challenge is still valid, even though the government has — possibly temporarily — suspended it:

The reason is that, first of all, I think our Charter rights are fundamentally important, basic human rights and freedoms are critically important to live a successful and a good life....

Either the institution is real or it’s corrupt. And, in my view, the best way to reach the proper conclusion about that is to bring carefully crafted, properly founded, procedurally accurate Charter challenges before the court....

We need to give the court a chance to prove itself as a worthy institution, or we need to allow the court to expose itself as a corrupt institution. Because it’s only through that exposure that reform can occur.

Wilson and his team claim to have 15,000 pages of evidence to bring before the court for a case that Associate Chief Justice Jocelyne Gagné simply labeled “moot.” Gagné still owes the litigants a reason for her judgment.

Among the other litigants joining Peckford is Maxime Bernier, leader of the People’s Party of Canada. “Usually, when you have a decision from the court, you have the decision but also you have all the arguments and why the judge decided like they did,” he said. “Right now what the judge gave us, it’s only one page saying, you know, ‘I’m with the government, that case is moot, and you will receive my arguments maybe within ten days.’”

Regardless of what Gagné’s arguments ultimately say, Peckford, Bernier, and Wilson promise to appeal the decision.





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