

**Date: 20090226**

**Docket: IMM-5242-08**

**Citation: 2009 FC 205**

**Ottawa, Ontario, February 26, 2009**

**PRESENT: The Honourable Mr. Justice Phelan**

**BETWEEN:**

**TEE MENG LIEW**

**Applicant**

**and**

**THE MINISTER OF PUBLIC SAFETY  
AND EMERGENCY PREPAREDNESS**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] This motion seeks relief in the nature of declaration and injunction to obtain a finding that a diplomatic note issued by Malaysia does not contain sufficient assurances against the possibility that Mr. Liew would be tortured and/or executed if found guilty in Malaysia.

[2] The motion arises against the background of a PRRA which is before the Minister and of a Leave for Judicial Review seeking to *mandamus* ordering the granting of a favourable PRRA decision.

[3] The Court has dismissed the Leave for Judicial Review. The Court notes that the submissions made show good reason for a contempt show cause against the Applicant and counsel regarding the comments directed at Justice Zinn and his decision. This Order is notice to the Applicant and counsel that further comments of a like nature directed against this Court or a judge of this Court could lead to show cause proceedings.

[4] As to the current motion, it is premature. The issue of the Malaysian government's assurance are before the PRRA officer. The officer is required to issue a decision in a reasonable time. It is only upon receipt of the decision that one would know if the Applicant's speculation is a reality.

[5] Therefore, this motion is dismissed. As this motion is within the context of an immigration proceeding, no costs will be awarded.

**ORDER**

**THIS COURT ORDERS that** the motion is dismissed. No costs are awarded.

“Michael L. Phelan”

---

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5242-08

**STYLE OF CAUSE:** TEE MENG LIEW

and

THE MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO, PURSUANT TO  
RULE 369**

**REASONS FOR ORDER  
AND ORDER:**

Phelan J.

**DATED:** February 26, 2009

**WRITTEN REPRESENTATIONS BY:**

Mr. Timothy E. Leahy

FOR THE APPLICANT

Ms. Deborah Drukarsh

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

FOREFRONT MIGRATION LTD.  
Toronto, Ontario

FOR THE APPLICANT

MR. JOHN H. SIMS, Q.C.  
Deputy Attorney General of Canada  
Toronto, Ontario

FOR THE RESPONDENT