

HOUSE OF COMMONS

Monday, April 10, 1989

The House met at 11 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

EXTRADITION ACT

MEASURE TO AMEND

Mr. Bill Domm (Peterborough) moved for leave to introduce Bill C-209, an Act to amend the Extradition Act (appeal).

Mr. Speaker: Shall the Hon. Member have leave to introduce the said Bill?

Some Hon. Members: Agreed.

Mr. Domm: Mr. Speaker, this Bill that I am introducing, seconded by Bob Horner of Mississauga West, is in response to the blatant injustices which exist in Canada today which permit fugitives such as Charles Ng and Joseph Kindler entry into our country to seek haven from foreign authorities, with more legal avenues and opportunities than what is available to a Canadian citizen who is accused of committing a crime here in Canada. To add insult to injury, our Government is spending millions of dollars harbouring these fugitives as they endeavour to escape justice.

The purpose of this Bill, entitled an Act to amend the Extradition Act, will be to streamline the extradition process now in place in Canada by first eliminating the fugitives' right to apply for a writ of habeas corpus and substitute it with a straight appeal before the relevant provincial court of appeal, and second, by removing any appeal to the Supreme Court of Canada. This Bill will limit the number of recourses a fugitive has available to only one level of appeal. This Bill will also provide the Minister of Justice with the option to release the fugitive into the hands of foreign authorities either immediately or wait until the fugitive has been dealt with fully by the

Canadian penal system; meaning that fugitives will not have to complete their sentence here in Canada before being extradited.

Motion agreed to, Bill read the first time and ordered to be printed.

* * *

CRIMINAL CODE AND SUPREME COURT ACT

MEASURE TO AMEND

Mr. Bill Domm (Peterborough): moved for leave to introduce Bill C-210, an Act to amend the Criminal Code and the Supreme Court Act (habeas corpus).

Mr. Speaker: Shall the Hon. Member have leave to introduce the said Bill?

Some Hon. Members: Agreed.

Mr. Domm: Mr. Speaker, the purpose of this Bill, also seconded by the Member from Mississauga West (Mr. Horner) entitled an Act to amend the Criminal Code and the Supreme Court Act, will limit the recourses available to a fugitive in this country by amending both the Criminal Code and the Supreme Court Act to remove any possible right to appeal a habeas corpus judgment to either the Provincial Court of Appeal or the Supreme Court of Canada. This Bill will provide the appropriate amendments to ensure that there is only one appeal stage; i.e., the writ of habeas corpus available to a fugitive committed to prison under the Extradition Act before the case is handed over to the Minister of Justice. It is my hope that this Bill will tighten up the extradition process in this country, a process which is weighed down heavily by inadequacies, illustrated most recently by the cases of Charles Ng, Joseph Kindler and many others who have been able to prolong their stay in our country through the costly and timely use of our legal system.

In summary, it eliminates appeal to the Provincial Court of Appeal. It eliminates appeal to the Supreme Court. It leaves the fugitive with only the writ of habeas corpus.

Motion agreed to, Bill read the first time and ordered to be printed.