

Killer's deportation to U.S. was wrong: UN body

NOW AWAITS EXECUTION IN PENNSYLVANIA Quebec court ordered prison escaper sent back to death row after serving 10 years here

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THE GAZETTE

In a decision experts say is a giant step forward for human rights protections, a United Nations committee has ruled Canada shirked its international responsibilities when it deported a convicted killer to the United States in 1998, even though he'd been sentenced to be executed.

The UN Human Rights Committee dismissed Canada's arguments its decision to deport Roger Judge should be assessed through the prism of what was acceptable at the time — namely, a 1991 Supreme Court of Canada decision sending people to face the death penalty did not constitute cruel and unusual punishment under Canada's Charter of Rights.

The UN ruling, issued last week, says countries like Canada that have abolished the death penalty are obliged to pro-

tect life in all circumstances.

"Thus, they may not remove, either by deportation or extradition, individuals from their jurisdiction if it may be reasonably anticipated they will be sentenced to death, without ensuring the death sentence will not be carried out."

Judge was sent to death row in Pennsylvania after being convicted of a pair of drive-by murders in 1984. But he escaped and resurfaced in Vancouver, where he was sentenced to 10 years behind bars for a series of armed robberies and assaults.

Judge served his sentence in Quebec. When it ended, he argued before Quebec Superior Court he had suffered cruel and unusual punishment because he had to spend 10 years in prison in Canada, knowing he'd eventually be put to death.

His arguments were rejected, which is how the case came to be argued before the UN Human

Rights Committee.

Judge's Montreal lawyer, Eric Sutton, noted the ruling requires Canada get back to the committee within 90 days to tell it what action it has taken, and that the country might as well not be a signatory to the International Covenant on Civil and Political

Rights if it doesn't do so.

"Sure, the ruling may not be binding, but (Canada) has an obligation to respect it," Sutton said in an interview. "Why not use its diplomatic channels to push for Mr. Judge's sentence to be commuted to life in prison?" Constitutional lawyer Julius

Grey said the decision reflects what's been happening in Canada, including a 2001 Supreme Court ruling the charter rights of two murder suspects, Sebastian Burns and Artif Rafay of British Columbia, supersede a U.S. extradition request.

Reynald Doiron of the Foreign

Affairs Department said, "The UN committee has produced a very technical ruling and the Canadian government ... needs some time to study it before being in a position to comment."

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