

I believe that to be a mistake. Now is the time to deal with it in totality. We have to take a holistic point of view when we recognize that we have problems with respect to a particular law like extradition or, for that matter, young offenders or parole and all of those criminal justice type issues. Instead the government has said no to my amendment and said no to speeding up the process and forcing the government's hand. We may be delayed for years and years before we see the substantive changes that are necessary.

Substantive changes that really have to be looked at very soon are in the area of evidence before the different hearings. That evidence is basically affidavit evidence prepared by solicitors and people outside the jurisdiction for submission to our courts. We have heard of a number of cases in which the evidence has been fraudulent, misleading and insufficient. That has caused delay and, as well, misled the whole process. Some people who give evidence have vested interests in seeing things happen in a certain way, so their evidence is tainted or slanted in order to achieve that goal.

We find with the extradition process that a lot of the evidence that is before the minister and before the panels and boards that deal with it, as well as the courts, is improper evidence, evidence that under our judicial system probably would not be accepted. We have seen a number of cases of that and we had a lot of expert testimony. Again I suggested in committee that perhaps in certain cases we should amend the rules and allow cross-examination of the person who swears the affidavit. You would have to apply to a judge, there would have to be some extenuating circumstances to require this, but essentially you cannot allow somebody to lie and give improper information in another jurisdiction and not have that person available for cross-examination or to justify what they had to say.

The Canadian Bar Association indicated in its testimony that far and away the most difficult theoretical, practical and real problem in extradition today is exactly that point, that the whole process is based in some cases on improper evidence, and the ramifications of that are obvious to all who realize what it means to have to react to improper evidence. We have even seen it in our criminal justice system with the number of people who have been convicted of crimes that they have not

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committed because of improper evidence, improperly obtained, and perjured testimony. In the extradition process we face much of the same thing.

We say to the Minister of Justice: Get on with it, clean up the whole process; let's not just tinker with these little things like appeals, let's get into the substantive issues that have to be dealt with.

In addition, there is a possible conflict, and I am not sure whether it really exists or not, in that the Department of Justice is the department that presents the evidence at the hearing and it is also the officials who advise the minister who makes the decision. There is some argument to be made that we should take a look at whether or not the Department of Justice should be presenting the cases or whether other lawyers should be. We had evidence on both sides of that. Quite frankly, I am not sure which is the best approach. It seems to me that there is some potential for problems in that particular area.

As well, we have heard a lot of talk about Canada becoming the safe haven that I referred to earlier, and whether our whole process has set that up. All we have to do is think about our present situation in which we in Canada do not support the death penalty. Under extradition if there is a threat of the death penalty in another jurisdiction, the process starts to have an impact that would see that a person would not be sent to that jurisdiction because of the death penalty. The argument again is that maybe somebody commits a crime and then comes to Canada. Because it is a murder, they want to be safe in our jurisdiction. The Ng decision I think put that to rest and made sure that that would not take place.

Another positive amendment and one that I think we are all supportive of is the situation in which the legislation presently provides that if somebody commits a crime in Canada, they must serve the total of their sentence in Canada before they can be extradited.

• (1040)

The effect of that is obvious. If I have committed a murder in California or Texas, I am going to come to Canada and continue to commit crimes, and perhaps even a murder, so that I will not be subject to extradition back to Texas or California. Those are positive amendments to the existing legislation and are moving the bill