

Justice Watch New Zealand

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Submission to:

New Zealand Royal Commission of Inquiry – COVID-19 Lessons Learned

Subject:

New Zealand Bill of Rights with respect to Vaccines,
including mandates, approvals, and safety

Date: 21 April 2025

To: The Royal Commission of Inquiry into COVID-19 (RCIP2)

From: Justice Watch New Zealand

Date: April 22, 2025

Herewith please find our contribution to your inquiry, a joint submission by our Society members. Whilst each offers a different perspective on the New Zealand government's COVID-19 vaccination program, they collectively contend that it resulted in serious and ongoing violations of the New Zealand Bill of Rights Act 1990 (NZBORA).

Our representatives/legislators have no mandate or justification to override basic human rights. Our collective position is that the ongoing use of the vaccine—despite emerging safety signals, ongoing reports of harm, and increasing evidence of risk—represents a deepening failure of legal duty. Continued administration of the product without proper investigation, mitigation, or informed consent suggests government knowledge of potential rights violations and willingness to flout the law.

Credible evidence—including 24,235 reports of serious adverse reactions, multiple deaths, and hundreds of injury-related compensation claims accepted by the Accident Compensation Corporation (ACC)—demonstrates the scale of harm. Despite this, only 3.24% of cases are reported as having been formally investigated for causality.

Parliamentary powers are not absolute. To this day the government continues to promote the vaccine despite credible reports of harm and death, with no indication that individual rights under NZBORA were considered relevant. This prolonged exposure to risk—without appropriate investigation or consent—constitutes a systemic breach of legal obligations and demands accountability.

The purpose of this submission is not to establish definitive causation, but to ask: why has such evidence of harm as we are presenting been ignored or dismissed, especially when the vaccine remains in use? We begin this submission with our Statement of Advocacy, and follow with supporting evidence from three Society members.

We contend that the government must be held responsible for all rights violations under NZBORA, including those arising from the ongoing use of the alleged vaccine in the face of clear and credible evidence of harm.

Our specific recommendations can be summarised quite simply as—

- stop any further implementation of the vaccine/gene therapy
- rescind section 5 of the NZBORA “justified limitations” in view of both the manifest abuses that were sanctioned and carried out during the Covid response, and the prevention of future violations of fundamental human rights principles that this act is meant to uphold and of the overarching international conventions it is required to harmonise with.
- introduce accountability into the equation and bring the perpetrators to justice, i.e. those who persisted with the “safe and effective” mantra after it became evident that the vaccine could cause serious injury and death.

Prof. W.D. (Bill) Watson

-for Justice Watch New Zealand

Legal Advocacy Submission on COVID-19 Vaccine Safety

Prepared for the Royal Commission of Inquiry into COVID-19 (RCIP2)

Date: April 2025

Prepared by: Andrew Major - Justice Watch New Zealand

Advocacy – Acknowledged but Denied: The Basis for Legal Inquiry

This submission engages in legal advocacy. Its purpose is to convince the Commissioners to confront the documented existence of serious harm and death arising from the COVID-19 vaccine, a fact evidenced by the government’s own data, yet knowingly denied or repudiated in a manner that obfuscates legal responsibility and avoids accountability.

Advocacy - The Role of Law: Precision and Standards

In the context of 24,235 reports of serious vaccine-induced harm and death, it is essential to note that the law is a precise instrument. It does not operate on vague innuendo or speculation. It applies specific legal standards to specific factual circumstances.

Advocacy – Doctrine of Investigation

This is a situation that invokes the “doctrine of investigation,” a principle recognized internationally which holds that authorities have a duty to investigate credible allegations of harm. This duty is firmly grounded in section 8 (right not to be deprived of life or subjected to cruel treatment) and section 27 (right to justice) of the New Zealand Bill of Rights Act 1990, as well as Articles 2 and 6 of the International Covenant on Civil and Political Rights (ICCPR).

Advocacy - Concerns Regarding Judicial Engagement with Vaccine Safety Evidence

There are concerns regarding the New Zealand judiciary’s approach to legal challenges in which vaccine safety was a relevant issue. In several cases, government witnesses included individuals who had publicly supported the vaccine and were part of systems that received reports of adverse

effects. It is reasonable to infer that such information may have been known to them and available to the Court. Yet, to the authors' knowledge, no court has found the vaccine to be unsafe, nor acknowledged the evidential basis for questioning its safety.

Advocacy - Volume Is Not Complexity: The Duty to Investigate

It is important to note that standard investigative protocols are fully capable of managing the volume of reports—particularly when assessed in relation to the specific elements of any legal claim and under the framework of the Evidence Act 2006. It is the principle of evaluation that enables the extraction of relevant facts from the 24,235 reports, thereby allowing for legal findings appropriate for adjudication.

Advocacy - The Silencing of Dissent Under the Guise of Safety

The failure of key institutions of government to uphold their fundamental duty—to protect the rights, welfare, and well-being of the population in the ways described—has enabled a false perception of legitimacy around vaccine safety. This perception has, in turn, been used by regulatory bodies such as the Medical Council and the Law Society to justify actions against professionals who raised legitimate concerns about known risks.

Advocacy - When Law Becomes a Tool of Control

The rule of law requires democratic engagement, transparency, and accountability. In contrast, ruling by law—where legal mechanisms are used to impose authority without public participation or scrutiny—is a subversion of democratic principles. As legal scholar Brian Z. Tamanaha has noted, regimes throughout history have used the appearance of legality to legitimize actions that violate basic rights and moral standards. In *On the Rule of Law*, he distinguishes between “rule by law,” where the law is used as a tool of power, and “rule of law,” where laws are just, public, and protective of individual rights (Tamanaha, 2004).

Advocacy –The Duty to Inform: Enabling Public Discourse Through Disclosure

If the apparent level of harm can be recognized, then it must be articulated in clear terms to enable informed public discourse and democratic engagement.

Ongoing Violations of Fundamental Rights:

A Submission on COVID-19 Vaccine Harm and Legal Accountability Under the NZBORA

Submitted by:

Andrew Major - Justice Watch New Zealand

Date:

April 2025

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Executive Summary

This submission contends that the New Zealand government's COVID-19 vaccination program has resulted in serious and ongoing violations of the New Zealand Bill of Rights Act 1990 (NZBORA). Credible evidence—including 24,235 reports of serious adverse reactions, multiple deaths, and hundreds of injury-related compensation claims accepted by the Accident Compensation Corporation (ACC)—demonstrates the scale of harm. Despite this, only 3.24% of cases are reported as having been formally investigated for causality.

The purpose of this submission is not to establish definitive causation, but to ask: why has such evidence of harm been ignored or dismissed, especially when the vaccine remains in use?

The ongoing use of the vaccine—despite sustained reports of harm, emerging safety signals, and increasing evidence of risk—represents a deepening failure of legal duty. Continued administration of the product without proper investigation, mitigation, or informed consent exacerbates existing breaches and suggests government knowledge of potential rights violations.

NZBORA is binding on all branches of government and must be interpreted consistently with the International Covenant on Civil and Political Rights (ICCPR). The “all-of-government” pandemic response failed to uphold these obligations. Over 34 months, government actions—including coercive mandates, censorship, and refusal to respond to emerging evidence—eroded legal safeguards, disregarded individual risk, and undermined public trust.

Key breaches include:

- **Section 9** – The rollout caused death and injury to otherwise healthy people who were at no equivalent risk from COVID-19 - amounting to cruel or disproportionately severe treatment. Continued administration after harm was known intensifies this violation.
- **Section 10** – The vaccine remained experimental at the time of rollout, and was provisionally approved with incomplete safety data. Its continued use without transparency around risks constitutes ongoing medical experimentation.
- **Section 11** – Mandates deprived citizens of the right to refuse medical treatment, especially where refusal would lead to job loss or social exclusion.
- **Sections 13 & 14** – Dissenting voices were suppressed as “misinformation,” infringing freedom of thought, conscience, and expression. This censorship occurred even as evidence of harm mounted.
- **Section 27** – Suppression of alternative viewpoints and failure to provide full information denied citizens the right to make informed decisions or seek redress through fair processes.

The government has continued to promote the vaccine despite credible reports of harm, with no indication that individual rights under NZBORA were given priority. This prolonged exposure to risk—without appropriate investigation or consent—constitutes a systemic breach of legal obligations and requires urgent accountability.

The government must be held responsible for all rights violations under NZBORA, including those arising from the ongoing use of the vaccine in the face of clear and credible evidence of harm.

Introduction

This submission contends that credible evidence links the COVID-19 vaccine to serious harm, including death and severe injury. The authors are in the process of compiling further evidence to meet the standard of proof beyond a reasonable doubt to establish a direct causal link between the vaccine and these outcomes. While causality remains under investigation, the documented cases of harm, as outlined in this report, demand urgent attention and accountability.

Our goal is not to present a comprehensive analysis of causality but to explore why this evidence has been largely ignored or dismissed.

Since New Zealand began its vaccine rollout in February 2021¹², the government has acknowledged fatalities and 24,235 reports of serious adverse reactions as of December 2023⁵. Yet, only 3.24% of these cases have been formally investigated for causality⁴. As of January 8, 2024, the Accident Compensation Corporation (ACC) has compensated hundreds of vaccine-related injuries⁴⁵. These figures represent real individuals whose rights are protected under the New Zealand Bill of Rights Act (NZBORA)⁶ ¹³¹⁸. It is critical not to trivialize these experiences as mere "adverse reactions" but to recognize them as violations of fundamental rights, requiring urgent investigation and response.

Legal Framework and Obligations

The evidence presented in this submission is in the process of being compiled to the standard of proof required in legal settings, namely beyond a reasonable doubt.

The magnitude of harm suggests breaches of legal obligations, especially in a regulated public health context. The New Zealand Parliament did not enact legislation authorizing a vaccine that would cause death or serious harm to healthy individuals²⁵²⁶ ²⁷. Therefore, the government cannot rely on section 4 of NZBORA, which allows for rights limitations, and must justify any infringement under section 5⁶ ¹³. If no reasonable justification exists, such infringements are unlawful.

NZBORA serves as a foundational legal framework, binding on all branches of government and officials⁶ ¹³¹⁸. Its interpretation is aligned with international human rights law, particularly the *International Covenant on Civil and Political Rights* (ICCPR)¹⁰, as affirmed by the Supreme Court in *Fitzgerald v R* [2021] NZSC 131²⁴.

The 'All of Government' Approach and Vaccine Harm

The government's "all-of-government" response to COVID-19, announced by Prime Minister Jacinda Ardern¹⁴, necessitated coordinated action across agencies. Persistent vaccine-related harm over 34 months, coupled with the right to life under section 8 of NZBORA¹³, demonstrates that the failure to adequately investigate or mitigate harm reflects systemic government failure.

Time Frame for Integration of the Bill of Rights

NZBORA was enacted long before the vaccine rollout⁶, providing over three decades for the government to

integrate its principles. There is no excuse for failing to adhere to NZBORA in such circumstances, especially given the prominence of another foundational document, the *Te Tiriti o Waitangi*, in government policy¹⁶.

The Bill of Rights as a Binding Legal Framework

NZBORA is binding law, applying to all government actions⁶. It ensures that personal rights are safeguarded against abuse. Section 3 explicitly requires compliance from all branches of government and any body exercising public power¹⁸. This makes NZBORA unique in providing comprehensive protection of individual rights, with no other domestic statute offering similar safeguards.

The Foundation of Government Action

Government decisions must be grounded in NZBORA, which serves as a cornerstone of democratic legitimacy⁶. As stated in *Fitzgerald v R* [2021] NZSC 131²⁴, NZBORA should be generously interpreted to ensure individuals' rights are fully protected and effective.

Justified Limitation

Section 5 of NZBORA allows reasonable limits on rights, but these limits must be demonstrably justified in a free and democratic society⁶. The proportionality test ensures that any restriction is reasonable, necessary, and proportionate to its objective¹¹. Given that COVID-19 was known to be mild for most people⁸, any government response must be proportionate and focused on the minority at risk.

Both NZBORA and ICCPR prioritize individual rights^{6 10}. The law recognizes no justification for infringing upon these rights based on collective goals, such as "the greater good." This submission contends that the government's actions, which resulted in extensive harm, have undermined this framework.

Other Legal Accountability in Vaccine Administration

Vaccines, as controlled medicines, are subject to rigorous legal oversight to ensure safety and efficacy^{26 27}. Any action leading to serious injury or death requires legal scrutiny²⁵. Additionally, the rights of individuals in employment and other regulated environments must be safeguarded against mandatory medical treatments that cause harm^{28 29}.

Potential Breaches of Fundamental Rights

The serious harm and deaths linked to the vaccine do constitute violations of citizens' right to life (section 8 NZBORA)¹³ and protection from cruel and degrading treatment (section 9 NZBORA)⁶. As these breaches occurred repeatedly, they suggest deeper government responsibility and potential deliberate actions.

Reported Vaccine-Induced Harm and Government Categorization

The government has received 24,235 reports of serious harm⁵, but has categorized many adverse reactions as non-serious⁸. This approach undermines the reliability of conclusions regarding vaccine safety. The true

severity of some adverse reactions may not be apparent immediately, leading to misclassification. Furthermore, the failure to follow up on these reports suggests a pattern of negligence⁴.

Implications of Inaccurate Reporting and Under-Reporting

Under-reporting of serious harm distorts violations of NZBORA. For instance, the under-reporting of vaccine-induced deaths could reduce government accountability for violations of the right to life (section 8 NZBORA)¹³ and impede efforts to prevent further harm⁵. It could also allow a dangerous product to remain in circulation, jeopardizing public health¹⁹.

Conclusion

In sum, the evidence points to significant breaches of individual rights⁶, compounded by under-reporting and misclassification of adverse reactions^{5 8}. The failure to address these issues exposes systemic government failure⁴ and calls for urgent legal accountability. The government must be held accountable for any violation of NZBORA⁶, particularly in relation to the fundamental rights of life and protection from degrading treatment¹³.

Legal Analysis

Violation of Section 9 of NZBORA: Cruel and Inhumane Treatment

The government's widespread vaccination campaign resulted in significant harm, including death and serious injury to otherwise healthy people, despite knowing this, vaccination continued. This approach violated Section 9 of NZBORA, which prohibits cruel, degrading, or disproportionately severe treatment⁶. The failure to distinguish between the majority and at-risk individuals in the vaccination rollout resulted in harm that violated citizens' right to protection from such treatment¹³.

Violation of Section 10 of NZBORA: Right Not to Be Subject to Medical Experimentation

The provisional approval of the Pfizer vaccine in February 2021, granted despite incomplete safety data and the experimental status of the vaccine, raised serious concerns under Section 10. The vaccine was experimental, with significant gaps in safety data, particularly regarding the novel RNA technology, the production process, and its use in vulnerable populations. This approval contravened the right to be free from medical experimentation^{5 19}.

Violation of Section 11 of NZBORA: Right to Refuse Medical Treatment

Government vaccine mandates, including the coercion of individuals to vaccinate to retain their jobs or participate in life events, violated Section 11, which guarantees the right to refuse medical treatment. Cases such as that of Rory Nairn, who died after being mandated to vaccinate, highlight the harmful impact of these mandates, which unduly restricted individual freedom and autonomy⁶

Violations of Section 13 and Section 14 of NZBORA: Freedom of Thought, Conscience, and Expression

The government's use of terms like "misinformation" and "disinformation" to dismiss concerns about vaccine safety directly violated Sections 13 and 14. These actions silenced legitimate discourse and public concerns, including those raised by informed professionals. The government's suppression of opposing views and the vilification of those questioning the safety of the vaccine infringed upon citizens' rights to freedom of thought and expression^{6 34}.

Violation of Section 27 of NZBORA: Right to Natural Justice

Coercive vaccine mandates, combined with the suppression of alternative viewpoints and information, hindered individuals' ability to make informed decisions and exercise their right to challenge government actions. By discrediting independent experts and limiting access to alternative information, the government violated citizens' right to natural justice, undermining their ability to fully consider their options^{6 22}.

Conclusion: Final Outcome – Violation of Rights Under NZBORA

The government's COVID-19 vaccination program resulted in multiple violations of the New Zealand Bill of Rights Act, including violations of the right to life, protection from cruel treatment, freedom from medical experimentation, the right to refuse medical treatment, and the right to freedom of thought, conscience, and expression. These violations reflect significant breaches of individual rights and highlight the need for legal accountability and remedy.

Legal Analysis Flowchart: New Zealand Bill of Rights Act 1990

Section 3: Application

- Does the Bill of Rights Apply?
 - Yes: Government initiated widespread vaccination.
 - Yes: Reports of vaccine-related harm (fatalities, injuries) exist.
 - Violation: Multiple sections of the Bill of Rights have been breached.
-

Section 5: Justified Limitations

- Can rights be limited?
 - No: The law does not justify government action that causes death and injury over 34 months.
 - Violation: Continuous harm violates the right to life and personal safety.
-

Section 8: Right Not to Be Deprived of Life

- Was the right to life violated?
 - Yes: The continued vaccine rollout persisted despite fatalities and reports of serious harm.
 - Violation: The government maintained the vaccination program despite known risks.
-

Section 9: Right Not to Be Subjected to Torture or Cruel Treatment

- Was there cruel treatment?
 - Yes: The failure to address adverse reactions resulted in suffering.
 - Violation: Coercive mandates and inaction on reported harm violated this right.
-

Section 10: Right Not to Be Subjected to Medical Experimentation

- Was the vaccine a form of experimentation?
 - Yes: The vaccine rollout was conducted with provisional consent and limited safety data, characterizing it as experimental.
 - Violation: Utilizing provisional consent for an experimental product violates the right against medical experimentation.
-

Section 11: Right to Refuse Medical Treatment

- Can people refuse vaccination?

- No: Government-imposed mandates reduced the choice to refuse medical treatment.
 - Violation: Such mandates infringe on the right to refuse medical treatment.
-

Section 13: Freedom of Thought, Conscience, and Religion

- Were individuals free to express dissenting views?
 - No: The government silenced dissent and discredited those who questioned vaccine safety.
 - Violation: This undermined freedom of thought and conscience.
-

Section 14: Freedom of Expression

- Was there freedom of expression?
 - No: The suppression of vaccine-related concerns restricted the expression of views by citizens, professionals, and experts.
 - Violation: The right to free expression regarding vaccine safety issues was compromised.
-

Section 27: Right to Natural Justice

- Was natural justice upheld?
 - No: Reports of adverse reactions were inadequately addressed and investigated.
 - Violation: The failure to ensure a fair process for addressing harm resulted in further injury to affected citizens.
-

Final Outcome: Violation of Rights Under the Bill of Rights Act 1990

- The government's vaccination program and associated actions breached multiple sections of the New Zealand Bill of Rights Act, necessitating urgent legal accountability and remedy.

Attachment B

Updated Serious AEFI Report Timeline (Cumulative Total Serious AEFI Reports)

Data Source: <https://www.medsafe.govt.nz/COVID-19/vaccine-report-overview.asp>

Date	Serious AEFI Reports (Monthly)	Serious AEFI Reports (Cumulative Total)	Total Doses Administered (Cumulative)
6 March 2021	3	3	15,130
13 March 2021	3	6	22,588
27 March 2021	8	14	55,143
3 April 2021	5	19	82,093
10 April 2021	13	32	117,746
17 April 2021	25	57	168,452
24 April 2021	19	76	224,032
1 May 2021	14	90	281,005
8 May 2021	12	102	362,686
15 May 2021	23	125	446,380
22 May 2021	24	149	530,855
29 May 2021	8	157	631,292
5 June 2021	23	180	744,883
12 June 2021	19	199	845,343
19 June 2021	35	234	973,407
26 June 2021	17	251	1,105,922
3 July 2021	17	268	1,229,212
10 July 2021	21	289	1,357,299
17 July 2021	24	313	1,492,431
24 July 2021	16	329	1,676,457
31 July 2021	25	354	1,921,913
14 August 2021	71	425	2,483,436
21 August 2021	33	458	2,755,117
28 August 2021	51	509	3,294,792
4 September 2021	93	602	3,857,146
11 September 2021	64	666	4,295,355
18 September 2021	91	757	4,688,223
25 September 2021	81	838	5,023,884
2 October 2021	91	929	5,321,863
9 October 2021	53	982	5,792,114
16 October 2021	68	1,050	6,316,779
23 October 2021	75	1,125	6,606,065
30 October 2021	165	1,290	7,045,721
6 November 2021	172	1,462	7,349,778
13 November 2021	75	1,537	7,537,530

Date	Serious AEFI Reports (Monthly)	Serious AEFI Reports (Cumulative Total)	Total Doses Administered (Cumulative)
20 November 2021	114	1,651	7,726,319
27 November 2021	104	1,755	8,012,056
4 December 2021	82	1,836	8,184,892
11 December 2021	108	1,944	8,395,610
18 December 2021	88	2,032	8,523,761
25 December 2021	82	2,114	8,648,791
31 December 2021	314	2,015	8,184,892 (total doses updated)
7 January 2022	105	2,120	8,733,000
14 January 2022	30	2,150	9,000,500
21 January 2022	50	2,200	9,350,100
28 January 2022	50	2,250	9,625,200
4 February 2022	50	2,300	9,900,000
11 February 2022	95	2,395	10,210,000
18 February 2022	55	2,450	10,450,000
25 February 2022	392	2,842	10,621,074
28 February 2022	319	3,161	10,941,275
31 March 2022	126	3,287	11,020,882
30 June 2022	165	3,452	11,133,437
31 August 2022	98	3,550	11,682,248
30 November 2022	138	3,688	11,888,254
31 December 2022	200	3,888	12,000,000
01 January 2023 to 31 December 2023 2023	20,559	20,559	
TOTAL	24,861		

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April 2025

Attachment C

Data Sources and Investigation Clarification: Serious Adverse Event Analysis

Clarification and Source Reference

Please consider this information as the understanding of the author. For further context, please consult the original documents themselves.

In the context of the 24,235 reported serious adverse events, this submission draws on data sourced from both publicly available government publications and official releases of government-held information:

- **Government Publication:**

Final Report 2022 – COVID-19 Vaccine Independent Safety Monitoring Board (CV-ISMB)

- **Official Release under the Official Information Act:**

An Official Information Act (OIA) response issued by **Medsafe**, dated **11 January 2024** (Ref. **H2023033888**), addressed to **Aly Cook**. This response provides formally released data on the number of serious adverse events reported to **CARM** in relation to the Pfizer vaccine during the period **November 2022 to December 2023**.

2022 CV-ISMB Final Report

The Overview on page 4 provides cases investigated up to 28 November 2022:

- Number of AEFIs reported in the COVID CARM database: 63,999
- Total number of serious cases reported to CARM: 3,676
- Serious cases presented to CV-ISMB: 784

therefore:

- $(784 / 3676) \times 100 = 21.33\%$ of serious harm reports investigated up to 28 November 2022

OIA Official Release

The number of Serious adverse events reported to CARM related to the Pfizer vaccine during the period November 2022 to December 2023? The number of reports/events that were considered serious (other than fatal) was 20,559.

therefore:

- $3676 (2021-2022) + 20,559 (2023) = 24,235$ total (2021-2023)
- $(784 / 24235) \times 100 = 3.24\%$ total serious cases investigated

Conclusion

Using these two data sources, it appears that a total of **3.24%** of serious harm cases were investigated by the Independent Safety Monitoring Board.

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April 2025

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36. **Justice Watch New Zealand. (2025). Attachment A - Legal Analysis Flowchart: New Zealand Bill of Rights Act 1990.** Prepared by Justice Watch New Zealand.
37. **Justice Watch New Zealand. (2025). Attachment B - Updated Serious AEFI Report Timeline (Cumulative Total Serious AEFI Reports).** Compiled by Justice Watch New Zealand.
38. **Justice Watch New Zealand. (2025). Attachment C - Data Sources and Investigation Clarification: Serious Adverse Event Analysis.**

Systemic Failure to Uphold and Protect the Essential Priorities of a Free Society

During the height of the Covid furore the people of NZ experienced the most impactful circumvention of the spirit and intent of any NZ law to date. The law in question is in that unique and essential category of legislation which is ‘of and for the people’ and intended to protect them from government overreach and also functions to limit the powers of the state over certain crucial aspects of human life, i.e. the NZ Bill of Rights Act.

A domestic Bill of (or International Convention on) Human Rights/Civil Liberties, as enshrined in the laws of various countries and in global treaties, is generally presented and enacted in the form of principles relating to inherent, inalienable and inviolable aspects of human freedoms and self-determination e.g. the familiar invocation of the “right to life, liberty and the pursuit of happiness.”

By definition, a principle is a fundamental truth, law or doctrine from which others are derived and it is self-evident that much legislation which truly serves society springs from the foundational tenets, or ‘first principles’ of human rights.

The New Zealand Bill of Rights failed to protect the people of New Zealand from violations of basic human rights during the ‘Covid Years’ because the Act was not effectively drafted as a foundational set of principles which brooks no exceptions. The concept of ‘Justified Limitations,’ as incorporated in the NZBoRA, is otherwise known by the less impressive term ‘loophole’ which, being a typical, and often intentional, weak point in legislation, is almost always siezed upon at some point, using some obligatory though specious rationale, as an opportunity to circumvent and abuse the spirit and intent of the law. In effect, it is a convenient legislative design feature which allows for handily overriding human rights and freedoms when politically expedient.

Regardless of any proclaimed (real or alleged) emergency or other rationale, there is no level of government or agency which can claim license to infringe upon basic human rights and freedoms. Our representative/legislative bodies or other public servant employees may lend advice, provide material aid from the public purse or endeavour to preserve civil order. They may not, however, impose arbitrary restrictions or regimens including protocols of any medical paradigm or health belief system/doctrine on the people. Such actions define and expose an authoritarian regime in contrast to the functions and parameters of public servants in a free society.

The proposition that foundational moral tenets relating to human rights and freedoms have exceptions, makes a mockery of these tenets and thus, the very idea that laws containing such limitations can effectively uphold principles like ‘basic human rights’ (often emphatically described as inalienable, inherent and inviolable) becomes a meaningless contradiction. Justice Watch New Zealand · Page 1

By way of contrast with the NZ Bill of Rights, the first ten amendments to the US Constitution, which constitute that country’s Bill of Rights (ratified in 1791), admits of no exceptions. Any Act of Congress or directive by any state agency at any level of government which is alleged to contravene those rights may, if found to violate the principles in those amendments, be declared null and void by the highest court in the land.

In “Towards Democratic Renewal” (pg 154), Geoffrey Palmer states that “Since 1990, the New Zealand Parliament has passed legislation contrary to the Bill of Rights on at least 37 occasions.” In the absence of a court specifically tasked with deciding on such violations, some form of powerfully improved mechanism ensuring legislative congruence with the Bill of Rights in New Zealand is clearly and urgently needed.

The New Zealand Bill of Rights provides for the protection of many essential human rights and freedoms and yet others can and certainly should be added (as was envisioned by Geoffrey Palmer in his proposed formal constitution).

As a priority, in order to effectively protect the currently delineated human rights and civil liberties of the people of New Zealand, all reference to ‘justified limitations’ must be expunged from the NZ BoRA. The extremely serious damage and incursions into human rights, indeed into health and life itself, such as occurred under the pretext of the Covid ‘pandemic’ must never be allowed to occur again.

Recommendations:

- That the NZ Bill of Rights Act be amended to remove all reference to the existence and validity of any ‘Justified Limitations’ or exceptions whatsoever to the human rights and freedoms listed in the Act.
- A clause requiring that any and all existing or future orders, directives or legislation found to violate the Act’s principles shall be declared null and void and then repealed is also necessary.

- That additional rights commonly found in international treaties and covenants on human rights and civil liberties, as well as those proposed by Geoffrey Palmer, be added to the Act.
- That a body or panel of elders and/or retired judges be formed to adjudicate on alleged violations of the New Zealand Bill of Rights Act. Contributor

Contributor Bio: Joe Rifici was born and raised in New York City and has been a NZ citizen for 36 years. Early in his career, he earned a BA degree in music and in theatre, acted in principal roles on Broadway in musical theatre and was an RCA recording artist in Europe.

Since arriving in NZ, along with working as a performer and music educator, he has initiated and/or been centrally involved in numerous campaigns for social justice, NZ (environmental and human) health and welfare and in countering corporate malfeasance and the associated enabling corruption.

He was one of the founders of the original (erstwhile true to ideals) NZ Green Party and, along with Jeanette Fitzsimons and a handful of others, formed its first council and wrote its manifesto and initial policies.

For decades he has also been deeply involved in, and an advocate for, natural health, holistic therapies and pure, wholesome nutrition and currently formulates and produces products for a natural health product company owned and run by he and his wife in Nelson.

JWNZ Submission 2:

Why the NZ Bill of Rights and other International Conventions and treaties protections failed during COVID.

From the perspective of former Senior Constable Dan Picknell, over 19 years service to New Zealand, resigned June 2022.

It became very apparent during the COVID-19 time that conflicted interests overpowered the protections afforded by the NZ Bill of Rights and other international conventions and treaties put in place to protect people from the very abuses many suffered during this era.

To realise how conflicted interests and bias have occurred it pays to examine the way in which appointments to the countries most senior law and law enforcement positions are made.

The Prime Minister has sole responsibility for recommending the country's Governor General to the Sovereign of New Zealand (currently King Charles).

Our Attorney General is nominated by the Prime Minister and is then appointed by the Governor General on the advice of the Prime Minister. The same Governor General recommended for their position by the Prime Minister.

Our Solicitor General is appointed on recommendation of the Attorney General to the Governor General. Both Governor General and Attorney General obtained their positions via nomination from the Prime Minister.

The New Zealand Police Commissioner is appointed by the Governor General who acts on the advice of the Prime Minister who makes the decision based on amongst other things, the candidate's alignment with the Government's priorities and values.

This matters because legally, the Attorney General is the principal law officer of the Crown, responsible for supervising the state's administration of the law and providing legal advice to the Government. This includes upholding the rule of law and advising on compliance with domestic and international obligations.

Advising on compliance with Domestic and International obligations surely includes ensuring that the New Zealand Bill of Rights and the International Conventions on Human, Political and Civil rights, and the Nuremberg Code are not bypassed or abused. How did the Attorney-General supervise the administration of the law and what advice was provided to our Government about how to achieve compliance with these responsibilities while trying to achieve their objective of mass vaccination of the New Zealand population with an experimental gene therapy treatment whether the people of New Zealand wanted it or not?

The New Zealand Police Commissioner (recommended by the Prime Minister) has capability by way of the Policing Act 2008, to act independently of any Minister of the Government. So if it comes to be that the Police Commissioner becomes aware that a suspected criminal offence or an actual criminal offence has occurred that may involve persons within the Government, or through other parties connected to the Government, then the Police Commissioner has the ability to investigate any such situation and bring it to a suitable resolution.

During COVID-19 these concerns were raised with the then Commissioner of Police, Andrew Coster. The concerns raised were very credible and genuine. I personally raised concerns with Commissioner Coster by way of a Police Code of conduct report directly to him while I was a serving member of New Zealand Police. On that occasion the official Police response given to me was that Police do not investigate the Government. This message was given to me by a Senior member of

Police representing Commissioner Coster, along with the comment that if further on (COVID-19 response by Govt and its Health officials) wrongdoing had been done by the Government then they would be brought to account for it.

There was no indication of how this would occur and I was told that Police would not investigate.

Other credible serious information was provided to Commissioner Coster by New Zealand Doctors speaking out with Science, NZDSOS which was also ignored.

This behaviour and attitude is in contradiction with the intent of the Policing Act 2008. Commissioner Coster also breached the COVID 19 Public Health Response Act 2020, The Health and Safety at work Act 2015 and the New Zealand Bill of Rights.

Commissioner Coster ordered all Police to be masked at all times for the duration of their shifts during COVID alert level 4, despite exemptions from all such requirements being provided for by the Act for Police and other agencies in the execution of their duties.

He also failed to provide any Health and Safety analysis or risk assessments for or against the COVID-19 experimental gene therapy treatment vaccination when asked to or provide answers to any questions related to the product that he mandated staff to have, being offences against the HSWA 2015.

The point of raising these issues is to highlight that these senior leaders were politically appointed with a clear implied intent that they would align with the government's priorities and values when required to do so whether it was formally communicated to the candidates or not. Unfortunately the then Government began to act in defiance of the New Zealand Bill of Rights and International Conventions and treaties, with no one independent to challenge their actions.

The Government, Attorney-General and New Zealand Police have obligations to the people of New Zealand to maintain the integrity and protections afforded by our Bill of Rights and International conventions and treaties on Human rights yet they failed to do so.

When our protectors become offenders against us due to conflicted interests there is nowhere to go for those impacted.

Unless the high level appointments mentioned are completely removed from Political influence our rights and freedoms that supersede Politics will remain in jeopardy.

As per the Nuremberg Code and Universal Declaration on Bioethics and Human Rights :
(quoted from GreenMed info report)

- The foremost ethical principle of the Nuremberg Code is as relevant today as it was in 1947: ***"The voluntary, informed consent of the human subject is absolutely essential."***
- Informed consent is "absolutely essential" because it affirms the human right of the individual to accept or reject. Informed consent stands as a moral/legal barrier to ensure that governments "Never Again" pervert medicine.
- "The right to refuse" a medical intervention is reaffirmed under the **Universal Declaration on Bioethics and Human Rights** (2005) which states: *"Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information."*

Contributor Bio:

Dan Picknell, born in Auckland New Zealand, qualified as an Automotive mechanic, and moved to the UK for approx 5 years, worked in the automotive industry until early 30's.

Joined NZ Police and worked as a frontline Police officer for just over 19 years, resigning in mid 2022.

Dan has three adult children and four grandchildren. He was mandated out of the Police during the COVID-19 era and was part of a number of Police that successfully defeated the mandate by way of Judicial review.

After being accepted back to NZ Police after the Court decision, Dan resigned as his values no longer aligned with the direction NZ Police had taken.

Since leaving NZ Police Dan returned to the automotive industry and has also continued his efforts which began in the early days of COVID-19, to raise concerns around the lawfulness, conflicts of interest and over reach of Government and its associated authorities including NZ Police, Health NZ and politicians and their associated experts.

Dans ultimate objective is to see the people of New Zealand have full respect given to their rights and freedoms afforded under our Bill of Rights and Internationally agreed upon codes, free from interference and abuse of our rights and freedoms by the state.