Written by **Michael Tennant** on July 26, 2022

Appeals Court Overturns Pastor Artur Pawlowski's Conviction for Violating Covid-19 Order

12963734/iStock/Getty Images Plus

An Alberta appeals-court panel overturned Pastor Artur Pawlowski's conviction for violating a provincial court injunction by holding church services during the Covid-19 pandemic on the grounds that the injunction "was not sufficiently clear and unambiguous."

Justices Barbara Lea Veldhuis, Michelle Crighton, and Jo'Anne Strekaf also tossed the conviction of Artur Pawlowski's brother Dawid Pawlowski, ordered the fines the two had already paid to be refunded, and told the Alberta Health Service (AHS) to pay their legal costs. In addition, they significantly reduced the penalties inflicted on Christopher Scott, owner of the Whistle Stop Café in Mirror, for keeping his restaurant open during the pandemic in protest of AHS' draconian lockdown policies.

Scott, in fact, was one of those specifically enjoined by the May 6, 2021, court order at the heart of the case. The order stated that "the named individual Respondents and any other person acting under their instructions or in concert with them or independently to like effect and with Notice of this Order, shall be restrained anywhere in Alberta from" organizing, promoting, or attending any public gatherings.

The Pawlowskis were arrested "in a dramatic highway takedown" for holding services at their Calgary church after the order was issued, *The New American* reported at the time. Artur Pawlowski had already made himself *persona non grata* with the local authorities ostensibly for feeding the homeless — but more likely for opposing abortion and homosexuality — and by referring to cops who had previously tried to stop his services as the "Gestapo." Earlier this year, "Canada's Most Persecuted Pastor" spent 51 days in jail, including "months in solitary confinement amid horrific conditions," for speaking to people at the Coutts border blockade who were protesting Prime Minister Justin Trudeau's Covid-19 policies, *The New American* also reported.

Scott and Artur Pawlowski were sentenced to three days in prison, $20,000 fines, 120 hours of community service, and 18 months' probation. Dawid Pawlowski got three days behind bars, a $10,000 fine, and 12 months' probation. All three were also prohibited from leaving Alberta except for family or health emergencies. When they spoke out against Covid-19 policies, they were forced to read a disclaimer stating that their opinions did not align with those of "the majority of medical experts."

Scott did not challenge his conviction — only his sentence. The Pawlowskis appealed both.

The justices struck the provisions regarding mobility and compelled speech from all three men's sentences, noting that they "were not requested by AHS, nor were the parties invited to make any

submissions before the chambers judge [Adam Germain] imposed them." Indeed, AHS even told the appeals court that it would consent to removing these provisions and that they were probably unconstitutional.

With that, Scott's sentence was reduced to jail and probation time served, and his fine was halved.

The justices then considered the Pawlowskis' argument that the injunction they were convicted of violating did not apply to them. The order, the jurists observed, "directs the injunction at the respondents and individuals who are linked to them in some fashion, either because they are acting under their instructions, or acting in concert, or because they are acting 'to like effect.'" Germain and AHS, however, had interpreted it to mean "anyone who plans and participates in public events" regardless of his connection (or lack thereof) to Scott. The justices concluded that the wording of the injunction "creates an ambiguity and potential confusion when the language identifying who is subject to the order refers to the prohibited conduct without clearly stating that all persons are subject to the injunction."

"Where there is ambiguity in a phrase that purports to identify a group of individuals to whom an *ex parte* injunction applies, the injunction may not be sufficiently clear to found contempt proceedings against such individuals for breaching the terms of the order," they wrote. "As all elements of contempt must be established beyond a reasonable doubt, we conclude that the injunction here was not sufficiently clear and unambiguous, when it referred to other parties 'acting independently to like effect,' so as to apply to the Pawlowskis. The contempt finding against the Pawlowskis must therefore be set aside."

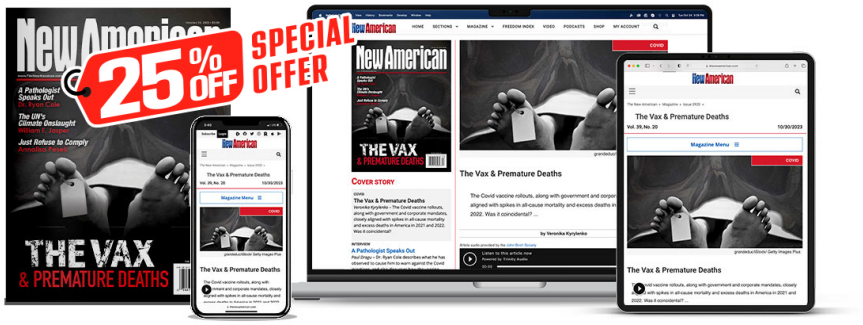
Score one point for liberty in Canada, even if on a technicality.

Subscribe to the New American

Get exclusive digital access to the most informative,
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



Subscribe

What's Included?

24 Issues Per Year
Optional Print Edition
Digital Edition Access
Exclusive Subscriber Content
Audio provided for all articles
Unlimited access to past issues
Coming Soon! Ad FREE
60-Day money back guarantee!
Cancel anytime.