

Government Orders

he lost his bill because the House went into a new session but the government came forward with this bill.

We have fought long and hard in this country over the years for a new extradition act. The existing Extradition Act goes back to 1877. As the member for Port Moody—Coquitlam has said, it is full of antiquated provisions, as are the extradition treaties with various countries. These need to be changed. There is no question about that.

We have a lot of good things in this bill. For instance we have the fact that the country, seeking to have the fugitive returned, can apply on the same basis that if there is any criticism that both sides can make that criticism to the judge; it is not only the country seeking extradition that is able to appeal on points of law. They are able to appeal on points of fact as well. This is an important situation because if they were excluded from appealing on points of fact, then of course we would have to start the extradition process all over again and that would be a waste of time. I feel that we are benefiting from this new process.

A lot of the hype on extradition came as a result of the Ng and the Kindler cases which were being discussed at the same time as the hon. member for Peterborough was presenting his private member's bill. There was a very deep frustration in this country that two fugitives such as Kindler and Ng would be here in Canada, escaping the jurisdiction where they had allegedly committed the crimes. In the case of Ng, we had to keep him in this country for six years at a cost of approximately \$70,000 a year. He was taking advantage of the nature of Canada and the strong protection rights in Canada to escape the jurisdiction in the United States and the punishment which had been assessed against him.

• (1130)

As the member for Peterborough said, the Supreme Court made an important ruling. That ruling states that if a country has the death penalty and is proposing to subject the fugitive to the death penalty, that is no reason to turn down an extradition application. I think that is important.

As well, it has been said that in Canada we have the right, if a Canadian is in Canada and is being sought to be returned to the United States, to turn down the application for extradition unless the other country gives the undertaking that that Canadian citizen will not be given

the death penalty. I think that is fair. As has been said by the member for Peterborough, why subject some Canadian to the penalty in the United States that the person would not be subjected to in Canada. It has always been the position of this party that that would be the case. We would need to have that undertaking before we would return a fugitive to the country seeking the extradition.

I say that in relation to a situation that was mentioned by the member for Moncton, the case of Lamont and Spencer, two Canadians being held in a Brazilian prison. Spencer was sentenced to 10 years and Lamont to eight years for the alleged abduction of a Brazilian businessman. Those sentences were increased to 28 years. These people are still in the Brazilian prison. The fact situation and the law are both in question by many experts in international law and law in general in Canada. We have sought to get these two people returned to Canada.

I think these two people should have some protection from the Canadian government as well. We on this side have requested, certainly the member for Moncton has and other members have, that the government do more to bring these people back to Canada to serve their sentences. They have already served 30 months. Many experts in Canada feel that is a fair sentence, a fair penalty for what they have done.

Be that as it may, we still feel, regardless of who is discussing the matter, that there is an injustice as long as the government is not going to do more to bring these people back to Canada. The problem is that the government says: "We are negotiating an extradition treaty with Brazil". That is not the point. They do not have an extradition treaty. We do not know how long it is going to take. The government knows that when people say things are going to be finished quickly that they are not always finished quickly.

For instance, in this case the minister is saying that there is going to be a second part to the extradition amendments. What we have here, the appeal provision, is the first part. We have it thanks to the member for Peterborough. Once again, as has been suggested by the member for Moncton and the member for Port Moody—Coquitlam, this is not sufficient. This is not to exonerate other governments which have had the chance to change the extradition laws. I do not want to get into that. You could talk about that forever. The fact is this is the