

*Legal Assistance*

I wish to turn from this particular instance to generalize the concern that I am expressing by looking at a different situation, or I will let Members judge how different it is. It is the matter of the disputes into which Sikhs have long been drawn, and the proceedings against Sikhs in Canada and in India during the last few days. After all, the activities of our Canadian Security Intelligence Service have been intensely controversial for several days. Those activities have led to an admission by the Crown that untrue statements were used as a basis for obtaining a wiretap order in Canada.

In another situation altogether, a Sikh who is a Canadian citizen from the Toronto area and who was travelling in the subcontinent was arrested and subjected to interrogation, how severe we do not know. He made a confession after five days of intense interrogation. One shudders to think what that may have involved. His family has stated he was preoccupied with his work and too busy to be involved in politics.

When one thinks of those two cases, one where a person may spend two years in detention without any charge being laid—and who knows when he may have legal counsel in those circumstances if it were not for the intervention of the Secretary of State for External Affairs (Mr. Clark)—surely it is reasonable to consider very seriously what the possibilities of Bill C-58 may be.

I wish to bring into this discussion some concerns which I raised earlier this year with the Secretary of State for External Affairs. At the time that the Canadian Government arrived at an extradition treaty with the Indian Government I wrote a letter to the Secretary of State in which I expressed some concern. In part I stated:

I share the concern of many Canadians that this treaty could lead to abuse of the civil and human rights of Canadian citizens.

I have heard that Canadian immigration officers processing applications in India sometimes have to deal with rather skillful forgeries. One trusts that they spot all the forgeries, although their failure to do so would only "condemn" a person to the desirable fate of a new life in Canada.

I began with that complex of things. I then suggested to the Secretary of State:

The presentation of fabricated documentation to support an application for extradition of a Canadian citizen or resident could have far more tragic consequences.

I asked the Secretary of State for External Affairs:

What resources does the Government of Canada possess to unmask forgeries? Will the Government ensure that persons will only be extradited when the charges against them are well-authenticated?

In my concluding paragraph I recognized the sensitivity of these matters, given that I was inquiring about a government of a sister nation of the Commonwealth, and where one would not wish to think that anything of this type could happen. As I said a few moments ago, events in the last days in the Canadian Security Intelligence Service, and in the Indian context, it appears, leave one more leeway to pursue these matters.

Several weeks later the Secretary of State for External Affairs responded. At first I was impressed by his statement. He said:

You are indeed correct in your suggestion that Canadian immigration officers are sometimes faced with forged documents, not only in India, but in many other countries as well. Our officers receive specialized training designed to help them identify the fraudulent documentation.

The Secretary of State then addressed my particular question and stated:

In terms of your question about the possibility of forgeries being an aspect in extradition requests, I can assure you that such a situation would be highly unlikely. Extradition treaties are a fundamental and valued element in international relations and I would doubt that any country would seek to misuse such arrangements through fraudulent documentation. The treaty with India is reflective of the changes in Canadian law of the past five years, specifically, the Canadian Charter of Rights and Freedoms, and, as such, incorporates greater safeguards for the individual than any of our previous treaties.

I noted those assurances to me. I also obtained from the research branch of the Library of Parliament an assessment of the extradition treaty with India which came into force on February 10, 1987, in order to determine what special features this particular treaty may have. Of course, I was concerned in the context of Canada wishing to increase its trade with India, which is a concern expressed to me by Canadian citizens, particularly those of Indian origin, and the Indian Government for its part wishing to put an end to or suppress the Sikh dissidents that exist in the Republic of India. Much of the treaty is similar to other treaties, but the extradition treaty with India does have a number of novel and unusual features. I wish to note a few of those.

The treaty is silent on the question of whether nationals can be extradited. This is not the only treaty in which that is the case. The treaties with Israel and the United States are similar. The treaties with Denmark and Sweden which the researcher used for comparison do not include that.

There is then the possibility that a Canadian national could be extradited to India. Of course, that opens the possibility that a Canadian of Indian origin may be so extradited. That is one area of potential danger.

There is a further and unusual provision in that all the other Canadian treaties have a specified list of extradition crimes. However, the Canada-India treaty simply states that an offence "punishable by the laws of both contracting states by a term of imprisonment for a period of more than one year", is one under which extradition may take place. There is a very broad sweep here. There is a provision allowing for the extradition of persons for offences relating to taxation or revenue, or an offence of a purely fiscal character.

These two provisions are not unprecedented in terms of the development of extradition treaties these days, including those in Europe, but they are additional novel features in the treaty that the Canadian Government arrived at with the Indian Government and which came into force in February. Incidentally, on the monetary side this treaty is matched in Canada's