

*Private Members' Business*

in Canada than a Canadian citizen could get under a similar condition.

I would remind you that we now have seven opportunities for persons such as I have mentioned, and others, to go to an extradition hearing, number one; a writ of habeas corpus, number two; an appeal to the relevant provincial court of appeal, number three; an appeal to the Supreme Court, number four; and then, if the Minister of Justice decides to sign the extradition request, it then goes on to an appeal of the minister's decision to the Federal Court of Canada, Trials Division. It then goes on to number six, an appeal to the Federal Court of Canada, Appeals Division. It goes on to number seven, an appeal to the Supreme Court of Canada. No one in the House of Commons can give me one example of any Canadian citizen in the country today who would have seven court opportunities to escape justice in the United States.

Let me tell you what some of our justice ministers have said on the subject. The hon. Doug Lewis spoke in Washington on January 24, 1990. He said:

It is incumbent upon all countries to ensure that alleged criminals from one country do not regard other countries as safe havens. We must, therefore, strive to ensure that our extradition arrangements appropriately meet current needs—It now appears that a two-track process is developing in Canada, or has in fact been developed. The first track involves a judicial hearing to determine if the crime is one for which the extradition may be granted and includes any subsequent appeals. The second track entails a judicial review of the decision of the Minister of Justice in the Federal Court of Canada with the possibility of an appeal to the Federal Court of Appeal, and ultimately to the Supreme Court of Canada.

I will not read any more from his statement in Washington when he attended the Conference of the Society for the Reform of the Criminal Law. That minister and previous ministers, and the present minister, all agree that we need changes to our extradition laws.

In particular, I will deal for just one moment with another type of person who finds his or her way into Canada in order to escape justice in the United States. Could I refer the House for a moment to the case history of Joseph Kindler who was wanted on death row in the United States.

In the case of Joseph Kindler, let me reiterate what the situation is. He has been in our country, after

escaping death row in the United States, for six years at least in our court system. He is also being granted his appeal on the minister's signature for a hearing at the Supreme Court of Canada.

What my bill does is very simply put these suspected or convicted persons on a fast track, one track, up through the judicial system. It affords them the opportunity to do the following: first, have an extradition hearing and a habeas corpus hearing. Then, if they wish to appeal the habeas corpus ruling, they have the right to go to the Federal Court of Appeal directly, not to be tried by a provincial judge, a one judge trial, but to be judged by a three judge trial at the Federal Court of Appeal. That is the appeal to the extradition order providing the minister signs the request and approves it first. In other words, he signs the order to be extradited.

• (1720)

Then they go directly from the habeas corpus case to the Federal Court of Appeal with three judges. If they lose that case before the Federal Court of Appeal, they have the right under my bill to make application to the Supreme Court of Canada. That is what my bill does, very simply. It gives them those five steps and eliminates only two. It eliminates a provincial court of appeal and it goes directly to the federal courts. It eliminates the first track, the Supreme Court of Canada, and goes directly to the Supreme Court of Canada from the Federal Court of Appeal under my bill.

It is a very soft bill to what I would really like to see, but what I would really like to see is not always possible in a government situation. Here is the difficulty. We have a Charter of Rights. The Charter of Rights guarantees a hearing under habeas corpus. I do not want to remove that because I do not wish to get into conflict with the Charter.

However, there is nothing to say that that should not be considered. In Section 1 of the Charter something in the way of a protection such as that can be removed as long something better is put in its place. I think this bill puts something in place that is better. It gives that person the right to go directly to a federal three judge court of appeal right from the habeas corpus hearing, if he or she wishes. It also leaves the door open for that final appeal to the Supreme Court of Canada.