SCC Gives Remand Centre's Vans Green Light

On February 15, 2008, the Supreme Court of Canada dismissed leave to appeal of Trang v. Alberta (Edmonton Remand Centre) from the Alberta Court of Appeal. The Court of Appeal had ruled that the prisoner's right to life, liberty and security of the person under section 7 of the Charter of Rights and Freedoms was not violated by the conditions of the transport vans [1]. The Court of Appeal overturned the lower court's decision for several reasons. First, the Court thought it prudent to avoid turning the case into a general public inquiry regarding the conditions at the Remand Centre. Second, the Court wanted to avoid the legal issue of whether the risk of personal injury constituted a breach of section 7. Finally, the Court found that there was no principle of fundamental justice involved in the case, which is required for a successful section 7 Charter claim.

Cases

Trang v. Alberta, 2006 ABQB 834.

Trang v. Alberta, 2007 ABCA 263.

[1] See Martha Peden, Remand Centre's Travel Vans Cleared for Transport Centre for Constitutional Studies (10 September 2007).