

VOTE **NO** to the EU Health Passport

Think of your re-election!

European Citizens Movement OPPOSING EU's Totalitarian Policies

VOTE 'NO' to the Digital Certificate

REASON # ...

'NO' TO BAD LEGISLATION – Part ...

Following the previous report on Better Regulation standards, here are **three more legal reasons** why we ask you to VOTE 'AGAINST' the Green Digital Certificate:

1. THE PRINCIPLE OF HABEAS CORPUS MUST BE RESPECTED IN DEMOCRATIC SOCIETIES

The ***Habeas corpus ad subjiciendum et recipiendum***¹ states a fundamental right, according to which no one can be imprisoned without trial, as opposed to arbitrariness, which allows anyone to be arrested without just cause. Under the principle, anyone arrested has the right to know **why he or she is arrested and what he or she is accused of**.

No one shall be arbitrarily detained.

The judicial authority, guardian of individual freedom, ensures the respect of this principle under the conditions provided for by the law.

The Habeas Corpus proclaims the intervention of the judicial power in matters of individual /personal freedom and entrusts the judicial authority with the task of ensuring its protection.

¹ The origins of the "Habeas Corpus" go back to ancient Rome with the *provocatio*, which is its precursor, and its modern principle was born in English medieval Age.

In other words:

- The law has the right to **defend only those actions that are harmful to society**.
- No one shall be **arbitrarily arrested, detained** or exiled.
- Any person arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be notified promptly of **any charges against her**.
- Anyone who is **deprived of his liberty by arrest or detention shall have the right to apply to a court for a decision without delay on the lawfulness of his detention and for his release if the detention is unlawful**.

With the implementation of the EU Green Digital Certificate, EU citizens will be obliged to stay at home if they don't agree to show a negative RT-PCR test, a proof of vaccination or a proof of recovering.

2. TWISTING THE LEGAL FRAMEWORK BY REVERSING THE PRESUMPTION OF GUILT

Requiring of each EU citizens to show a EU health passport in order to confirm that:

- he or she obtained a negative PCR test,
- he or she is vaccinated,
- he or she is immunized after proving that he or she has already contracted the virus.

This leads to reversing the burden of proof that he or she is healthy/not guilty.

Furthermore, there is no case provided to present a certificate from a doctor, in order to prove that a EU citizen is healthy or simply that he or she doesn't show covid-19 symptoms.

This is a strong **presumption of guiltless**, everybody becoming a real **threat to public security and order**.

Please let us remember you that a Chinese study published on November 20, 2020, made in Wuhan on the basis of 10 million people (representing 94.1% of the population of Wuhan, it is a meta-analysis), has shown that asymptomatic people are not contaminating: the generalized practice of PCR tests within a population is therefore perfectly useless. ²

² Shiyi Cao, Yong Gan, Chao Wang, Max Bachmann, Shanbo Wei, Jie Gong, Yuchai Huang, Tiantian Wang, Liqing Li, Kai Lu, Heng Jiang, Yanhong Gong, Hongbin Xu, Xin Shen, Qingfeng Tian, Chuanzhu Lv, Chanson de Fujian, Xiaoxv Yin & Zuxun Lu Post-lockdown SARS-CoV-2 nucleic acid screening in nearly ten million residents of Wuhan, China Nature Communications volume 11, Article number: 5917 (2020): <https://www.nature.com/articles/s41467-020-19802-w>

Only individuals showing symptoms of the SARS-CoV2 virus (i.e. "sick") should be treated with one of the available treatments and eventually isolated following the diagnosis of a physician, who is the only one authorized to make medical decisions for each of the patients concerned.

There is absolute no need of a EU health passeport reversing the burden of proof to all EU citizens.

The Member states and the European Commission cannot have such an arbitrary power to prohibit citizens from leaving their homes in principle.

3. DEPRAVATION OF LIBERTY FOR EU CITIZENS THAT DON'T WANT TO BE TESTED OR VACCINATED

These mandatory stay-at-home measures without health justification are in reality measures of house arrest, to use the terms commonly applicable in criminal law matter, nothing else.

No legal remedy before the judicial judge is provided for what could be considered as a house arrest, since police coercion is used to punish any EU citizen who would not respect the rules resulting from the use of the EU Green Digital Certificate.

The EU Commission cannot decide to deprive the EU citizens of their individual freedom on the sole basis of:

- unreliable positive RT-PCR tests performed by laboratories, which do not diagnose an infection or disease.
- an absence of vaccination proof/genic experiment.

This clearly violated the individual freedom of the EU citizens and thus their dignity and physical, psychological and moral integrity.

We will continue, in the following days, to send you legal and scientific elements **justifying and supporting the view that you should VOTE 'AGAINST' this unprecedented attack on our fundamental freedoms.**

Kind regards,