



March 24, 2005

The Hon. Irwin Cotler  
Minister of Justice  
House of Commons  
Ottawa, Ontario, K1A 0A6

**COPY**

Dear Minister Cotler:

I am writing to ask you to exercise your authority under the **Extradition Act 1999** in the case of John Graham, which was decided on March 2, 2005 in Vancouver by **Madame Justice Elizabeth Bennett** of the British Columbia Supreme Court.

In her decision, Justice Bennett was very critical of the summary of evidence certified by the US attorney, and submitted by the United States, as being the whole truth and nothing but the truth. However, because of Section 32(1) and (2) of the **Act**, Justice Bennett decided she could not rule against the extradition, and focused on the hearsay evidence of John Trudell.

A significant problem with the way this case was heard is that no forensic evidence was submitted, and the **Act** precluded Justice Bennett from weighing evidence as to its veracity, nor could she order disclosure.

Since the **Extradition Act 1999** sweeps aside a number of constitutional guarantees and legal standards that have to be met for trials in Canadian courts, there are, as you are no doubt aware, several cases before the Court of Appeal on the constitutionality of Section 32(1) and (2) of the **Act**.

Since the **Act** only permits the Minister of Justice to demand disclosure, I am requesting that, in order to ensure that fundamental natural justice is adhered to in this case, you request disclosure of evidence from the United States of the record of the case and the summary of evidence certified as being available for the trial in the US. Only in this way, can this evidence be considered by Canadian courts when an appeal of Justice Bennett's decision is heard.

Yours truly,

Kenneth V. Georgetti  
President.

cc: Officers and Assistants  
✓ J. Sinclair, J. Clancy, D. Rice

LAEB\COPE-225\G\GEORGETTI-2005\MIN COTLER - JUSTICE WPD

