

Fugitive Offenders

Mr. Roger Young (Parliamentary Secretary to Minister of Justice): Mr. Speaker, I do not intend to take very long in the debate this evening. I think we might move through at least this stage expeditiously.

This bill contains amendments to the Fugitive Offenders Act and the Extradition Act. It is a further aspect of this government's effort to deal effectively with the world-wide scope of law-breaking, especially organized crime. We must recognize that modern day criminals are very mobile and sophisticated.

The purpose of this bill is to permit us under certain conditions to return foreign offenders to the countries where they committed their crimes, both inside the Commonwealth under the Fugitive Offenders Act, and in other countries by way of the Extradition Act. At the same time, the proposed legislation would enable us more effectively to seek the return for trial of Canadian offenders who have fled our borders.

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Of equal importance, the bill contains provisions which would allow Canada to protect the civil liberties of refugees from political, racial or religious oppression. The bill is designed to allow Canada to play its proper role in suppressing true crime while protecting those who are victims of prejudice or oppression.

I think there are several parts of this bill which merit special attention. One is the new schedule of returnable offences which will be provided under the Fugitive Offenders Act. The present act provides that an offence is deemed returnable when it is punishable under the laws of the offender's country by at least 12 months' imprisonment combined with hard labour.

The new bill contains a schedule of returnable offences which has been modernized and updated and includes such serious modern day criminal phenomena as air piracy, income tax evasion, stock frauds, counterfeiting and bankruptcy offences.

One aspect of the new bill which merits attention is the provision which would allow the Minister of Justice a discretion to withhold permission to return an offender to his country if he is likely to be subjected to capital punishment. The prisoner can be surrendered if an assurance is given that the death penalty will not be imposed or, if imposed, that it will not be carried out. This means that there is no absolute prohibition of surrender to states which retain capital punishment.

This is not a provision unique to Canada. Such provisions are found in all modern extradition treaties to which Canada is a party. Indeed, Great Britain has included it in every extradition treaty it has negotiated since the second world war. I might go further to point out that the scheme relating to the rendition of fugitive offenders contains a supplementary article to this effect in Annex 2, Article 1. It should be noted that only eight associated states of the total 69 independent countries and dependencies in the Commonwealth have not yet abolished the death penalty for murder. These include Ber-

[The Acting Speaker (Mr. Ethier).]

muda, Belize, the British Virgin Islands and the Cayman Islands.

Thus, the question of activating this ministerial discretion with respect to murder will rarely occur. If it should, however, the legislation does not suggest that Canada will not return accused murderers to these countries, but rather that the Minister of Justice has the discretion to request assurance that a penalty other than death, such as life imprisonment, will be imposed. That is to say that Canada does not necessarily have to return fugitive offenders, perhaps some of whom might be our own nationals, to a punishment greater or more extreme than that to which we ourselves would subject people in this country.

I should like now to discuss the provisions which would allow Canada to refuse to surrender a fugitive who is the subject of political persecution or prejudice based on religion, sex or nationality. As surprising as it may seem, under the present Fugitive Offenders Act a fugitive may not resist surrender to a commonwealth country for offences of a political character. Thus, if a revolution were to take place in some commonwealth country and the new government were of a vindictive disposition, it might conceivably lay serious charges against an individual for legitimate actions carried out while he was in the employ of the deposed government. Under the present act Canada would be obliged to return such an accused person. We have no authority at present, for example, to refuse to surrender a fugitive who is charged with an offence in Uganda. Hon. members will appreciate, therefore, the significance I attach to clause 4 of this bill.

This new act would give the Minister of Justice discretion to refuse to surrender an offender under such circumstances. Discretion may also be used where we believe the person charged with a returnable offence might be discriminated against on his return for reasons having nothing to do with his guilt or innocence but because of his race, religion, sex or nationality.

I must emphasize, however, that persons wanted for offences such as murder of or assault upon a head of state—something which the offender might consider an expression of political opinion—would not be subject to this ministerial discretion. They must be surrendered, subject to the death penalty clause I spoke of earlier.

In closing, I would like to point out that Bill S-8 provides important changes to legislation which is close to 100 years old and would allow Canada to play a much more effective role in modern international crime-fighting.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, I want first to thank the hon. parliamentary secretary for his explanation of the bill and for his brevity. I will also try to be brief. This bill is entitled "An act respecting fugitive offenders in Canada". It is really what in law we commonly call a bill dealing with extradition. Extradition—and I think I can put this succinctly—means surrender of a fugitive, alleged criminal, by one state or government to another within whose territories the criminal is accused of having committed crime,