

Canada

Judge rebukes Trudeau for ‘not justified’ use of Emergencies Act to break convoy

Canadian court rules government was ‘unreasonable’ when it used sweeping powers to block truckers protesting against Covid rules



📷 Protesters against the Covid measures in Ottawa in February 2022. Photograph: Justin Tang/AP

Leyland Cecco in Toronto

Tue 23 Jan 2024 14:57 EST

A Canadian court has ruled that Justin Trudeau’s government was not justified when **it used sweeping powers** to break up what the prime minister called “illegal and dangerous” protest blockades across the country two years ago.

A federal court found on Tuesday the government’s invocation of the Emergencies Act in response to the so-called freedom convoy **protests** “was not justified in relation to the relevant factual and legal constraints that were required to be taken into consideration”.

In his decision, Justice Richard Mosley **wrote** that the move was “unreasonable” and led to infringement of Canada’s charter of rights and

freedoms.

In February 2022, [truckers and their supporters occupied Ottawa](#), the Canadian capital, for nearly a month in a protest over public health orders related to the coronavirus pandemic. Protesters also blockaded key border crossings with the US.

Trudeau responded by invoking the 1988 Emergencies Act [for the first time in Canada's history](#), granting the federal government sweeping powers, including the ability to ban gatherings at certain locations and stop crowdfunding efforts to support the protest.

The prime minister said the measures would be time-limited and only apply to specific geographic regions. “We are not preventing the right of people to protest legally,” he said, adding that the military would not be deployed. “The act is to be used sparingly and as a last resort.”

A public inquiry in February last year found that the government acted appropriately when it invoked the Act.

But the Canadian Civil Liberties Association (CCLA) and the Canadian Constitution Foundation applied for a judicial review, arguing the government's use of the Emergencies Act breached the country's charter of rights and freedoms.

Ewa Krajewska, the lawyer for the CCLA, acknowledged before the federal court's decision that for many the protests and the government's moves to break them up were a “distant memory”.

“But when the act can be invoked is important,” [she wrote](#).

The federal court's decision is meant to give clarity to when future governments might invoke the act, but the ruling was quickly pounced on by Trudeau's political rivals.

“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,” the Conservative leader Pierre Poilievre, who met with protesters during the convoy, [posted on social media](#).

The Conservatives are currently polling far ahead of Trudeau's Liberal party ahead of an expected election next year.

In his decision, Justice Mosley admitted he had more information at his disposal than government officials had when they made the controversial decision. But he nonetheless found Trudeau's government lacked sufficient justification.

Following the court's decision, Chrystia Freeland, the deputy prime minister, said the federal government would appeal the court ruling, adding the government stands by its decision to invoke the act.

"The public safety of Canadians was under threat, our national security, which includes our national economic security was under threat," she said. "It was a hard decision to take."

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