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CANADIAN EXTRADITION LAW

Extradition is the surrender by one state at the request of another of a person who is accused, or has been convicted, of a crime committed within the jurisdiction of the requesting state. Its history can be traced back to biblical times. The purpose of extradition is to deter crime by ensuring that a person cannot avoid being brought to justice by fleeing the state where the crime was committed.

In Canada, extradition is basically a judicial rather than a political process and is governed by the Extradition Act, Chapter E-21 R.S.C. 1970, which is the domestic legislation by which Canada fulfils the obligations it incurs by entering into an extradition treaty. In Canada, the person sought, who is entitled to be represented by counsel, must be brought before an extradition judge. The Crown must establish under Canadian law three basic facts: (1) that the person before the court is the same person whose extradition is being requested; (2) that the offence for which extradition is sought is an extraditable offence under the treaty; and (3) that the evidence presented establishes a prima facie case in respect of the offence for which extradition is requested, i.e., that the evidence submitted if believed, establishes each element of the crime necessary to

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