

**ADDENDUM**  
**BRIEF TO THE STANDING COMMITTEE ON JUSTICE AND HUMAN**  
**RIGHTS**  
**EXTRADITION LAW REFORM**

**February 19, 2023**

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Since the author of this brief was unable to answer questions asked by members of the Committee during the meeting due to technical issues with the videoconferencing, she would like to supplement her brief with the following information in support of her proposed amendments to the *Extradition Act*.

In response to a question from MP Rhéal Fortin, with regard to Part II (B) (3), the author proposes the following amendments:

#### **EXTRADITION HEARING** (sections 24 to 28 of the *Extradition Act*)

##### **Proposed amendment:**

*“Any person seeking to defend against extradition may introduce in evidence any witnesses who can demonstrate the person’s mental illness or neurological condition.”*

#### **MINISTER’S REASONS FOR REFUSAL**

##### **Proposed amendment:**

**After paragraph 44(1)(b), add paragraph 44(1)(c), which would read as follows:**

*“the person has a mental illness and/or permanent neurological condition.”*

##### **Proposed amendment:**

**After subsection 47(e), add subsection 47(f), which would read as follows:**

*“Any person who has a mental illness or a permanent and/or congenital neurological condition may plead guilty in Canada or be tried in Canada.”*

These amendments seek to protect Canadian citizens in accordance with section 7 of the *Canadian Charter of Rights and Freedoms*, which states: *“Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”*

At present, the author, a lawyer, is handling an extradition case involving a person who has had autism (Asperger’s syndrome) from birth. According to experts, it is a permanent neurological condition, a condition that cannot be treated. At most, medication can help with anxiety and sleep.

The symptoms of Asperger's syndrome include:

- Difficulty maintaining a conversation;
- Permanent anxiety so severe that it would be intolerable to a neurotypical person (normal person);
- Permanent insecurity, which means a person with Asperger's syndrome must be close to and in constant contact with their family;
- A need for support from trusted individuals; and
- A need to learn the social skills that come naturally to neurotypical people.

In summary, because of all the differences in the way a person with Asperger's syndrome would experience a prison setting, they are more likely to develop depression and suicidal thoughts while serving a long prison sentence, especially if they are extradited to another country, with another language, and end up losing all contact with their family and not receiving adequate medical care suitable for their neurological condition.

**That is why many countries deny extradition requests involving a person with Asperger's syndrome.**

The best example is **Julian Assange**, who has Asperger's syndrome. The United Kingdom refused to extradite him to the United States because his Asperger's diagnosis would put him at risk of suicide, according to medical experts who testified at his extradition hearing.

For the same reason, the United Kingdom also denied the United States' requests to extradite Gary McKinnon in 2012 and Lauri Love in 2018.