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May 13th, 2002

VIA FAX: (613) 957-8412

International Assistance Group
Department of Justice
Room 2067, 284 Wellington Street
Ottawa, Ontario K1A 0H8

Attention: Carole Sheppard, Counsel

Dear Ms. Sheppard:

**Re: Renee BOJE – Extradition Act
Submissions to the Minister Under s. 43, 44 and 46 of
The Extradition Act, 1999**

Thank you for your letter of April 29th, received April 30th, and the enclosures.

With respect to the second document entitled “Summary of Materials Submitted in Opposition to the Surrender of Renee Boje”, I have reviewed that document and our records of what we sent you or should have sent you and it appears that there is perhaps only one discrepancy:

Your item 47 entitled “Various Publications: Print and Internet, Volume II” on page 20 and continuing over on page 22 concludes with the article “Religious Leaders for a More Just and Compassionate Drug Policy”. In our book that article is at tab 18 and there is further tab 19 containing an article entitled “Re-inventing the LAPD by Joseph McNamarra that appeared in the Los Angeles Times on October 5, 1995 and consists of two pages. Do you have that in that book, item 47, or was it missing from the book? Please advise. If you do not have it we will send it to you forthwith.

Also, we believe we sent you a copy of the November/December 2000 issue of *Cannabis Culture* that had a special article on Renee Boje. Did you receive it?

In your “Memorandum to the Minister” no reference is made to the fact that Ms. Boje recently married a Canadian Citizen, Chris Bennett, and has recently given birth to a

baby Canadian, Shiva Sun Bennett. I alluded to these developments in my letter of September 5, 2001 to Mr. LeFrancois. In this regard I now enclose for your reference and for the consideration of the Minister the following:

1. a photocopy of a British Columbia Certificate of Marriage between Christopher Patrick Bennett and Renee Daniele Boje and reflecting their marriage on February 11, 2002 in Sechelt, British Columbia;
2. a photocopy of a Notice of Live Birth or Stillbirth, document number 55185508 from the Ministry of Health and Ministry Responsible for Seniors, Province of British Columbia, reflecting the birth on February 28, 2002 at St. Mary's Hospital in Gibsons, B.C.;
3. a certified true copy of the Registration of Live Birth of Shiva Sun Bennett, document number 60581741;
4. a certified true copy of the Baby Enrollment Form for the Medical Services Plan of the Province of British Columbia and dated March 17, 2002.

It is respectfully submitted that these developments, namely the acquisition of a Canadian husband and the birth in Canada of a child to Ms. Boje and her Canadian husband, Chris Bennett, is very significant and important to this matter for two reasons. Firstly, because it imposes upon the Minister an additional duty to consider the best interests of the Canadian born child before effecting any removal of the child's mother and, secondly, it gives Ms. Boje an avenue to legally immigrate to Canada via sponsorship.

With respect to the first point, I refer you to and enclose a copy of the decision of Baker v. the Minister of Citizenship and Immigration et al, a decision of the Supreme Court of Canada of July 9, 1999. In this case the Supreme Court of Canada ruled on the deportation of individuals who have Canadian born children. The Court ruled that immigration officers have to be alive, alert and attentive to the interests of Canadian born children acknowledging that they are an important factor to consider before making the ultimate removal decision. Consequently I respectfully submit that there is now a duty imposed on the Minister of Justice in this context to consider the best interests of the Canadian born child and to treat that as an important factor in the ultimate decision. While the facts in Baker arise in an immigration context involving a Removal Order and an application for permanent residence in land on humanitarian and compassionate grounds, nevertheless it discusses the importance of Canada's international obligations with respect to the International Convention of the Rights of a Child and, it is respectfully submitted, that this obligation applies equally to the Minister in this context. In my respectful submission, the context is virtually identical involving the potential removal of

the mother of the child and is therefore, for all practical purposes, to the same effect and therefore the principle in Baker should be applied.

Secondly, these developments enable Mr. Bennett to sponsor his wife Renee Boje for permanent residency. I am advised that Mr. Aleksandar Stojicevic of McCrae & Associates has been instructed to proceed with such an application and that it is in process currently. If that application is refused under the current Act, Mr. Bennett will have the right of appeal pursuant to section 7 of the *Immigration Act*. That appeal continues under the new *Immigration and Refugee Protection Act*. The appeal would be based not only on legal and factual grounds but also on equitable grounds that entitle the Immigration Appeal Board to look at all of the circumstances of the case including any humanitarian, compassionate or other grounds. It is Immigration counsel's opinion that given the trivial nature of Ms. Boje's offense in the United States of America that the immigration authorities, and certainly the Immigration Appeal Board, are likely to view the application favourably to enable her to immigrate to Canada.

I note that in my letter of September 5, 2001 to Mr. LeFrancois I also referred to certain further petitions from the Hempfest in Seattle and I see on reviewing the lists that I neglected to forward them to you. Consequently I enclose the following to be added to the other petitions and letters of support etc. that you have received:

1. a package of petitions on behalf of Renee Daniele Boje apparently received since September 5, 2001 and collected at Hempfest in Seattle, Washington as well as at various locations in Canada. This batch of petitions is entitled "Petition on Behalf of Renee Daniele Boje" (22 pages);
2. document entitled "Petition of Support for Asylum for Renee Boje – (2 pages);
3. document entitled "Help Keep Renee in Canada Where She is Safe!" (1 page);
4. form letters from Conrad Evarts, Vinh Quach, Heather Hendricks and Rex Billingsly (5 pages);
5. two untitled form letters to the Honourable Martin Cauchon, one from Christian Lacotita and one from Bernard L. Richter;
6. a postcard from Kowasaki Japan from J. Dearien (front and back);
7. a letter dated January 2, 2002 from Douglas L. Leinbach (5 pages);
8. a letter dated March 26, 2002 from Chris Bennett, Ms. Boje's husband (3 pages).

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Ms. Sheppard

In my letter of September 5, 2001 to Mr. LeFrancois in the last paragraph on page 2 I make reference to certain emails received stating that certain individuals have overheard correctional officers at the prison where Ms. Boje was housed in Los Angeles making disparaging remarks about her and commenting about how they might treat her if she is to be returned. At present I have been unable to obtain anything more from those individuals other than the general statements in their emails. I have been unable to track down the source of that information specifically but I believe it came from Mary Ann Alexander in Illinois and Greagoir O'Cearullain from West Belfast, Northern Ireland. I enclose two emails from Mary Alexander of June 18, 2001 and one from O'Cearullain from June 18, 2001.

In addition, I have continued to receive various email messages indicating support for Ms. Boje and as best as I can determine, most of them are simply copied to me having been forwarded to the Minister's office directly. Many of them continue to refer to the Honourable Anne McClellan as Minister of Justice and the last one I received was dated March 13, 2002 at 12:07 pm from Dr. Don Elwell from Monmouth College in Monmouth, Illinois. If you have not received that email please advise and I will forward the most recent emails received so that they can be added to those that you already have.

With respect to the first document, the memorandum to the Minister, I have reviewed it in detail and would appear to have copies of all the appendixes referred to except possibly the Diplomatic Note #98 dated March 3, 1999. I thought your summary of our submissions to be very fair. Would it be possible to receive from you an email or text version of both of these documents?

Finally, are submissions made by you or someone from the Department of Justice or the International Assistance Group on behalf of the United States of America in support of the extradition to the U.S. and in opposition to her refugee claim? If so are we not entitled to see what those submissions are and to reply to them if necessary? If such do exist I would appreciate receiving a copy as soon as possible so that I can comment upon them as well before these materials are submitted to the Minister for his final decision.

I look forward to hearing from you in this regard at your early opportunity.

Yours very truly,

CONROY & COMPANY
Per:

JOHN W. CONROY, Q.C.

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Encls.

Cc: Rene Boje and Chris Bennett
Cc: Mr. A. Stojicevic (McCrae & Company)