

Private Members' Business

Canadians who have been following the case of Ng know that he fled to Canada illegally in 1985 and was then arrested in Calgary for shoplifting. Ng was sentenced to serve four and a half years in a Canadian federal penitentiary. Canadians have been awaiting a decision on Ng and Kindler since 1985. It has taken five and a half years of appeals to get this far.

Why are Canadians saddled with the presence and the cost of incarcerating these individuals? While Ng, under the present extradition treaty with the United States, cannot be surrendered to American authorities until he has served his sentence in Canada, most would argue that our extradition process is too slow and in need of significant modifications.

The member for Peterborough has introduced this bill which would provide for changes to the Extradition Act, the Criminal Code and Supreme Court Act to make extradition to the U.S. a speedier process. I support and encourage the thrust of his bill because it reduces the number of appeals available to a fugitive.

Fugitives like Ng have more judicial options and opportunities open to them than does a Canadian citizen who is accused of committing a crime here in Canada. Clearly, there is a grave danger that our extradition process is being taken advantage of by fugitives who see Canada as a haven from justice where they can avoid possible execution, as in the case of Ng, where in the state of California he could face the death penalty.

I would like to quote from *The London Free Press*, February 7, 1990.

Capital punishment is a relevant issue. But while the death penalty has been abolished in Canada, that is no justification to impose our legal or social values on a neighbouring democracy, which guarantees fair and open trials.

These are surely the thoughts of the relatives of Ng's victims; after all, justice delayed is indeed justice denied. It is also the sentiments of 100,000 Canadian petitioners who are in support of my colleague and seatmate, the hon. member for Peterborough.

Bill C-210 will limit to one the number of appeals available to such fugitives prior to the case going before the Minister of Justice for a decision. Canada's extradition laws have not undergone any significant changes or a review for over a hundred years. This bill will reduce

the number of processes and procedures currently at the disposal of an individual.

If these changes are instituted, a person attempting to fight an extradition order will only be entitled to the initial extradition hearing and one appeal to the relevant provincial court of appeal.

These amendments will effectively eliminate the fugitive's right to appeal the extradition by way of a writ of habeas corpus. It will also eliminate any possible appeal of the decision to the Supreme Court of Canada before the case goes before the Minister of Justice.

If these changes are adopted, the two court proceedings which will be available to the fugitive to argue his case will be as follows: first, an extradition hearing which is presided over by a superior or a county court judge will decide whether the fugitive should be committed to prison in view of the extradition; second, an appeal of the extradition judge's decision to the court of appeal in the applicable province.

Let us use the Ng case as an example of how these amendments then would be applied. With the amendments in place, Ng would have had only an initial extradition hearing and appeal of that decision to the Alberta Court of Appeal. Ng would not have been able to apply for a writ of habeas corpus, nor be allowed to ask the Supreme Court of Canada for permission to hear the case. After these two court proceedings, the case would then automatically go before the justice minister for a decision.

By eliminating these two steps, the time frame involved in an extradition case would be substantially reduced.

I want to conclude my remarks by saying to the House tonight that here we have an opportunity to let this bill go to a vote. I hope that as has happened previously the NDP will not continue the debate and will allow the House to vote on this very important bill.

Mr. Waddell: Point of order, Mr. Speaker. I want to put on record that it is not the members of the NDP who have spoken on the bill, it has been the government as well as some of the Liberals, but mainly government supporters. So please do not tell us falsehoods in the House, and check the debating time./