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treaty. Page A8

**ATHER**

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Today's high, 27  
Tonight's low, 17  
Page F10

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**QUOTE**

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# Activists battling bullfight

## 'Bloodless' event scheduled for Molson Centre next month

**AMANDA JELOWICKI**  
*The Gazette*

A two-day bullfighting spectacle, described as "bloodless sport" by the organizer of the event to be held at the Molson Centre, has outraged animal-rights organizations across the country and raised questions about the legality of the event.

"The bulls will be slaughtered immediately after the event," said Liz White, a director of the Animal Alliance of

Canada. "They're being shipped up from Mexico, and they are forced to enter the ring. It's causing unnecessary pain and suffering to an animal."

But Jean-Louis Nadeau, president of the Latin American cultural festival La FERIA de Montréal, which is organizing the event on Sept. 5 and 6, dismissed allegations the animals will suffer.

He said the two-day event will feature a Portuguese bullfight, in which the bulls are not killed while in the ring. He called the event "a bloodless sport," but

admitted that according to import laws, the bulls will have to be slaughtered within 72 hours of the fight to prevent any spread of disease. The bulls are being trucked from Mexico.

White said more than 70 regional animal-rights groups from coast to coast are embarking on an E-mail and fax campaign to Molson Centre president Ronald Corey, demanding the event be canceled.

Please see **BULLFIGHT**, Page A2

stiff competition from U.S. wine-retailers and from liquor boards in other Canadian provinces that offered the same products at tempting prices.

A few years ago, to shut down the competition from the U.S., the SAQ negotiated an increase in the fees Canada Customs collects from travelers returning to Quebec from the States with liquor, making the cross-border wine trade a loser's game. But without a real border between Quebec and Ontario, and with Hawkesbury just a short distance over the provincial line, the SAQ still faced a serious threat from its arch-rival, the Liquor Control Board of Ontario.

Please see **WINE**, Page A5

# Killer's life on line in court case

**LISA FITTERMAN**  
*The Gazette*

Roger Judge, convicted murderer and consummate escape artist, does not want to die. He especially does not want to die in the electric chair.

But the man who escaped from death row at Philadelphia's Holmesburg prison says a high-voltage end is exactly what awaits him, as punishment for a

pair of drive-by murders in 1984, should he be sent back to the U.S. after his 10-year sentence for an armed robbery and violent assault in Vancouver runs out in three days.

So today, as Judge waits in the secure special-handling unit at Sainte-Anne-des-Plaines' Archambault penitentiary — where his neighbours include serial killers Clifford Olson and Allan Legere — Judge's lawyer, Eric Sutton, will be ar-

guing literally for his client's life in the Montreal courthouse.

Sutton plans to argue in Quebec Superior Court that his client's constitutional rights under Section 24 of the Canadian Charter of Rights and Freedoms have been violated because he was kept behind bars for so long, all the while knowing that he would be inevitably put to death once he was returned to U.S. authorities.

With a representative of Amnesty International and William Schabas, dean of law at the Université du Québec à Montréal, in attendance as observers, Sutton also wants to be granted a temporary injunction to prevent Judge, 36, from being sent back to the U.S. until the court has had an opportunity to rule on the charter argument.

Please see **EXTRADITION**, Page A2



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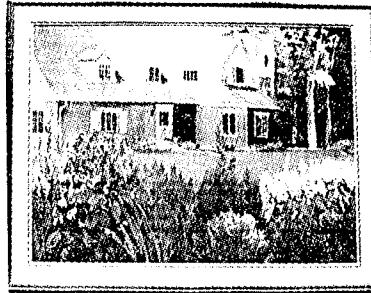
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GAZETTE August 5, 1998

## TOMORROW



## HOME

## Artist brings gardens to life all year round

A Canadian gardener's dream would be to have a garden to look at year round. Artist Josée Nadeau has made that a dream come true for some gardeners in the Montreal area. She has been commissioned to paint private gardens, and the finished works of art hang in the gardeners' homes.

## FRIDAY

## PREVIEW

## Forum comes into play in Nicolas Cage's latest

Nicolas Cage and Gary Sinise play law-enforcers who try to stop a political assassination during a prizefight in the Brian DePalma movie Snake Eyes, opening Friday. The Montreal Forum stands in as an Atlantic City casino showcase.

## LOTTERIES

Tuesday, 98/08/04

La Quotidienne-3	Banco
1-4-4 (in order)	9-10-20-22-27-28-32
	34-41-42-43-48-49
La Quotidienne-4	Extra
7-7-8-7	50-51-55-58-62-65-66
(in order)	6-8-5-4-6-0 (in order)

For tonight's results, call The Gazette QuickLine after 11 p.m. at 555-1234 and enter category 5686. Each call costs 50 cents. In the event of a discrepancy between this list and the official winning list, the latter shall prevail.

## How to reach us

## Death-row syndrome has set in

## EXTRADITION

Continued from Page A1

"All we're asking is that the U.S. be forced to initiate extradition proceedings, which it has never done in this case," Sutton said.

"Our extradition agreement with the U.S. would give (Justice Minister Anne McLellan) the chance to ask that the death penalty not be implemented and, if she refuses to do so, we can access avenues of appeal, like petitioning the Supreme Court of Canada to hear our case."

Sutton acknowledged that the death sentence will be front and centre in the case, despite a 4-3 Supreme Court of Canada ruling in 1991 — in a case involving serial killer Charles Ng and convicted killer Joseph Kindler — that sending people to face the death penalty does not violate charter protection from cruel and unusual punishment.

He pointed to Justice Peter Cory's dissenting opinion that surrendering a person to the death sentence is no different from imposing the same sentence at home. To pretend otherwise would be "an indefensible abdication of moral responsibility."

(In a parallel case, the Supreme Court has agreed to hear arguments about whether the charter rights of two young West Vancouver men, Sebastian Burns and Artif Rafay, would be violated if they were returned to Washington state, where they are charged with aggravated first-degree murder and face execution. The victims were Rafay's parents and mentally handicapped sister.)

What sets Judge apart from his predecessors, Sutton said, including Kindler, who was also a death-row escaper, is that even though Ottawa abolished capital punishment in 1976, Judge has been on death row for 10 years simply because Canada chose to prosecute and imprison him.

The result, he said, has caused Judge, who escaped from prison in June 1987 and was arrested in Vancouver a year later, to suffer from "death-row phenomenon," a psychologically debilitating condition documented by experts like Schabas, who has done extensive work in war-ravaged countries like Rwanda.

That's where the "cruel and unusual punishment" comes in.

Judge has had no recourse to the appeals processes available to others facing deportation

or extradition. He has been in a few fights in prison, and an alleged escape plot at Millhaven penitentiary resulted in his transfer three years ago to Archambault.

He is in a legal limbo, caught between a Canadian policy that makes foreigners who commit crimes serve out their full time as a deterrent to others (there are hundreds currently in the federal penitentiary system) and the U.S. Justice Department's failure to file a formal extradition request.

"Sure, my client is no angel," Sutton said, "but when he was arrested in 1988, they should have just deported him."

"He was supposed to die. It makes no sense to me. And I stress that it's not like he is seeking asylum in Canada. He is not going to be released here. All that would happen is that he is transferred into the custody of the Immigration Department as an illegal alien."

Schabas described the death-row phenomenon as the suffering one goes through while waiting to be executed.

"Executions are often prolonged and while people might at first glance consider that this is good, many courts (the world over) have viewed this as a terrible human-rights abuse," he said.

"International case law says that if someone is held in detention for a lengthy period of time, in a sense, this itself becomes a human-rights violation."

The Privy Council in London has stated that detention beyond five years while awaiting execution constitutes cruel and unusual punishment.

Schabas said perhaps the time has come for Canada to reconsider its position and even become increasingly unco-operative with the U.S.

when it comes to transferring prisoners who face the death penalty.

After all, the U.S. was not exactly co-operative when it failed to inform both Joseph Stanley Faulder, an Albertan sentenced to die in Texas for the 1975 murder of an elderly woman, and Angel Breard, a Paraguayan national on death row in Virginia for murder and attempted rape, that they had the right to ask their consular officials for help.

While Faulder is still fighting at the appellate level, Virginia ignored a delaying order from the World Court in The Hague and executed Breard last April.

Amnesty International spokesman John Tackaberry said that at the very least, his organization simply wants the extradition treaty between Canada and the U.S. respected in this case, although it is opposed to the death penalty under any circumstances.

And constitutional lawyer Julius Grey, who represented Kindler before the Supreme Court, echoed Schabas when he said he believes the time has come to rethink Canada's approach to extradition and the death sentence.

He said that execution in Texas, for example, has become practically routine, while there have also been human-rights abuses in Florida, and in North and South Carolina.

"With all the respect we have for the U.S., can we continue to co-operate with the death penalty as it being practiced there?" he asked.

"I suggest not, because it is contradictory to fundamental human values."

"It is simply not decent."

Grey said he still has nightmares about Kindler, who was sentenced to death after being convicted in Philadelphia in 1983 of the bludgeoning and drowning of a friend scheduled to testify against him in a robbery case.

Kindler, who is still waiting on death row, managed not only to evade authorities in the U.S. but, after being arrested in 1985 in Sainte-Adèle, also escaped from Parthenais detention centre by clambering down a makeshift rope of knotted sheets.

He was recaptured three years later, after a New Brunswick resident saw him on a television show called America's Most Wanted.

"Even if one were to allow the death penalty in certain cases, he is not the kind of person who should be subject to it," Grey said. "There are people who are totally out of control, but I'm against it even for them. I am against capital punishment even for Adolph Hitler. I can feel nothing but horror."

He referred to last week's appeal court decision in Britain that retarded teenager Derek Bentley, hanged 45 years ago in a case that hinged on a single alleged remark, was innocent.

Bentley, 19, was hanged for the murder of a police constable by his friend, Christopher Craig. Bentley was said to have told Craig: "Let him have it, Chris."

Said Grey: "When I think of Derek Bentley, I don't think that one cannot reasonably not be an abolitionist."

**"The death penalty (is) contradictory to fundamental human values."**

**"All we're asking is that the U.S. ... initiate extradition proceedings."**

