



NATIONAL CITIZENS INQUIRY

Quebec, QC

Day 3

May 13, 2023

EVIDENCE

(Translated from the French)

Witness 9: Luc Harvey

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[00:00:00]

Samuel Bachand

Hello, my name is Samuel Bachand. I've been appointed to act as Inquiry counsel for your examination, Monsieur Luc Harvey. Please spell your name in full.

Luc Harvey

Luc L-U-C, Harvey H-A-R-V-E-Y.

Samuel Bachand

I will now swear you in. Monsieur Harvey, do you swear to tell the Inquiry nothing but the truth?

Luc Harvey

As usual, yes.

Samuel Bachand

So Monsieur Harvey, you're here to tell us about your experience and research in a legal case that began before the Court of Quebec in connection with the application of the *Youth Protection Act*. One of the parties called on you at the appeal stage, is this correct?

Luc Harvey

Exactly.

Samuel Bachand

So that you could help him gather evidence—new evidence— in this case, both as a researcher and thanks to your skills and experience as an investigator, correct? For the purposes of the court case?

Luc Harvey

Exactly.

Samuel Bachand

So you're here with us to explain a little bit about your career path, the obstacles you've encountered along the way, and what you've found.

Luc Harvey

Okay. Quite simply, to begin with, when you go before a judge, you have to have evidence. Part of the evidence is often based on documents or reports produced by specialists—or expert witnesses, as they say. The difficulty was that my friend had something like ten days to accumulate or find expert witnesses. In fact, he had found Dr. René Lavigueur, who had been willing to work with him; and two days later, René Lavigueur informed him that he could no longer speak to him and that he would not even be responding to emails. So my friend was left with no one to back him up in court.

This is where I came in. Yes, I'm an investigator for an international organization, but I'm also a former federal MP so I have a pan-Canadian network. I've also worked with international organizations based mainly in Europe and Eastern Europe; I've been working in Eastern Europe, the Middle East, and Africa for almost six years. So I have a relatively interesting and extensive international network.

In this instance, I quickly managed to recruit Monsieur Steven Pelech at the University of British Columbia, who was willing to become an expert witness in the case. He was the first expert witness. The second expert witness who was willing to come on board was Monsieur Eric Flaim from the University of Alberta.

Samuel Bachand

I'm going to stop you there. In fact, I'm going to slow you down a little, asking you for the contribution you envisaged for each of these experts.

Luc Harvey

Pardon?

Samuel Bachand

The contribution you had in mind: What were these experts you're listing going to say, one by one?

Luc Harvey

Well, it was about finding someone who had the capacity to ask, "Was vaccinating a child worthwhile? Were there any real gains?"

Samuel Bachand

Okay.

Luc Harvey

Because there are advantages and there are disadvantages. And what the governments of Quebec and Canada had produced via the INSPQ [Institut national de santé publique du Québec – public health] was too simplistic for making such a decision. So we went looking for international specialists, people who were indisputable in the debate. So Dr. Flaim’s and Dr. Pelech’s objective was to define: “Was the vaccination of a child valid and safe?” and “Was there a benefit?” That’s what’s in the document here in front of me; it’s over 150 pages long.

Samuel Bachand

Do you perhaps have a reference, a title, anything that could direct the commissioners to these documents or to these experts when they consult the case you’ve just told us about if necessary?

[00:05:00]

Luc Harvey

Yes, of course. I could give it to you privately but I can’t make it public. Given that the child has a disability, there are restrictions on publishing information publicly; it can be given to specialists or commissioners but I won’t be able to share it publicly.

Samuel Bachand

I understand. So we’ll see to that later. Continue.

Luc Harvey

But I have documents here. I can confirm that they’re original and there’s no doubt about that.

Samuel Bachand

Okay, continue.

Luc Harvey

The third specialist we’ve brought on board is Alexandra Henrion-Caude. Madame Caude is a specialist in clinical studies. So Madame Caude pointed out the biases surrounding how the COVID vaccine had been given special authorization for use in the population. There were in fact 15 major biases that would have forced the study to be repeated: just one would have been enough. And the study published by Pfizer alone had 15 of them. In spite of this, the vaccine was authorized for use in the general population. So that’s what Madame Henrion-Caude’s report says.

Other specialists we went looking for later—who are not a part of the proceedings filed with the Supreme Court—were added: people like Christian Perronne and Astrid Stuckelberger. They were participants in the case filed with the Supreme Court, should it be heard by the Supreme Court.

Samuel Bachand

And what contribution are they expected to make in terms of themes and subjects?

Luc Harvey

So it was a matter of finding the specialists and getting their consent to participate and debate the appropriateness of vaccination at the Supreme Court. And the basis on which the report was submitted to the Supreme Court was very simple: the ability to ask questions, the ability to get answers, the ability to have a debate; in other words, a full and complete defence and a fair and equitable trial.

Samuel Bachand

Very good. So just for future reference, perhaps when you say “to the Supreme Court,” it is that there would have been an application for leave to appeal to the Supreme Court in this case file?

Luc Harvey

Exactly.

Samuel Bachand

Okay. That was ultimately denied?

Luc Harvey

That was eventually denied. The debate was denied.

Samuel Bachand

All right. Could you take a look at the proceedings and give us the number of the case you intervened in, I mean the docket number?

Luc Harvey

I'll give you that at the end, too. I won't make it public for the sake of protecting the identity of the child and the father, but I'll be able to provide it without any problem. I have the document here.

Samuel Bachand

Very good. So at this point, I'll let the commissioners ask any questions they may have.

Luc Harvey

I've got a copy of the document here, so I'll be able to supply it, no problem.

Samuel Bachand

From a distance, I'm guessing it's the Supreme Court decision—

Luc Harvey

Refusal.

Samuel Bachand

—dismissing the application for leave to appeal, correct?

Luc Harvey

The rejection, yes.

Samuel Bachand

Very well. Do the Commissioners have any questions?

Commissioner Massie

Hello, Monsieur Harvey. If you can shed some light on this case: Did you take any previous steps before ending up in the Supreme Court?

Luc Harvey

Yes.

Commissioner Massie

And now that you're basically blocked from filing or arguing your case in the Supreme Court—I don't know the judicial system—are there any other appeals, or is this the end of the road?

Luc Harvey

Well, we reached the end with a question we sent to CIUSSS [Centre intégré universitaire de santé et de services sociaux - Integrated university health and social services centre], which was simple: "Do you still intend to [vaccinate the child]?" Because in the entire proceeding, when we submitted our documents, CIUSSS responded with a two-page document.

[00:10:00]

CIUSSS's two main arguments were that, since the child had already been vaccinated once, the debate was moot, despite the fact that the vaccination had been given during the proceedings. So there was an issue of contempt of court over the child's vaccination; but it was secondary. And the second reason—

Samuel Bachand

When you simply say "there was contempt of court," was there a request for a declaration of contempt of court?

Luc Harvey

Yes. It was during the proceedings.

Samuel Bachand

Was there already a pronouncement or notice of contempt of court?

Luc Harvey

Yes because when we went to appeal—rather anecdotally—they didn't expect us to have specialists and expert witnesses. So we arrived with our three witnesses: Pelech, Flaim, and Henrion-Caude. And they said, "Oh, listen, can you give us a week to look at all of this and then come back?" We were pleased and said: "Okay, no problem." And two days later, our lawyer told us that they had already vaccinated the child. That was the first vaccination, and that was during the procedure. And after that—

Samuel Bachand

So just to make sure we understand, at that point you had already indicated to your opponent and to the court that you intended to ask for permission to produce new evidence at the appeal stage, right?

Luc Harvey

Yes. Well, yes, that's right. We were arriving for the first time with specialists.

Samuel Bachand

Which once again means that when you introduce new evidence on appeal, you need permission?

Luc Harvey

Yes.

Samuel Bachand

Because normally on appeal, no [new] evidence is presented. We use the evidence that was presented in the first hearing, right?

Luc Harvey

Yes.

Samuel Bachand

So you were taking steps to reopen and improve the evidence.

Luc Harvey

To enhance the evidence.

Samuel Bachand

So when you signalled this intention with the names of experts to back it up, the result was as you've just described?

Luc Harvey

They asked for a seven-day delay to analyze what we had, which we granted: no problem, no stress. And two days later the lawyer—I don't know, he was from the Centre jeunesse

[Youth Centre] or the CIUSSS—informed our lawyer that the child had been vaccinated after all. That had happened during the process. And well, then there were debates and everything. We decided to go to the Supreme Court too to resubmit the file. What was filed with the Supreme Court, here, was our complete file, with the questions I mentioned earlier: the right to debate, right to question, right to answer, and everything. It was denied. So that's it.

Commissioner Massie

So my question is: Is this the end of the line? From this point on, is there no other recourse?

Luc Harvey

They said that since the child had already been vaccinated once, the debate was moot; that's the argument they sent to the Supreme Court. The question we asked the Centre jeunesse and the CIUSSS: "Do you still intend to vaccinate the child?" So they were stuck. If they replied: "No, we have no intention of vaccinating the child," we win without being flashy, but we win all the same and without debate because the child is not vaccinated.

And if they answer "yes," well, we'll be able to go back to the Supreme Court and say that they lied to the Supreme Court by saying that the debate was moot because the child was already vaccinated. So they're in a bit of a catch-22 situation. Whether they answer "yes" or "no," it's pretty much the same thing for us. And so to date, we still haven't had an answer and I don't think we're going to get one either.

Samuel Bachand

I understand that what you're revealing or disclosing to us today, up to a point, has been authorized in full by the party you've been working with, has it not?

Luc Harvey

I don't understand your question.

Samuel Bachand

What you're telling us about the file and the party you helped, did they give you permission to tell us about it?

Luc Harvey

Yes, of course.

Samuel Bachand

Okay, that's good.

Luc Harvey

There's no problem with that, we're working very closely on this. The boy isn't my son but emotionally, he's really special to me. I always want to say his name because to say "the child" or whatever— But I can't. So it's not easy.

[00:15:00]

Listen, I have seven children, so I'm someone who's very open to children and all that. I understand the energy. I understand emotionally what it can mean to be a father in this circumstance. And the other thing is that to put pressure on the father, to take revenge on him—today, he doesn't even have the right to see his son. All his rights have been taken away.

Samuel Bachand

Perhaps you could go back a bit and tell us what happened initially, and then afterwards?

Luc Harvey

Okay. I have to tell you that before we met, I had planned to provide a history, but then we changed things a little bit.

So during the proceedings, they even sent a letter to the Supreme Court saying, "Listen, wait before you make a decision because the father is going to lose his rights over his child." They sent that to the Supreme Court! The institution itself is sending this to the Supreme Court in collaboration with the mother. So you understand the level of malice, the level of sentiment—

Samuel Bachand

I don't think it's necessary to lend intentions.

Luc Harvey

No, but that's the level— To have believed in the government—

Samuel Bachand

Go ahead, be factual. The Commission is capable of noting for itself.

Luc Harvey

Yes. So I'm going to avoid giving opinions. And this withdrawal of his relationship with his son gradually [worsened]. At first he could go out, but not out of the parking lot. Imagine, the child is in a youth center with children much more severely behaviourally challenged than him, so it's very noisy. For him, getting time away from the youth center is a moment of respite. So the child was allowed to walk around the parking lot. He likes to drive around in the car, so the father parked the car, backed up, drove ten meters, parked the car again, backed up, parked the car again, backed up, parked the car again. Imagine a child with the mental age of five or six saying to his father, "Dad, what's going on?" He himself found the situation so crazy that he couldn't understand what his father was doing, continually parking and moving the car.

After that, he was limited to visiting his son only in the Youth Center, under supervision. And now all his visits have been taken away. He cannot see him anymore; they just talk on the phone. That's the situation. Emotionally, imagine that you love your son, you love your daughter, that you're doing everything legally possible. And one of the things my friend is being criticized for is having questioned his son's vaccination against COVID—having

questioned it, raising questions about it, wanting to debate the subject. Emotionally, it's very heavy, even for me, even if it's not my son. And that's terrible. It's terrible that a government would do that to its citizens. I'm sorry, I'm a former politician and I'm ashamed to see what's happened today. I'm ashamed, deeply ashamed and disappointed to watch all these institutions. In the national anthem, where it says, "*protégera nos foyers et nos droits*" ["will protect our homes and our rights"], and in English, "on guard for thee,"— Okay, they've taken that away from us.

Samuel Bachand

Do the Commissioners have any further questions?

Commissioner Massie

Well, I'm still a little confused about what comes next. You seem to be at an impasse in terms of the development of legal remedies. But you mentioned that if there was a clear expression from the organization where the child lives not to proceed with further vaccinations, at that point, would that satisfy your friend given the circumstances?

[00:20:00]

Luc Harvey

We would win by default.

Commissioner Massie

But you have reservations about this eventuality? You don't know what's going to happen?

Luc Harvey

We don't have the answer. They could just as well vaccinate him without telling us. We don't know. My friend isn't even allowed to see his son anymore. You have to understand, they have gone too far; they have gone very, very, very far.

Commissioner Massie

And you wonder that if ever there were other vaccines administered—?

Luc Harvey

Other versions or a new wave, or whatever.

Commissioner Massie

The argument that the Supreme Court uses to say that it's moot would be null and void at that point?

Luc Harvey

Listen, even the child's lawyer— Since the child is in the DPJ [Direction de la protection de la jeunesse – Youth Protection], he can't make decisions for himself. He has a lawyer who is paid by the state, who is hyper pro-vaccine. And everyone's holding hands and saying:

“Yahoo, let’s vaccinate!” So that’s what’s been happening all along. They’ve been vaccinating everyone with enthusiasm. So today, we’re waiting to see how they respond. And so after all, we now have other information; we would have another way of going about things. But I have to tell you that the average success rate of anyone who wanted a debate on COVID is an absolutely zero. Despite the fact that we arrive with concrete evidence, no one wants to listen.

And I have a document here that might be of interest. It comes from the Ministère de la Santé et des Services sociaux [Ministry of Health and Social Services]: a letter addressed to Monsieur Mauril Gaudreault, President of the Collège des médecins [College of Physicians]. This was posted on the Ministry of Health website—I have the proof here—on September 17, 2021. The Ministry of Health informs the Collège des médecins that if any person in the health field requests an exemption, it will be thoroughly analyzed to ensure that no one is able to request a, quote, “unnecessary” exemption. So I have this document here with the screenshot. The Collège des médecins has been informed by the Ministry of Health that there will be no exemptions.

Samuel Bachand

Would the Commissioners like the document to be quoted separately?

Commissioner Massie

I think it would be easier to locate that way.

Samuel Bachand

So we’ll assume it’s QU-7: Exhibit QU-7. QU, capitalized, dash 7. We’ll set it aside.

Luc Harvey

So I’ve got that here. And here’s another document I’d like to share with you. This is from my good friend, Daniel Brisson, who works with me on this file: it’s a coroner investigator’s report. It’s an autopsy report where the coroner clearly says, “There is a substance detected in the blood. However, given that the results must be taken with circumspection as there may be an appearance or overestimation of the substance in the case of death, it will therefore not be mentioned in this report.” So a substance has been found; we don’t know which one; we don’t know if that’s what killed him, but we won’t talk about it all the same.

Commissioner Massie

Which case are we talking about here?

Luc Harvey

The deceased is Monsieur Pierre Paquette.

[00:25:00]

Samuel Bachand

The Paquette family gave you permission, is that right?

Luc Harvey

The Paquette family didn't just authorize us, they asked us—in memory of their father, brother, and husband—to file this so that if his death serves any purpose, it will serve the Inquiry or whomever. So an unknown substance appears in his blood, we don't know if it's what killed him or not, but we won't talk about it. Whereas a spectrometer can tell us what a flower from Brazil is made of.

Samuel Bachand

I propose to the Inquiry that this document be quoted separately.

Luc Harvey

[Exhibit] QU-8. Okay, it's done.

Samuel Bachand

In the course of your research, you came across information about a person involved in some of the work of the World Economic Forum, did you not?

Luc Harvey

Yes.

Samuel Bachand

I don't know if it's displayed on the screen or if you have it on your computer?

Luc Harvey

Of course. It's Madame Renée Maria Tremblay, Deputy Executive Legal Officer to the Chief of Justice of Canada, Supreme Court of Canada. I would like you to take note of this and read all the good things that are written about this lady, her influence with the Supreme Court and, above all, the arrogance that these people can indulge in.

Samuel Bachand

Listen, I'd like you to stay on the facts. So you're establishing a link, I believe, between a person and an institution, or two institutions.

Luc Harvey

Let's just say that Madame Tremblay is someone the [World] Economic Forum prides itself on having very close to them. As you'll read the whole thing, I won't comment further. But Madame Tremblay is perhaps just the tip of the iceberg of the meddling that a group like the World Economic Forum does within our institutions.

Our institutions have failed—and I'm speaking as a politician here—our institutions have failed.

Samuel Bachand

Does the Commission wish to mark the document separately? Yes, so it will be [Exhibit] QU-9.

Luc Harvey

Well, I don't mind, but this is on the computer.

Samuel Bachand

We'll print it together. That's not too much to ask. Any further questions?

Commissioner Kaikkonen

Bonjour. [In English] I'm not sure I have a question, I just have an observation, but maybe I can turn it into a question. When we think of the Supreme Court, we think of people with dissenting voices or various voices or diverse perspectives— Kind of like if you put seven people in a room and you have a bowl of jelly beans. As to which colour they're going to go take, some people might take two and some people might take different colours. And I'm sitting here wondering about family law. That's been an increasingly large industry for a long time over the years. I can go back in decades to see where family law has gone to.

But how does anybody get a fair and objective judicial decision if everybody is taking the same colour of jelly bean, or they're coming from the very same one-mind perspective that we've already seen across the world? I just wonder, even if you get into the Supreme Court, how does somebody, getting to that point, going through all the levels of law, finally get a decision that is fair and objective? Maybe that's my question.

Commissioner Massie

I'll try to summarize the question.

[00:30:00]

Janice mentioned that, to take an example, if you had [seven people in a room with a bowl filled with] "jelly beans"—I don't know how to say it in French; we understand each other— in the end, the people in the same room are concentrating on just one colour. No other colours are allowed. This raises the question of whether we won't have unanimity when examining the cases, which will mean that if we don't look at the different perspectives in the end, isn't there a risk that justice won't be exercised as wisely?

And so, I think if we return to the question: Do we have a challenge or an issue in terms of the practice of justice, starting from the level of the lower courts all the way to the Superior Court, if we systematically use the same approach—the same colour—without leaving room for other versions, if I've understood correctly?

Luc Harvey

If I understand the question correctly, as I said at the beginning: yes, I'm a former politician, a former federal MP. I'm an investigator, but I'm also on the UNF [United Nations Foundation], which is a small organization recognized by the United Nations for the protection of human rights. So when the question was filed with the Supreme Court for debate, I, on the other hand, sent a letter to the Supreme Court as UNF's ambassador to

Canada, saying: “What is your view on the loss of rights and freedoms, on COVID, on everything that’s been done, the truckers, the right to demonstrate, all that? What is your point of view on that?”

To my great surprise—because in total, I had sent some twenty letters and only got three replies—the Supreme Court responded by saying: “Please note that all decisions regarding measures and precautions with regard to COVID-19 in Canada are made by the federal and provincial governments. The Supreme Court of Canada can only consider appeals of decisions made by the highest courts of the provinces and territories, as well as by the Federal Court of Appeal and the Court Martial Appeal Court of Canada. To date, the Supreme Court has not rendered any decisions related to COVID or its vaccines.” That suggests that they had not had any questions, so they didn’t have to answer. Here, I have proof that there was a question; and here, they tell me they didn’t have any questions. [The witness shows the two documents that constitute evidence].

If you want, I can enter this as [Exhibit] QU-9.

Samuel Bachand

Well, I just want to make sure, I think we’re at QU-10 at this point, because we started at [Exhibit QU-]07, which was the letter from the CMQ [Collège des médecins du Québec – College of Physicians]; [Exhibit QU-]08 is the coroner’s report; [Exhibit QU-]09 was the excerpt from the WEF [World Economic Forum] website; and [Exhibit] QU-10 happens to be the Supreme Court response dated—?

Luc Harvey

Reply to myself, because it’s sent to Monsieur Luc Harvey, UNF Canada, at my personal address, of course.

Samuel Bachand

Dated—?

Luc Harvey

Dated July 20, 2022. Because there’s something special about the Supreme Court. You can send them questions, but they can accept or reject the question and they don’t even have to justify their answer. And under normal circumstances, we were informed that the Supreme Court’s response takes between four and five months but in the end, it took practically eight months.

Samuel Bachand

We are out of time. So on behalf of the Inquiry, I’d like to thank you for your testimony. You’re free to go.

[00:34:12]

Final Review and Approval: Erin Thiessen, November 24, 2023.

The evidence offered in this transcript is a true and faithful record of witness testimony given during the National Citizens Inquiry (NCI) hearings. The transcript was prepared by members of a team of volunteers using an “intelligent verbatim” transcription method, and further translated from the original French.

For further information on the transcription process, method, and team, see the NCI website: <https://nationalcitizensinquiry.ca/about-these-translations/>

