

JUSTICE WATCH NEW ZEALAND INC.

Constitutional Foundation of the Investigation

Criminal Investigation into Deaths and Serious Harm Reported Following COVID-19 Vaccination in New Zealand

Version 1.0

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Foreword

This document explains why Justice Watch New Zealand considers it constitutionally legitimate to undertake an independent criminal investigation concerning allegations of injury, serious injury, and death associated with the COVID-19 vaccination programme in New Zealand. It is not an allegation of criminal liability against any identifiable person. Rather, it explains the constitutional principles upon which the investigation proceeds and the legal framework within which it will be conducted.

A Note on Scope and Publication

This statement sets out the constitutional and legal basis upon which Justice Watch New Zealand undertakes its investigation. It does not, and at this stage will not, identify individuals, disclose specific allegations against named persons, or publish evidence gathered during the course of the investigation.

This is a deliberate position consistent with the principles this statement itself describes. The Rule of Law requires that allegations of criminal offending be examined according to evidence, not asserted publicly before that evidence has been properly evaluated. Naming individuals in connection with serious criminal allegations before the supporting evidence has been objectively assessed would be inconsistent with the fairness to which every person is entitled, including those who may ultimately be found to have done nothing wrong.

Justice Watch New Zealand will present its evidence, findings, and any allegations concerning identifiable persons only through the appropriate legal processes and at the appropriate stage of those processes.

Justice Watch New Zealand and Democratic Participation

Justice Watch New Zealand Incorporated is an independent civic organisation established by New Zealand citizens exercising the freedoms and responsibilities recognised within New Zealand's constitutional and democratic system.

New Zealand is a constitutional monarchy and a representative democracy founded upon the Rule of Law. Government exists to serve the people. Sovereign authority is exercised by the Crown in Parliament, and the Government of the day derives its authority through Parliament and remains politically accountable to the people who elect it. Public powers are exercised on behalf of the people through powers conferred by Parliament, and those powers remain subject to the law.

The democratic system does not reserve the pursuit of truth, accountability, or participation in public affairs to the State. Rather, New Zealand law recognises and protects the right of citizens to participate in public affairs, to seek and receive information, to express opinions, to associate with others for lawful purposes, and to scrutinise the exercise of public power. These principles are reflected throughout New Zealand law, including the New Zealand Bill of Rights Act 1990, the Official Information Act 1982, and the broader constitutional principle that every person is equal before the law.

Justice Watch New Zealand therefore undertakes its work not as an arm of the State, but as an independent civic organisation participating in the democratic process in a manner that the law both permits and encourages.

Equality Before the Law

One of the most fundamental principles of the Rule of Law is that no person is above the law. The law applies equally to every person irrespective of office, rank, profession, political position, or public authority. Ministers of the Crown, Members of Parliament, public servants, government agencies, and ordinary citizens alike remain subject to the same criminal law.

Accordingly, where there are reasonable grounds to suspect that criminal offending may have occurred, the identity or office of the person concerned does not determine whether the matter may be investigated. The Rule of Law requires that allegations of criminal offending be capable of impartial examination according to law and evidence alone.

Within a healthy constitutional democracy, citizens are free to undertake lawful investigations into matters of public concern, including allegations of criminal offending involving those who exercise public office. Such investigations derive their legitimacy not from the status of those conducting them, but from their lawful conduct, their independence, and their objective evaluation of the evidence.

Justice Watch New Zealand conducts its investigation upon that constitutional foundation.

Citizens and Criminal Accountability

The criminal law belongs to the public and exists to protect the public. While the investigation and prosecution of crime are ordinarily undertaken by State agencies, New Zealand law also recognises lawful mechanisms through which citizens may seek criminal accountability, including the commencement of private prosecutions where the law permits.

The existence of those mechanisms reflects an important constitutional safeguard. The administration of criminal justice is ultimately governed by the Rule of Law rather than resting solely upon the discretion of the Executive Government. The availability of independent legal processes reinforces public confidence that questions of criminal liability are capable of being examined according to law, irrespective of the office or position of those involved.

Justice Watch New Zealand regards its investigation as an exercise of that constitutional principle.

Independent Examination of State Conduct

The existence of differing views between citizens and the State is neither unusual nor inconsistent with democratic government. Democracy anticipates disagreement and provides lawful mechanisms through which citizens may question, investigate, debate, and, where appropriate, challenge the exercise of public power.

In the present matter, Justice Watch New Zealand has reached a different view from that publicly maintained by the Government concerning the continued use of the COVID-19 vaccine. Throughout the relevant period, the Government publicly maintained that the vaccine was safe and effective and promoted its continued administration as a lawful public health measure.

Justice Watch New Zealand considers that the Government's continued public position, together with the substantial number of reports of serious harm recorded during the same period, creates a legitimate basis for independent criminal examination. Those reports do not, of themselves, establish criminal liability. Equally, the Government's continued public characterisation of the vaccine as safe and effective does not determine that criminal liability cannot exist.

Rather, those competing positions give rise to legitimate questions requiring objective examination through recognised criminal investigation methodology, the law of evidence, and, where appropriate, the ordinary processes of the courts.

Purpose of the Investigation

Justice Watch New Zealand has therefore commenced an independent criminal investigation into allegations of injury, serious injury, and death associated with the administration of the COVID-19 vaccine in New Zealand.

The investigation is not directed against individuals because of the offices they hold, nor does it proceed upon any assumption that criminal offending has occurred. Rather, it seeks to determine, through recognised principles of criminal investigation, criminal law, and the law of evidence, whether the admissible evidence establishes that criminal liability may exist.

If the evidence establishes that no criminal offending occurred, that conclusion should be accepted.

If, however, the evidence establishes that criminal offending may have occurred, the Rule of Law requires that those responsible be treated no differently from any other person. Public office neither creates criminal liability nor confers immunity from it. The law applies equally to all.

Democratic Accountability

Justice Watch New Zealand regards this investigation as an exercise of democratic participation operating within the constitutional framework established by Parliament and protected by the Rule of Law.

A democracy governed by the Rule of Law does not require citizens to accept or reject the conduct of government upon trust alone. Rather, it provides lawful processes through which competing positions may be examined objectively and resolved according to evidence.

Independent scrutiny of the exercise of public power strengthens democratic accountability. A society committed to the Rule of Law welcomes lawful inquiry, objective investigation, and the impartial testing of evidence, irrespective of where that evidence ultimately leads.

Justice Watch New Zealand therefore regards this investigation as one contribution to that constitutional process. Its purpose is neither to undermine confidence in public institutions nor to assume wrongdoing. Its purpose is to ensure that questions concerning alleged criminal liability are determined according to evidence and law rather than institutional status, political office, or public assertion.

The legitimacy of this investigation therefore rests not upon any predetermined conclusion, but upon the constitutional principles that government remains accountable to the people, that no person is above the law, and that allegations of criminal offending may be examined independently and determined according to the evidence through the ordinary processes of the courts.

Appendix A – Constitutional Principles Relied Upon

- Representative democracy
- Rule of Law
- Equality before the law
- New Zealand Bill of Rights Act 1990
- Official Information Act 1982
- Lawful public participation in democratic processes
- Independent scrutiny of public power
- Private prosecutions and lawful citizen access to the criminal justice system