

Consular Cases: Lamont-Spencer

QUESTION

Are Canada and Brazil expected to ratify the Transfer of Offenders Treaty anytime soon? Would this allow for the return of Christine Lamont and David Spencer to Canada to complete their sentences?

SUGGESTED REPLY

- Christine Lamont and David Spencer were found guilty of a serious crime in Brazil and were sentenced to 28 years. Their case has been appealed to the Supreme Court level in Brazil; they have no further legal recourse.
- The Canadian government is keeping close track of the case, basing its efforts on having Lamont and Spencer returned on humanitarian grounds, in view of the length of the sentences.
- The case has been brought to the attention of the Brazilian authorities many times and has been the subject of top-level discussions.
- During the Team Canada 1998 mission, Minister Marchi raised the question with Brazil's External Relations minister, and Prime Minister Chrétien raised it with President Cardoso. The latter indicated that he was still seeking an equitable, expeditious, legally satisfactory solution.
- Canada remains prepared to discuss any new option; however, resolution of the case lies with the Brazilian government.

Responsive

- Christine Lamont and David Spencer are not political prisoners according to the legal definitions in effect in Brazil. Nor would they be considered political prisoners by our legal system, if they had committed the same crime in Canada.
- Canada has no reason to call the Brazilian legal system or the validity of the Lamont and Spencer proceedings into question. Their case has been appealed to the supreme court level in Brazil, and they have no legal recourse remaining.