

Government Orders

bill. He said this and I quote from page 22:5, December 4 of the justice committee's transcripts. He said:

In my view though, it is unfortunate that Bill C-31 deals merely with the appeal and review process and not the entire extradition process. You might find yourselves in a legal conundrum when you go back to deal with the extradition process, having already put into motion a new set of appeal and judicial review processes. In my view, it is always better when you are revamping and reviewing legislation to start at the beginning and work to the end, to the appellate process. You end up with a better piece of legislation if you do that.

I think that is a good point. That is what the member for Moncton was saying. That is what the government is faced with when it brings in further legislation on extradition.

I want to say to the government when it brings in that legislation, one of the things that we have to do is review our extradition treaties. This is really a matter between state and state. International law is made up of customary practice, treaties, and decisions of international courts. Those are the three bases of international law. Treaties are the big basis, like the international legislation which they really are.

We have to have a look at our treaties. I looked at some of these treaties just briefly. We have a treaty that someone could be extradited who is charged with procuring a miscarriage, but not on computer crime.

We are living in a world where there is transnational crime now. This is a smaller world where criminals operate on a world basis and crime is committed across borders. That is why it is called transnational. These treaties are a bit out of date.

Piracy on the Great Lakes is an extraditable offence, but computer crime is not. You wonder what kind of treaties these are and where we are.

I asked the government in my speech on November 7, 1991, on the second reading of this bill in this House: What is the state of the new extradition treaty with the United States? I still have not received any particular answers.

I saw the case of a Canadian citizen, a truck driver named Richard Bilodeau, who was grabbed in the United States when he went across. He then had a heck of a time trying to get bail and get back to Canada. There are a number of cases like that that cause me deep concern.

I say to the government, let us look at these treaties. They are outdated. Give us some idea of what is happening with them. Also, we would like some idea of when it is going to bring in part two, act two of extradition. We want to know what is the basis of that.

We still keep having problems with different cases. I was looking at a case, the Lind case, which occurred back in 1974. I will just summarize this case.

The fellow came from Sweden. He is an egg farmer north of Toronto. He is grabbed and put in jail because Sweden has a warrant for him. They say it is fraud because you can extradite on fraud. He sits in jail for awhile, nothing happens and he finally gets out. Sweden does not proceed with the charges. He goes back to farming and they grab him again. At some point in the case there are lawyers going around on the long Easter weekend looking for a judge so they can serve the judge on a writ to get the fellow out of jail or to file a notice of appeal at the last moment.

It is an example of a system that was not working very well and it will not be cured entirely by this bill.

So Mr. Lind is grabbed and put in jail again. It turns out that the \$300,000 fraud turns out to be a \$15,000 fraud. But it is not really fraud; it is a tax evasion count. I am not commenting on whether this man is guilty or innocent in Sweden, but it is a tax evasion count.

Why did they go on fraud? Because they could not extradite him on tax evasion. That is not in the treaty nor in the Swedish practice, so they had to charge him with something else. Eventually, after this fellow goes through all this and spends a fortune for lawyers, the Swedes drop the case.

There are all sorts of problems, as the member for Moncton alluded to, as to who is prosecuting, who has conflict, how you find out information.

I looked at some of the lawyers' material about how they were trying to deal with the Department of Justice and get information from them when the Department of Justice was acting as counsel for Sweden. The Department of Justice generally has to protect Canadian citizens, people in Canada and the Canadian judicial system and the integrity of that system. But there were conflicts there and I point to that as another case that was not working very well.