SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF TROIS-RIVIÈRES

No: 400-17-002642-110

DATE: July 6, 2012

THE COURT: THE HONORABLE MR. JUSTICE GRATIEN DUCHESNE, J.C.S.

GINETTE LEBLANC, 7212, rue Dupont, Trois-Rivières (Québec) G9B 1K5
Plaintiff
vs.

THE ATTORNEY GENERAL OF CANADA, 200, boul. René-Lévesque O., 9th Floor, Montréal (Québec) H2Z 1X4
Defendant

THE ATTORNEY GENERAL OF QUEBEC, 1, Notre-Dame Street East, Montréal (Québec) H2Y 1B6
Mis en cause

and

CHRISTIAN LEGAL FELLOWSHIP / ALLIANCE DES CHRÉTIENS EN DROIT, 1673, Richmond Street, Suite 1140, London (Ontario) N6G 2N3

EUTHANASIA PREVENTION COALITION, 405, Grey, London (Ontario) N6B 1H1

VIVRE DANS LA DIGNITÉ, 4203, Wilson Avenue, Montréal (Québec) H4A 2V1

ASSOCIATION QUÉBÉCOISE POUR LE DROIT DE MOURIR DANS LA DIGNITÉ, C.P. 404, Mount-Royal Station, Ville Mont-Royal (Québec) H3P 3G6

MARGARET DORE, 1001, 4th Avenue, 44th Floor, Seattle, Washington, USA 98154
Intervenants

JUDGMENT

1) The Plaintiff, who suffers from Lou Gehrig's Disease, is asking the Court to declare Article 241 b) of the Criminal Code of Canada (which prohibits assisted suicide) to be unconstitutional.

2) Her Introductory Motion was deposited November 3, 2011 in the judicial district of Trois-Rivières. The Attorney-General of Canada is Defendant, and the Attorney-General of Quebec is mis en cause.

3) Five declarations of intervention have been filed since the deposit of the Plaintiff's motion.

4) On January 27, 2012, Mr. Justice Michel Richard received the intervention of the Quebec Association to Die with Dignity and he reserved his decision as to the merits of the other declarations of intervention since the Attorney-General of Canada and the Attorney-General of Quebec needed time in order to declare whether or not they consented to these interventions.

5) On June 15, 2012, he postponed the file to June 19th in order that the undersigned might make a decision on the other four declarations of intervention.

6) A schedule of procedures approved by the Court would lead to the hearing on the merits of the Plaintiff's action in the month of December, 2012.

7) All of the intervenants understand and accept the urgency of the matter, and have undertaken to respect this schedule of procedures if their interventions are received.

THE INTERVENTIONS OF "EUTHANASIA PREVENTION COALITION" AND OF "VIVRE DANS LA DIGNITÉ"

8) At the hearing, the Plaintiff and the Attorney-General of Canada, as well as the Attorney-General of Quebec, consented to the declarations of intervention of the Euthanasia Prevention Coalition (hereinafter referred to as "the Coalition") and "Vivre dans la dignité". The Court will receive these two declarations of intervention subject to the following conditions:

- They must not complicate the file;

- They must respect the schedule of procedures;

- They will not be authorized to file affidavits;

- They will have the right to cross-examine on all pertinent aspects not already explored by the principal parties;

- They will have the right to file a factum and to plead orally.

9) The Court will leave to the judge who will hear this case on its merits the right to decide on the length of these facta and the duration of the oral arguments.

THE INTERVENTIONS OF "CHRISTIAN LEGAL FELLOWSHIP / ALLIANCE DES CHRÉTIENS EN DROIT" AND OF MTRE MARGARET DORE

10) The Plaintiff objects to the declarations of intervention made by the Christian Legal Fellowship / Alliance des Chrétiens en droit (hereinafter "CLF") and of Mtre Dore. The Attorney-General of Canada and the Attorney-General of Quebec consent to their declarations of intervention.

1) The allegations of The CLF

11) The allegations of the CLF are clearly expressed in its declaration of intervention. The Court feels it is useful to reproduce them hereafter:

> "3. The Intervenant is a Canadian association of lawyers, law students, professors, and other legal professionals who profess the Christian faith, and who, among other things, examine the relationship between their Christian faith and the theory and practice of law;
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> 4. The Intervenant has more than 500 active members representing more than 30 Christian denominations;
>
> 5. The Intervenant undertakes its mandate by means of symposia, national conferences, and local meetings, by means of journals, and other written publications, and, where it is appropriate, by intervening in cases before the Courts in order to advocate Christian values;
>
> 6. The Intervenant's quarterly publication (The Christian Legal Journal) regularly includes commentary on legal, social, and political current issues, including the questions which are raised by the present case;
>
> 7. For a number of years, the Intervenant has been involved in matters of public policy affecting the fundamental freedoms of conscience and religion;
>
> 8. Members of the Intervenant are frequently called upon to advise their clients and to speak at conferences on issues related to human dignity and the value of human life;
>
> 9. Representatives of the Intervenant have made representations to parliamentary committees on issues of conscience, human dignity, and the value of human life, on many occasions, including the following:

a. On July 16, 2010, the Intervenant made written submissions to the committee established by the Government of Quebec to examine the questions raised by the present case;

b. On October 31, 2008, the Intervenant made submissions to the College of Physicians and Surgeons of Alberta concerning proposed changes to its conscience policies;

c. On September 11, 2008, the Intervenant made submissions to the College of Physicians and Surgeons of Ontario regarding proposed changes to its conscience policies;

d. In November 2007, the Intervenant made a submission to members of the federal Parliament on the subject of Bill C-484, considering protection for unborn victims of crime;

e. In December 2005, the Intervenant made a submission to members of the federal Parliament in answer to Bill C-407 (an Act to amend the Criminal Code: Right to Die with Dignity);"

12) The Intervenant has already intervened in a number of cases involving freedom of religion and conscience, as well as questions affecting human life and the family.

13) The Intervenant has received permission to intervene before the Supreme Court of Canada and before other courts, in the following cases, among others:

a. *Vriend v. Alberta*, [1996] 181 A.R. 16 (Alta. C.A.) and [1998] 1 S.C.R. (Court of Appeal of Alberta)

b. *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R., 772 (Supreme Court of Canada)

c. *Ontario (Human Rights Commission) v. Scott Brockie*, [2002] O.J. No. 2375 (The Court of First Instance in Ontario)

d. *R. v. Spratt*, [2004] BCCA 367 (Court of Appeal of Alberta)

e. *Kempling v. British Columbia College of Teachers*, [2005] BCCA 327 (Court of Appeal of Alberta)

f. *Owens v. Saskatchewan Human Rights Commission*, [2006] SKCA 41 (Court of Appeal of Saskatchawan)

g. *A.A. v. B.B.*, [2007] 83 O.R. (3d) 561, 2007 ONCA 2 (Court of Appeal of Ontario)

h. *Alberta v. Hutterian Brethren of Wilson Colony*, [2009] SCC 37 (Supreme Court of Canada)

i. *Bedford v. Canada*, 2010 ONSC 4264 (Court of First Instance of Ontario)

j. *Marriage Commissioners Appointed Under The Marriage Act (Re)*, 2011 SKCA 3 (Court of Appeal of Saskatchewan)

k. Reference by the Lieutenant Governor in Council to the Supreme Court of British Columbia 2011 BCSC 1588 (Supreme Court of British Columbia)

l. *S. L. et D.J. v Commission Scolaire Des Chenes* (Supreme Court of Canada) (ongoing)

m. *The Saskatchewan Human Rights Commission v. William Whatcott*, 2010 SKCA 26; (Court of Appeal of Saskatchewan)

n. *Carter et al v. Attorney General of Canada*, 2012 BCSC 886..

14) According to the Intervenant, the questions raised in the present case are the same as those raised in the last mentioned case (Carter vs. the Attorney General of Canada), rendered in Vancouver;

15) The Intervenant adds in its motion:

"12. The Intervenant has an interest in intervening in the present case due to its experience in similar cases, due to the importance of the questions raised in the present case, both for Quebec and for Canada, and because of the importance for this Court to hear the point of view of believing citizens on these questions;

13. The Intervenant believes that it is in a position to furnish to the Court a perspective on the questions raised by the present case which will not be furnished by the other parties;

14. The Intervenant intends to present the following arguments (among others):

a. Absence of a Legal Controversy. The matter raised by the Plaintiff was settled by the Supreme Court of Canada in the case of Rodriguez vs. The Attorney General of British Columbia (1993) 3 R.C.S. 519;

b. Wrongness of Intentional Killing. One of the principles which underlies our law is the respect for human life. The Canadian Charter expresses this principle at Article 7 in the following words: "Everyone has the right to life…" It is precisely this principle which is protected by the section of the Criminal Code of Canada which is being attacked by the Plaintiff. If this protection were to be abolished, respect for human life in our society would be thereby reduced;

c. Protection of Vulnerable Persons. The abolition of the protection offered by Article 241 (b) of the Criminal Code would also be fatal for many persons, especially vulnerable persons. Such persons are often looked after in hospitals, hospices, and other institutions established and operated by Christians. The legalization of assisted suicide would establish a culture which would devalue the life of vulnerable persons and which would encourage their elimination. The Intervenant will show that the so-called "safeguards" which are put forward in other jurisdictions have been illusory;

d. Protection of Conscience for Health Care Workers. The Intervenant will argue that the abolition of section 241 (b) of the Criminal Code of Canada would affect and would indeed put into jeopardy the freedom of conscience of those health care workers who would be required to assist with – or otherwise be complicit – actions contrary to their convictions and their conscience;

e. Constitutional Obligation to Protect the Vulnerable. The Intervenant will argue that the principles of our constitutional law, including, among others, Sections 7 and 15(1) of the Canadian Charter of Rights and Freedoms) impose on the federal government an obligation to maintain a legal prohibition against euthanasia and assisted suicide;

15. The Intervenant believes that it is in a position to help the Court address these questions;

16. The Intervenant will therefore ask the Court to reject the Plaintiff's demand and to refuse the other conclusions of her motion."

2) The Allegations of Mtre Margaret Dore

16) Mtre Dore is a well-known American jurist, and is the president of "Choice is an illusion", a non-profit corporation which is opposed to assisted suicide and to euthanasia. She has given testimony on these subjects before different Canadian and American authorities, notably before a commission of the National Assembly of Quebec.

17) Mtre Dore has published a number of articles on these subjects, including one on the present case entitled "The Leblanc Case: A recipe for Elder Abuse and a Threat to Individual People".[1]

18) If her declaration of intervention is accepted, Mtre Dore will present the arguments outlined in these articles to the Court.

19) According to Mtre Dore, assisted suicide by a doctor is only permitted in the United States in the states of Washington and Oregon. She would like to make available to the

[1] See A-11 to A-16.

Court the information she has gathered on assisted suicide. According to her, the legalization of assisted suicide in these two states has given rise to unjustifiable abuse. In this regard, she quotes the words of Mr. Alex Schadenberg, the general director of the intervenant The Coalition[2]:

> "With assisted suicide laws in Washing and Oregon, perpetrators can… take a "legal" route, by getting an elder to sign a lethal dose request. Once the prescription is filled, there is no supervision over the administration… (E)ven if a patient struggled, "who would know?""

20) The conclusion of Mtre Dore, in her article, summarizes her arguments as follows[3]:

> "Legalizing assisted suicide and/or euthanasia will open new paths of abuse against the elderly in Canada, which is contrary to the public policy of Canada. Legalization will also empower the healthcare system to steer patients to suicide. Due to doctor error on prognosis, legalization will encourage some people with many years left to throw away their lives. In Oregon, legalization of physician-assisted suicide is correlated with an increase in other suicides. For all these reasons, the relief requested in Leblanc should be denied."

APPLICABLE LAW

21) The declaration of intervention is provided for in article 208 of the Code of Civil Procedure, which states:

> "**208.** Any person interested in an action to which he is not a party… may intervene therein at any time before judgment."

22) The interest referred to is the interest which is required to bring an action at law (Article 55 C.p.c.).

23) Therefore, the third party desiring to intervene must demonstrate sufficient interest in the particular case in order to intervene therein[4].

24) However, it must be remembered that the notion of sufficient interest is interpreted more broadly in a matter of public law than in a matter of private law; in a matter of public law, the judge is given more discretion.[5] This was the finding of the Court of Appeal in the case of *Commission Scolaire Ancienne-Lorette-Montcalm*[6]:

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[2] A-12.
[3] A-14.
[4] Charles BELLEAU, *La procédure*, Collection de droit 2010-11, École du Barreau du Québec, vol. 2, *Preuve et procédure*, Cowansville, Éditions Yvon Blais, 2010, p.106.
[5] *Id.*
[6] *Commission scolaire Ancienne-Lorett-Montcalm* c. *Québec (Commission des droits de la personne)*, 1993 CanLII 4145 (QC CA).

> "However, in matters of public law, and in cases dealing with constitutional law and fundamental freedoms, the courts have developed a concept of interest in public law which permits a more liberal approach to the intervention of groups or associations having pertinent knowledge and competence, and which are truly interested by the questions raised in procedures already existing."

25) The first question to which the Court must answer is whether or not the intervenant can bring an important contribution, and whether it can bring a different perspective which would help the Court. If the position of the intervenant is adequately and completely defended by one of the other parties, the Court may come to the conclusion that the intervenant has no real interest.

26) Moreover, in urgent matters such as the present case, the granting of intervenor status must not result in the postponement of the hearing on the merits. Finally, when in the presence of a question of law which is of interest to the population at large, and which raises questions of public interest, the Court must permit the intervention if the advantages of grating the intervention outweigh the disadvantages.

27) On June 15, 2012, the Superior Court of British Columbia in the person of Madame Justice Lyne Smith rendered a detailed decision on assisted suicide, and more particularly, on the constitutionality of article 241 b) of the Criminal Code of Canada[7].

28) This decision deals with the same question of law that was dealt with in the *Sue Rodriguez* case[8], namely, the constitutionality of the prohibition to assisted suicide provided for in article 241 b) of the Criminal Code of Canada.

29) In *Carter*[9], the Court had authorized a number of interventions, including the intervention of the Coalition and the CLF.

30) The Attorney General of Canada was defending the constitutionality of article 241 b) of the Criminal Code, as was the Attorney General of British Columbia. They had also defended the interest of vulnerable persons.

31) At first sight, in the opinion of the Court, the factual situation of the two intervenants are dissimilar, and would lead to different conclusions. Therefore, it is necessary to analyse the allegations of each intervenant separately, bearing in mind the spirit of the law and the jurisprudence.

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[7] *Carter* c. *Procureur général du Canada et al.*, 2012 BCSC 886.
[8] *Rodriguez* c. *Procureur général de la Colombie-Britanique* (1993) 3 S.C.R. 519.
[9] Cited above, Footnote 7.

ANALYSIS AND DECISION

1) The Intervention of the Christian Legal Fellowship

32) According to the Plaintiff, the motion of the CLF was filed more than ten days after the principal motion, that is, a little more than one month later. This fact was not raised in the month of January before the Honorable Mr. Justice Richard, and it is invoked for the first time before the undersigned. Since the delay mentioned in the Code is not peremptory, and since the intervenant has demonstrated diligence in the circumstances of a very complex file[10], this argument is rejected.

33) According to the Plaintiff, the letters patent[11] of the intervenant CLF do not permit this corporation to bring an action at law.

34) The letters patent of the intervenant provide that:

> "The objects for which the corporation is to be incorporated are to promote the Gospel of the Lord Jesus Christ, and religious ideals consistent with the Old and New Testaments in the legal community and the community at large, and in particular, but without limiting the generality of the foregoing objects, for the attainment of such objects and incidental thereto:
>
> (…)
>
> g) to encourage Christians in the vocation of law to accept the responsibility that they are the instruments through which the Holy Spirit of God works, and therefore are obliged to direct the law to reflect God's righteousness and mercy, fully realizing that it is through the power of Christ and not the works of man that the Kingdom of God will be ushered in."

35) In the opinion of the Court, the powers granted to the intervenant in its letters patent are sufficiently broad to include the right to bring an action at law, and to support and promote legal arguments based on Christian values.

36) The Plaintiff claims that the Attorney General of Canada and the Attorney General of Quebec are sufficiently able to present the arguments proposed by the CLF, and that such arguments are not pertinent since they will be based on philosophy and on ethics.

37) The intervenant l'Association Québecoise pour le droit de mourir dans la dignité, which is supporting and promoting the conclusions of the Plaintiff, has in fact deposited an affidavit signed by Dr. Daniel Weinstock, who is a doctor in political philosophy, which affidavit deals with the philosophical aspects of questions of euthanasia and of assisted

[10] Note that the Carter case resulted in a judgment of 302 pages (1,416 paragraphs).
[11] RI-1.

suicide. He concludes that there exists a moral right to assisted suicide, which he is asking the Court to convert into a legally recognized right.

38) The intervenant CLF may certainly plead the existence of opinions which are different from those advanced by Dr. Weinstock. In any event, according to the evidence, the intervenant CLF is collaborating with the Attorney General of Canada since January 2012 in the present case.

39) The intervenant CLF wishes to concentrate on philosophical and ethical aspects of the case. The plaintiff is not asking the Court to interpret article 241 b) of the Criminal Code, but rather is asking for its abolition. Therefore, the Court may look to the intervenants for help in answering questions such as the following: why was article 241 b) included in the first place in the Criminal Code of Canada? Why should it now be abolished or maintained? The answers to these questions require the Court to go beyond the limits of the codified law. The question of assisted suicide is of interest to the entire population, and the intervenant CLF represents more than 500 jurists of the Christian faith, and therefore, an important section of the population, since numerically, Christianity is the most significant religion in Canada.

40) There are other reasons to grant the reception of this request for intervention.

41) In the first place, the Court agrees with the reasoning of Mr. Justice Gascon, then judge of the Superior Court, and at present judge of the Court of Appeal, in that he concluded that the party opposing such an intervention must prove the lack of interest of the intervenant[12]:

> "6 Although article 210 C.p.c. no longer speaks of probable interest, the Court is of the opinion that, in the event of an opposition, the legislator is presumed to be aware of the present state of the jurisprudence, and did not intend to impose a greater burden on the intervenant than was imposed by the jurisprudence prior to January 1, 2003. This is all the more evident since the legislator has henceforth abolished the need even to prove the probable interest of the intervenant, and now presumes the sufficiency of the intervenant's interest.
>
> 7 Therefore, just as is the case when article 165(3) C.p.c. is applied in order to obtain the dismissal of an action for lack of interest, it appears logical to conclude that the opposing party who claims that the intervenant has insufficient interest must clearly prove this claim. In other words, unless the party opposing the intervention is able to prove a clear lack of interest, there will be a presumption of the intervenant's interest at the preliminary stage of the opposition." (translation)

[12] *Institution royale pour l'avancement des sciences, des gouverneurs de l'Université McGill* c. *Commission de l'équité salariale et al*., EYB 2005-87213.

42) The Court points out that the interventions sought by the CLF is conservatory and not aggressive, in the sense that the CLF wishes to assist the Attorney General of Canada in a particular area of the law. In such a case, the Court should take a liberal, rather than a strict, approach. This is also the opinion of Mr. Justice Mercure in a decision rendered in 1999[13].

43) On the same subject, Madame Justice Louise Lemelin[14] adopted the opinion of the Court of Appeal in the case of *Caron*[15] to the effect that the Court should exercise its discretion in granting intervenor status "by considering the appropriateness of having the intervenor in the case".

44) Madame Justice Lemelin noted, however, that the presence of the intervenor in that case would not delay the hearing of the principal demand. Moreover, she opined that an intervention would be refused in the case of a "convincing demonstration of the absence of interest"[16].

45) It is clear that the CLF generally meets the criteria established by the jurisprudence regarding intervention:

1) The present case concerns public, not private law, and is of interest to the general population;

2) The CLF represents the point of view of an important section of the population;

3) The CLF includes more than 500 jurists and possesses an important degree of expertise in the areas of philosophy, morality, and ethics, which areas could be useful for the defense considering the Plaintiff's request that article 241 b) of the Criminal Code be declared unconstitutional. In any event, at the stage of intervention, it would be presumptuous to affirm the contrary;

4) The CLF was already admitted as intervenor in the *Carter* case[17], which is identical to the present case and consequently, the CLF was able to collaborate with the Attorney General of Canada, as indeed it has in the present case since January 2012;

5) The reception of the CLF as intervenant appears to better serve the interests of justice than would its refusal, particularly since it will be subject to certain restrictions as was the intervention of the Coalition.

46) For these reasons, the Court will receive the intervention of the CLF.

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[13] *Association des professionnel-l-es de la vidéo du Québec et al*. c. *Jobin et al*., REJB 1999-15986.
[14] *Syndicat des travailleurs et travailleuses des épiciers unis Métro Richelieu (CSN)* c. *Commission des relations du travail et al.*, EYB 2006-101881.
[15] *Caron* c. *R.*, (1988) R.J.Q. 2333 à 2339 (C.A.).
[16] *Id.*, para. 14.
[17] Cited above at footnote 7.

2) <u>The Intervention of Mtre Margaret Dore</u>

47) Mtre Margaret Dore asks the Court for permission to intervene personally in the present matter in order that she may testify herself and that she may deposit affidavits of other persons in evidence, especially doctors who have been witnesses of suicide, the parents of victims, persons who have been counselled to commit suicide, etc.

48) Mtre Dore alleges that she can help the Court in four ways:

1) By demonstrating that the legislation of the states of Oregon and Washington do not in fact protect patients against errors, coercion, and even murder;

2) By proving that assistance to commit suicide leads to various abuses of elderly persons, who constitute a vulnerable section of the population;

3) By demonstrating that assisted suicide will quickly become controlled by the health system, with the result that, in some cases, assisted suicide will become an alternative to normal care;

4) By proving that if assisted suicide were permitted in Canada, the result would be an increase in the number of suicides, as has been the case in the state of Oregon since the year 2000.

49) In the opinion of the Court, to permit Mtre Dore to intervene and to authorize her to deposit such affidavits in lieu of testimony would not only greatly complicate the present case, but would seriously compromise the schedule of procedures which is already fragile. In that event, the Court would be obliged to permit the cross-examination of these witnesses and the production of other witnesses, expert or ordinary, by the Plaintiff in order to answer the evidence adduced by the intervenant Mtre Dore;

50) The Court cannot permit the intervenant Mtre Dore to testify at the hearing. The texts which she has filed in support of her motion (as well as her motion itself) are replete with hearsay, and if she were to act as an ordinary witness, she would not be able to adduce such evidence. If the Court were to permit her to act as an expert witness, this would mean the deposit of another expertise in addition to the dozen expertises which have already been authorized for the Attorney General of Canada, including certain international experts.

51) Should the Court permit Mtre Dore to cross-examine witnesses on particular aspects not already treated by others, and to deposit a factum and to plead? This is the residual question to which the Court must give answer.

52) In the first place, the Court is of the opinion that the case of the intervenant Mtre Dore is very different from that of the intervenant CLF as regards her expertise, her representativeness, and her contribution to the present debate.

The Expertise of the Intervenant Dore

53) The evidence does not indicate that Me Dore and the association of which she is president are jurists practicing in the areas of philosophy, morality and ethics. Her motion and her arguments, as written in her declaration and as she affirmed during the hearing, would seem to repeat the contents of her article entitled "The Leblanc Case: A Recipe for Elder Abuse and a Threat to Individual People"[18].

The Representativeness of the Intervenant Dore

54) Mtre Dore is the president of the association known as "Choice is an Illusion". This non-profit corporation is not asking to intervene. Only Mtre Dore is so requesting. Her opinion on assisted suicide is probably shared by a portion of the Canadian population, but contrary to the CLF, she does not represent the point of view of a significant portion of society, namely, Christian believers. She only represents herself.

55) To authorize Me Dore to intervene would mean that in the future, other individuals would likewise present motions to intervene.

The Contribution of the Intervenant Dore

56) As above-indicated, the contribution of Mtre Dore would consist in assisting the Attorney General of Canada by referring to comparative law, to damage to vulnerable people, to the abuse of the health system, and to the increase in the number of suicides if assisted suicide were permitted.

57) The Attorney General of Canada has the obligation to defend the laws of Canada, especially the constitutionality of the Criminal Code of Canada. The Attorney General is vested not only with the obligation to do this, but also with all of the inherent power necessary for this purpose. He is in possession of all the tools necessary to plead comparative law, as well as to plead foreseeable abuse and eventual damage to the vulnerable members of society and the eventual increase in the number of suicides, if article 241b) is declared unconstitutional.

58) Moreover, the Attorney General will be helped in this task by three eclectic groups, of whom two have already intervened in the *Carter*[19] case.

59) The contribution of the intervenant Dore would not appear to exceed certain aspects of fundamental freedoms (including rules arising from the Canadian Charter) which will be defended by the Attorney General of Canada and the three intervenants who will support his position.

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[18] A-11 to A-16.
[19] Cited above at footnote 7.

3) The Alternative Contribution of the Intervenant

60) The Attorney General of Canada indicated that he would consent to the reception by the Court of Mtre Dore's declaration of intervention.

61) The Court, however, is of the opinion that the interests of justice would be better served if this intervention were refused.

62) However, nothing will prevent Mtre Dore from participating in the debate together with the team of the Attorney General of Canada, although she will not have the right to cross-examine, nor to plead or file a written factum.

63) Her contribution may be realised in other ways. If she has, as she contends, important witnesses whose testimony would be of interest to the Court, she need only submit their names and addresses, and if necessary, their affidavits, to the Attorney General of Canada, whose basic purpose is to present to the Court a body of evidence and argument which are as complete and convincing as possible.

64) Therefore, Mtre Dore's initial purpose could be achieved, probably at less cost to herself and her association "Choice is an Illusion".

65) Mtre Dore insists that she is in a position to defend vulnerable persons in society.

66) The Attorney General of Canada, as well as the three intervenants, have all made the same claim.

67) In the *Carter*[20] case, Madame Justice Smith took into consideration the vulnerable members of society, particularly in paragraphs 844-853 of her judgment, and Mtre Dore was not an intervenant in that case.

68) In the opinion of the Court, Mtre Dore's position will be adequately defended by the Attorney General of Canada and the three intervenants who support him. Moreover, the present judgment will not deprive her of the opportunity to assist the Attorney General of Canada in his defense of the constitutionality of article 241 b) of the Criminal Code. Finally, Mtre Dore is not in a position to provide additional enlightenment to the Court which will hear the case on its merits.

69) **FOR THESE REASONS, THE COURT:**

70) **DISMISSES** the declaration of intervention of Mtre Dore;

71) **RECEIVES** the declarations of intervention of the Euthanasia Prevention Coalition, of Vivre dans la dignité, and of Christian Legal Fellowship / Alliance des chrétiens en droit;

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[20] Cited above at footnote 7.

72) **ORDERS** the intervenants Euthanasia Prevention Coalition, Vivre dans la dignité, and Christian Legal Fellowship / Alliance des chrétiens en droit to respect the schedule of procedures already filed in the Court record;

73) **PROHIBITS** the intervenants Euthanasia Prevention Coalition, Vivre dans la dignité, and Christian Legal Fellowship / Alliance des chrétiens en droit from filing affidavits;

74) **AUTHORIZES** the intervenants Euthanasia Prevention Coalition, Vivre dans la dignité, and Christian Legal Fellowship / Alliance des chrétiens en droit to cross-examine on every aspect of the case not already explored by the principal parties;

75) **AUTHORIZES** the intervenants Euthanasia Prevention Coalition, Vivre dans la dignité, and Christian Legal Fellowship / Alliance des chrétiens en droit to deposit a written factum and to plead;

76) **ORDERS** the intervenants Euthanasia Prevention Coalition, Vivre dans la dignité, and Christian Legal Fellowship / Alliance des chrétiens en droit not to unduly complicate the file;

77) **DECLARES** the present judgment to be executory notwithstanding appeal;

78) **THE WHOLE,** without costs in view of the public and particular nature of the procedures.

(s.) Gratien Duchesne, j.c.s.

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GRATIEN DUCHESNE, J.C.S.

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Date of hearing: June 19, 2012