

*Transfer of Offenders*

That is good, but section 617 of the Criminal Code does not apply in respect to the offence of which a Canadian offender has been found guilty in the foreign state from which he is transferred, and his finding of guilt and his sentence, if any, are not subject to any appeal or to any other form of review in Canada. That is provided for in clause 5 of the bill.

This bill really only applies where a person actually has been charged. The criticism I have in this regard is not with reference to what this bill will do for those who are charged. I read very carefully the remarks of the parliamentary secretary, and I think I am correct in saying that even where a sentence is under two years, it is possible to transfer a prisoner if he has been convicted, provided there is provincial consent. That is a good part of the bill, and I endorse it.

I support this bill. I am glad we have gone for even half a pie, but the escape clause concerns me. The Mexican authorities do not have to charge people. They can say matters are under investigation. The same old blackmail will be practised against parents. Without a charge this bill does not apply, so people will continue to rot in vermin-infested dungeons in Mexico. That is what I do not like, and that is why I want to say a few words in that regard. There has to be a positive answer. We like to have good relationships with our neighbours, particularly on the North American continent, and more particularly with Mexico and the United States. We also want good relationships with South American countries.

The field of diplomacy is really outside the minister's jurisdiction, but ambassadors have been reluctant to bring very much pressure to bear with regard to the grievance I have mentioned. In the past all they have done is handled money as brokers do. It seems to disappear into thin air, and nothing happens. In view of what Mexico has said with regard to civil rights, and in view of its style and process, there should be actions instead of words, and Mexico should not be objecting strongly. I am glad to see that a former secretary of state for external affairs is here. I know he knows the difficulty, but we should be objecting strongly to this kind of blackmail and to the holding of Canadians without charge in Mexico. Surely at the highest level of diplomacy in Canada we can get better treatment for our Canadian citizens by the Mexican authorities.

I think I have covered what I wanted to say. In conclusion I would like to say that I endorse this bill. It will not come to a vote because I think everyone is basically in accord with it. We have gone a long way. Perhaps it is not possible to legislate in cases where people are not charged. I want to be fair, but if that is the argument—and it is an argument of substance—I must come back to what I said, that in the strongest terms we must say that we want the provisions of this bill carried out with agreement. Perhaps this legislation ratifies an agreement, but we want the agreement carried out.

In the days of the dictators of Europe people rotted in jail. This is going back 300 or 400 years in history. They rotted in jails without being charged. In my opinion, holding people without charging them is illegal, but there is nothing Canadian

[Mr. Woolliams.]

authorities—the Attorney General of Canada (Mr. Basford) or the attorneys general of the various provinces—can do.

I hope due process of law will be interpreted in wide terms. The United States has already done its thing, as it were. There has already been an exchange. The article to which I referred earlier indicates the situation for some young Canadians. Some were charged, and some were not. Some were charged and convicted. Some are waiting for their trials, and that can take months and sometimes years. John Howard, the prison reformer, would blush. Some Americans were allowed to go home more than a year ago, and we are still waiting for action by this institution. Therefore I will be brief.

I hope the bill will be passed immediately. I thank the House for its kind attention. I congratulate the government for introducing this legislation. I am critical about the delay, but perhaps that is part of the parliamentary process. Perhaps I am mellow because this is Friday, but let us get on with the job. Let us pass this bill, but let us not forget the warning I have given with reference to people who have been held in jail without being charged and with reference to people who are charged but who never get to trial.

[*Translation*]

**Hon. J.-J. Blais (Solicitor General):** Mr. Speaker, first I would like to thank my parliamentary secretary, the hon. member for Lachine-Lakeshore (Mr. Blaker), who very ably led the debate on the bill on second reading as well as in the committee stage. He performed in a masterly manner, Mr. Speaker, and I wish to thank him publicly.

[*English*]

I join with the hon. member for Winnipeg North Centre (Mr. Knowles), who made some complimentary remarks about the hon. member for Lachine-Lakeshore last Friday when this bill was introduced at second reading.

With reference to the remarks of the hon. member for Calgary North (Mr. Woolliams), it is true that the information I provided to him in my letter tends to be misleading. I do not think I should have indicated that there was no agreement because an agreement has been signed. It was signed at the time the letter was written. It was signed in November of 1977, but it has not been ratified. Notwithstanding the fact that it has not been ratified I think the execution of the agreement indicates the content of the exchange. In fairness, I think the letter referred to the last argument the hon. gentleman made. I was addressing myself to that argument, and the nature of the comments I made in that letter still apply at this time.

I agree with the hon. gentleman that there should not be a long detention prior to trial. We in Canada recognize that as part of our bundle of civil rights. We recognize that individuals ought to be brought before the courts immediately upon being charged and that there should be no undue delay.

The old adage that justice delayed is justice denied is very applicable.