

*Private Members' Business***PRIVATE MEMBERS' BUSINESS — BILLS**

[English]

CRIMINAL CODE AND SUPREME COURT ACT

MEASURE TO AMEND

Mr. Bill Domm (Peterborough) moved that Bill C-210, an act to amend the Criminal Code and the Supreme Court Act (habeas corpus), be read the second time and referred to a legislative committee.

He said: Mr. Speaker, it is indeed a fortunate opportunity for many of us in the House of Commons who have for many years been trying to bring about changes to our extradition act. We have seen the effort that has been put forward by special interest groups, and to name one you tend sometimes to forget others, but they brought together into this House of Commons over 105,000 personal letters to the Minister of Justice of the day, the Hon. Doug Lewis.

In addition, we had petitions totalling some 97,000 names that were entered into the House of Commons by 47 members of Parliament from one end of this country to the other, asking for a streamlining of our extradition process.

In my 20 minutes I want to take you through some of the history of why we are where we are today, where I would like to see us in the future, and what Canadians from coast to coast, both in Canada and the United States, through governors of different states, which I will mention shortly, have been asking the Canadian government to do.

I am indeed honoured as a backbench member of Parliament to bring forward what I think is one of the most popular private member's bills that I have had the opportunity to work on.

I want to make it abundantly clear that what our government allows a fugitive from another country to do is escape from justice in their country of origin, or escape from death row in that country. We have examples of both. For example, Charles Ng and Joseph Kindler escaped from the United States, found a safe haven in Canada from which to escape justice in the United States at our expense.

We not only pay for the incarceration in isolation to protect them from being killed by inmates, which costs up to \$70,000 a year every year they are here, we also pay for all of the Crown prosecution in an effort to get them back to the United States. We also pay another cost, as suspected convicts in some cases, or death row inmates in others, we pay all of their costs in order to defend them under our Charter of Rights, allowing them to seek a safe haven in Canada against prosecution in the United States.

After you have had time to think about that for a while, think about Charles Ng for just a moment. I know this is repugnant to many but it is necessary to review.

In 1984 and 1985 Charles Ng is alleged to have kidnapped and murdered 11 people in California. In June 1985 he fled to Canada, crossed the border at Windsor, Ontario, and made his way to Calgary. On July 6, 1985, Ng engaged in an attempted burglary at a downtown Hudson Bay store in Calgary, shot a security guard in the hand in the process and was apprehended by police. In December of the same year he was found guilty of attempted robbery, aggravated assault and the unlawful use of a firearm. He was sentenced to four and a half years at the federal penitentiary in Prince Albert, Saskatchewan.

In February 1987, U.S. authorities requested the extradition of Charles Ng to the State of California to face the 25 charges pending against him. More than 18 months of legal wrangling then followed.

In October and November 1988, at an extradition hearing held in Edmonton, Alberta, Madam Justice Marguerite Trussler of the Alberta Court of Queen's Bench, ruled that sufficient evidence existed to extradite Ng on 19 of the 25 charges that he faces in California, 12 of which are for capital murders.

If that was not bad enough, on February 3, 1989 a judgment was issued on the return of the writ of habeas corpus by Justice Paul Chrumka of the Alberta Court of Queen's Bench. Chrumka upheld Trussler's ruling that there was ample evidence to extradite Ng. Ng appealed that judgment, at our cost, to the Alberta Court of Appeal. On May 2, 1989 the three judges of the Alberta Court of Appeal also upheld the extradition order. Ng's lawyer, Donald MacLeod, had 60 days to file a motion, asking the Supreme Court of Canada to hear the case. The motion was filed with the Supreme Court in June