



Written by [James Murphy](#) on January 26, 2024

Judge: Trudeau's Use of Emergencies Act Against Truckers Convoy Not Justified

A federal judge in Canada has concluded that Prime Minister Justin Trudeau's use of the nation's Emergencies Act in 2022 to address the convoy of truckers that descended upon Ottawa to protest the government's draconian Covid-19 policies was unreasonable and infringed upon the Charter rights of Canadian citizens.

For the first time in Canada's history, Trudeau invoked the Emergencies Act in February of 2022 after a trucker convoy arrived in Ottawa, the nation's capital, causing gridlocked streets and panic in Parliament, as the city and Canada's ruling elite struggled to cope with the protests. The Emergencies Act allowed the protesters to be removed by force and permitted the government to freeze bank assets of protesters and protest organizers.



Veronic Gagnon/Wikimedia Commons
Canadian truckers' Freedom Convoy, January 2022

However, Federal Court Justice Richard Mosley [ruled](#) that Ottawa's use of the Emergencies Act did not bear "the hallmarks of reasonableness — justification, transparency and intelligibility." Mosley further ruled that the invocation was "was unreasonable and led to infringement of Charter rights not justified under section 1...."

The Trudeau government plans to appeal the decision.

In Mosley's mind, although the protest "reflected an unacceptable breakdown of public order," there "was no national emergency justifying the invocation of the Emergencies Act."

"Emergency is not in the eye of the beholder. Emergency powers are necessary in extreme circumstances, but they are also dangerous to democracy," the Canadian Civil Liberties Association (CCLA), one of the organizations challenging the invocation, declared in a [press release](#). "They should be used sparingly and carefully. They cannot be used even to address a massive and disruptive demonstration if that could have been dealt with through regular policing and laws. The threshold for invoking the Emergencies Act is extremely high. The government must demonstrate that there is an emergency arising from threats to the security of Canada and that that emergency truly has a national scope. The Federal Court agreed that this threshold was not met."

Another organization challenging the Emergencies Act invocation, the Canadian Constitution Foundation (CCF), claimed the Mosley's ruling was a "huge vindication for many people."

"The judge also mentioned that economic disruption cannot form the basis for the invocation of extraordinary measures such as those contained in the Emergencies Act, which I think would lead to a very disturbing precedent across Canada, for example in the event of labour strikes and disruptions,"



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said CCF's executive director Joanna Baron.

Trudeau initially invoked the Emergencies Act on February 14, 2022, during the height of the protests. He then abruptly called an end to whatever emergency was declared 10 days later, saying that "the situation is no longer an emergency."

While the Emergencies Act was in effect, Canadian police reportedly used [brutal](#) measures to clear the streets, including the [trampling](#) of one woman by officers mounted on horseback.

The government claimed that an incident that occurred at the border crossing village of Coutts, Alberta — in which the RCMP reportedly seized a cache of weapons and ammunition — was a main reason for the invocation. Judge Mosley disagreed.

"The potential for serious violence, or being unable to say that there was no potential for serious violence was, of course, a valid reason for concern," Mosley wrote. "But in my view, it did not satisfy the test required to invoke the Act, particularly as there was no evidence of a similar 'hardened cell' elsewhere in the country, only speculation, and the situation at Coutts had been resolved without violence."

Perhaps no other Emergencies Act measure caused more consternation than the freezing of bank assets of convoy participants. Although Mosley saw the reason for the action, he found that the government was overly broad in its application of the tactic.

"I agree with the [the government] that the objective was pressing and substantial and that there was a rational connection between freezing the accounts and the objective, to stop funding the blockades. However, the measures were not minimally impairing," the judge wrote. The government was "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."

Mosley also concluded that "by permitting unreasonable search and seizure of the financial information of designated persons and the freezing of their bank and credit card accounts," the government again violated the Charter rights of the protesters.

In the end, Mosley's decision comes two years too late for the many Canadians affected by the Liberal government's draconian dictate. While in time, should Mosley's decision hold, some may be made whole again financially, they'll never be able to forget the way in which their government violated them because of a fraudulent dictate.



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