



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, December 1, 2009**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, December 1, 2009

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1000)

[*English*]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8)(b), I have the honour to table, in both official languages, the government's response to 22 petitions.

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### PETITIONS

#### CHILD PROTECTION

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, pursuant to Standing Order 36 and as certified by the clerk of petitions, I have two petitions today.

The first one is very timely in that the House has been considering the issue of child pornography, particularly on the Internet.

These petitioners from my riding of Mississauga South want to draw to the attention of the House that the creation, use and circulation of child pornography is condemned by a clear majority of Canadians, that the CRTC and Internet service providers have responsibility for the content that is being transmitted to Canadians, and that anyone who uses the Internet to facilitate any sex offences involving children is committing an offence.

Therefore, these petitioners call upon Parliament to protect our children by taking all necessary steps to stop the Internet as a medium for the distribution of child victimization and pornography.

#### PENSIONS

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the second petition has to do with an issue that has seized the House for some time. It has to do with Nortel retirees, particularly those who are receiving benefits for long-term disability and who are under duress now.

These petitioners are calling upon Parliament to amend the Companies' Creditors Arrangement Act and the Bankruptcy and

Insolvency Act to protect the rights of Canadian employees, and to ensure that the employees who are laid off by a company while receiving a pension or long-term disability benefits will obtain preferred creditor status over other unsecured creditors during bankruptcy proceedings.

They are also asking for the Bankruptcy and Insolvency Act to be amended to ensure that employee-related claims are paid from the proceeds of Canadian asset sales before funds are permitted to leave the country.

This is an important area and I hope the government will respond favourably to these petitioners.

#### AIR PASSENGERS' BILL OF RIGHTS

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I present a petition in which the petitioners from Manitoba are calling for the adoption of Canada's first air passengers' bill of rights.

The petitioners support Bill C-310, which includes compensation for overbooked flights, cancelled flights and unreasonable tarmac delays. The legislation is inspired by a European law. In fact, Air Canada is already operating under the European laws on its flights to Europe, so why should an Air Canada customer receive better treatment in Europe than in Canada?

The bill would ensure that passengers are kept informed of flight changes, whether they are delays or cancellations. The new rules would be posted in the airports, and airlines must inform passengers of their rights and the process to file for compensation. The bill deals with late and misplaced baggage. It also deals with all-inclusive pricing by airlines in their advertisements.

Bill C-310 is not meant to punish the airlines. If the airlines follow the rules, they will not have to pay a dime in compensation to passengers.

The petitioners call on the Government of Canada to support Bill C-310 that would introduce Canada's first air passengers' bill of rights.

\* \* \*

• (1005)

### QUESTIONS PASSED AS ORDERS FOR RETURNS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, if the answers to Questions Nos. 464 and 465 could be made orders for returns, these returns would be tabled immediately.

**The Speaker:** Is that agreed?

*Points of Order*

**Some hon. members:** Agreed.

[Text]

Question No. 464—**Hon. Carolyn Bennett:**

With respect to the Advisory Committee on Health Delivery and Human Resources (ACHDHR): (a) what are the most recent developments with the ACHDHR; (b) who are the current members of the ACHDHR; (c) how often is the ACHDHR meeting; (d) what is the current mandate of the ACHDHR and how is it being addressed; (e) what are the current goals and objectives of the ACHDHR; (f) how is the ACHDHR addressing the Framework for Collaborative Pan-Canadian Health Human Resources Planning that was released in 2005; (g) how is the ACHDHR tracking health delivery and health human resource targets for rural communities, the aging demographic, family medicine shortages and all other specialties, as well as aboriginal communities; (h) what reports has the ACHDHR recently issued; and (i) when will the ACHDHR be issuing a next report?

(Return tabled)

Question No. 465—**Mr. Brian Murphy:**

With regard to seniors' pensions and benefits provided by the government: (a) what is the government doing to assure a proper level of compensation for retired seniors dependent on government support; (b) is the pension amount in line with seniors needs and increases in the costs of living; (c) what is being done to ensure that an increase in one area of government support is not clawed back or eliminated by a decrease in another area of government support; (d) what are the benchmarks used in determining the levels of support needed by a senior citizen; (e) are these benchmarks different from region to region and, if so, how are the differences determined; (f) is the government planning pension reforms, and if so, what will the reforms entail, when will they be made known, when will they be implemented, and will they adequately support the number of qualified seniors; (g) has the government predicted how many people will become qualified for these programs in the future and, if so, what projections has the government made in this regard; and (h) what increases does the government predict for contributors to these programs over the next ten years?

(Return tabled)

[English]

**Mr. Tom Lukiwski:** Mr. Speaker, I ask that the remaining questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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**POINTS OF ORDER**

BILL C-470

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a point of order with respect to Bill C-470, standing in the name of the member for Mississauga East—Cooksville.

Without commenting on the merits of Bill C-470, An Act to amend the Income Tax Act (revocation of registration), I submit that the bill would extend the incidence of a tax and therefore should have been preceded by House concurrence in a ways and means motion for the bill.

The second edition of *House of Commons Procedure and Practice* states on page 900 that:

The House must first adopt a ways and mean motion before a bill which imposes a tax or other charge on the taxpayer can be introduced.

In addition, citation 980 of the sixth edition of *Beauchesne's Parliamentary Rules and Forms* states:

A ways and means motion is a necessary preliminary to the imposition of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, or an extension of the incidence of a tax so as to include persons not already payers.

I would further note that on page 898 of the 23rd edition of *Erskine May*, it states:

A Ways and Means motion resolution is required to authorize extension of the scope of a tax, for example, to cover new classes of tax-payers.... The requirement for a Ways and Means resolution also applies to any proposal for a change in tax law or the administration of tax collection which may lead, albeit incidentally, to an increased or accelerated tax burden for any class of taxpayers.

By way of precedent, on November 28, 2007, the Speaker ruled in the case of Bill C-418, An Act to amend the Income Tax Act (deductibility of remuneration) that:

If adopted, this measure would therefore have the effect of increasing the tax payable by certain corporations.... In other words, the bill deals with an issue of ways and means....

In my view, Bill C-418 imposes a charge on the taxpayer, but it was not preceded by a ways and means motion....

Accordingly, the Chair must now direct that the order for second reading of the bill be discharged and the bill withdrawn from the order paper.

The purpose of Bill C-470 is to allow the revocation of the registration of a charitable organization, public foundation or private foundation, if a particular entity is paying an annual compensation that exceeds \$250,000 to any of its executives or employees.

Let me explain why the bill would result in the extension of a tax. For the information of members, subsections 149.1(2) to 149.1(4) of the Income Tax Act provide rules upon which the Minister of National Revenue can deregister a charity. Bill C-470 would amend the Income Tax Act by adding paragraph (c) to subsection 149.1(2) of the act, adding paragraph (f) to subsection 149.1(3) and adding paragraph (e) to subsection 149.1(4). This would add a new condition where the Minister of National Revenue can deregister a charity. Let me explain in detail, if I may, how that may work.

At present, upon the issuance of a notice of revocation of its registration under any of the current subsections from 149.1(2) to 149.1(4), an entity is facing an additional tax burden. Subsection 188(1.1) of the Income Tax Act, read in conjunction with subsection 188(1), provides that such an entity is liable to a tax calculated in accordance with the formula found in subsection 188(1.1). This additional tax liability is known as the revocation tax.

Bill C-470 would add the new circumstances described in subsections 149.1(2) to 149.1(4) for deregistration of charities by providing that the Minister of National Revenue can, in addition to the current circumstances described in the Income Tax Act, deregister an entity on the basis that it pays more than \$250,000 in compensation to one of its executives or employees.

Charities that would be deregistered under the new circumstances in Bill C-470 would be liable to pay the revocation tax imposed under subsection 188(1.1).

In addition, paragraph 149(1)(f) of the Income Tax Act provides that registered charities are exempt from taxation. Upon deregistration of an entity in the circumstances proposed by Bill C-470, that entity loses its tax exempt status as a registered charity and, assuming it remains a charity, it will not be able to benefit from the other exemptions from tax provided for in subsection 149.1(1).

*Business of Supply*

•(1010)

In other words, Bill C-470 would result in an extension of the incidence of a tax by including entities that are not already paying the revocation tax or, potentially, a tax on their income. This means that the bill should have been preceded by the concurrence of the House in a ways and means motion for the bill.

As a result, I submit that the order for second reading of the bill should be discharged and the bill be withdrawn from the order paper.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, this is the first time in my 16 years here that I have come across this issue. I do not know the details of the argument as well as the hon. member has presented them.

However, one of the protections that members do have is the diligence and review done by the subcommittee of the Standing Committee on Procedure and House Affairs. For all bills that members submit, the members are asked to designate the bill or motion they would like to have on the order of precedence, once the bill is put on the order paper, to decide its disposition and admissibility, whether or not it is constitutional or would require a royal recommendation where additional spending were being recommended.

In this case, we have something in a parallel sense, but it does require a ways and means motion.

I will accept the argument of the parliamentary secretary. However, what the parliamentary secretary is saying is that as a consequence of this situation, this bill should basically be terminated and be taken off the order paper.

This is probably not the only option available to the House. I would argue that if the subcommittee of the Standing Committee on Procedure and House Affairs was not aware and, in fact, has not advised the member, the member would never have picked this bill, simply because there is no process by which a member can actually introduce a ways and means motion to be able to deal with the bill. If the argument is correct, the bill therefore had no chance whatsoever of ever being correct.

I am sure that it would be the intent of the member to seek an amendment to the bill that she wants to put forward for consideration to committee, or would substitute another.

On behalf of the member, I would simply argue that this is not any fault of the member, but rather a circumstance of which she and most of the House were unaware, and that with the guidance of the committee, they may have been able to remediate this.

Thus I am asking for the House to consider whether the member could have the opportunity to seek whatever options might be available, so that she could have an item on the order paper, which is her right given that her bill was put there by the lottery conducted by the House.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I will be very brief about the simple logic being applied by the parliamentary secretary to this issue.

It seems to me that if a ways and means motion were required, the legislative matter might also require a royal recommendation. I do not think that is what is being argued here.

Second, I do not think that the measure being proposed here would create a new tax or a new tax measure. All it would do is to take steps that would make a person or an entity liable to an existing tax measure. If I were to use the same logic the government is using in this matter now, but to legislate in the House a promotion or to create an office whereby a person took that office and thus entered a higher tax bracket by virtue of earning more money, then a ways and means motion would be needed because the legislation, if passed, would ultimately result in that appointed person being subject to additional taxation on his or her income.

My point is that the legislation being proposed here merely sets up a circumstance where the entity would be subject to existing tax measures, not new tax measures.

•(1015)

**The Deputy Speaker:** I appreciate the interventions by the Parliamentary Secretary to the government House leader and the members for Mississauga South and Scarborough—Rouge River. I am sure they will be taken under advisement and a ruling will come back to the House in due course.

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## GOVERNMENT ORDERS

[English]

### BUSINESS OF SUPPLY

OPPOSITION MOTION—TRANSFER OF AFGHAN DETAINEES

**Mr. Paul Dewar (Ottawa Centre, NDP)** moved:

That, in the opinion of the House, the government should, in accordance with Part I of the Inquiries Act, call a Public Inquiry into the transfer of detainees in Canadian custody to Afghan authorities from 2001 to 2009.

He said: Mr. Speaker, I want to thank my colleague from St. John's East for seconding this motion.

On April 5, 2006, the following question was posed in this House to the then defence minister. It was posed by my colleague, Dawn Black, who was our defence critic at the time, and I will read it into the record. She said:

Mr. Speaker, on December 18, the Canadian Chief of Defence Staff signed an agreement with the Government of Afghanistan concerning the transfer of prisoners. My question is for the Minister of National Defence.

Was the previous Liberal government aware of this memorandum of understanding before it was signed? Why does a very similar agreement signed with the Netherlands allow its government to ensure full compliance with all international conventions while ours does not?

The reply by the then defence minister was:

Mr. Speaker, to my knowledge the previous government knew about the arrangement because it was done under its watch.

With respect to the second question, this is a more mature arrangement than the Netherlands has. Nothing in the agreement prevents the Canadian government from inquiring about prisoners. We are quite satisfied with the agreement. It protects prisoners under the Geneva agreement and all other war agreements.

The supplementary question by my colleague, Ms. Black, was:

### *Business of Supply*

Mr. Speaker, the agreement does nothing to stop prisoners from being transferred to a third party. Once Canadians hand a prisoner over to the Afghan government we wash our hands of the entire matter. This is simply not good enough.

Will the minister ensure that Canadian government officials have the same rights as Dutch officials when it comes to tracking, interviewing and ensuring that no human rights violations or torture will take place?

When will the minister redraft the agreement to better reflect our values as Canadians?

The then defence minister answered:

Mr. Speaker, we have no intention of redrafting the agreement. The Red Cross and the Red Crescent are charged with ensuring that prisoners are not abused. There is nothing in the agreement that prevents Canada from determining the fate of prisoners so there is no need to make any change in the agreement.

I begin with that because this is the beginning of what I think should be a study by an independent inquiry.

When we first took our place in this House in 2006, there was a transition in the military operations in Afghanistan. We were moving from Kabul to Kandahar, but we were also charged with different responsibilities. We had to take issue with the fact that we were handing over detainees and that there was much more activity in the field. That has been laid out, but we also had to take responsibilities that we all have as decision makers with regard to international law.

Obviously, we know what happened after what I just read into the record. There was an admission by the government that the transfer agreement was not as substantive as what it is claiming. The fact is that our agreement was not as robust as the Dutch agreement and we were not aware of what was happening to detainees once they were handed over.

In fact, at committee, we have heard from generals, both serving and past. We have heard from diplomats, serving and past. We have heard from those who were in the field, particularly Mr. Colvin. While there might be disputes with some of their testimony, there is one thing that is seamless and where there is a consensus, and that is that we knew of the allegations and reports of international groups who monitor human rights, such as the Red Cross and the Afghanistan Independent Human Rights Commission, that there was abuse in Afghan jails. This is something everyone can agree on.

What we have had in front of committee is the statement of fact by Mr. Colvin that he was trying to bring forward to the chain of command, both military and through DFAIT, that there were problems and that we needed to rectify those problems. For over 15 months, his calls went unheeded.

In fact, there was still, by the government of the day, no formal acknowledge that there was a problem with the agreement. It was not until there was actual reporting from the field by a reporter, Graeme Smith. It was admitted at committee, after questions posed to the generals, that in fact when they had heard of the abuse as was noted in Mr. Smith's reports, there was a halting of that.

• (1020)

It is interesting to note that at the time when Mr. Colvin was writing his reports of concerns regarding detainee transfers, there were also, for the record, responses as of June 2006 from officials that there were no concerns.

Part of that is what is needed to be put on the record because our motion today calls for an independent lens, a judicial inquiry, to have

documents put in front of someone who can sort out the contradictions, the contradictions that Mr. Colvin was stating in more than one report to over 70 people, that he had concerns about the handover of detainees from Canadians to Afghan prisons, to Afghan officials, and the generals' testimony that once they were handed over they were not the military's responsibility.

I will read from the *Globe and Mail* report written by Mr. Smith and referenced earlier. It was the cause for our halting of the transfer of detainees according to testimony at committee. It stated:

"Do you have facts?" he asked, in a June 2, 2006, interview with *The Globe and Mail*. The Canadian commander added that his soldiers had established close relationships with Afghan security services and only gave detainees to local officials who could be trusted to treat them properly. "We respect the rights of individuals," Brig.-Gen. Fraser said. "We will make sure that those rights are maintained and nothing bad happens to those people". Canada's appointed watchdog has always expressed less confidence in Afghan system. "The NDS is torturing detainees," said Abdul Qadar Noorzai, the regional head of the AIHRC. "I've heard stories of blood on the walls. It's a terrifying place: dark, dirty, and bloody. When you hear about this place, no man feels comfortable with himself".

We have in front of us a dilemma. On the one hand we have assurances from officials that are saying that they were not aware that there were concerns within the Afghan jails in particular to those detainees who were transferred by Canadians but we had concerns generally.

On the other hand we have Mr. Colvin, who was very clear in his testimony that he had tried to get the attention of his superiors. He was unequivocal in his statement at committee when he said that he had tried to get the attention of Canadian officials. He had underlined the insufficiency within our agreement. He had cited the Dutch agreement, as was mentioned by my colleague, Ms. Black, as being a preferred option. He had said that when we were handing over detainees, we had no way to monitor. We had no records.

The government's line to date has been the following. We cannot prove with absolute clarity that there was any torture of Afghan detainees that were handed over by the Canadian military to Afghan jails. Mr. Colvin's evidence is saying very clearly that there was no way to monitor and in fact the government was not following up on allegations, and it was not investigating until a new transfer agreement was signed off.

These are huge gaping holes. What we have in essence is a black hole for more than 15 months where we were handing over detainees. There was no follow-up in terms of monitoring. There was no follow-up in terms of allegations. Thus, there was no way to provide evidence. Therefore, the government's claims have absolutely no credibility. If we are not able to investigate, if we are not able to monitor, then we will not be able to find.

Mr. Colvin is not in my opinion a whistleblower. The government has conveniently tagged him with that moniker.

• (1025)

The reason Mr. Colvin appeared at committee and was able to give evidence was because he was asked to appear before the committee. Prior to that, he was to provide testimony to the Military Police Complaints Commission. We know the story there.

*Business of Supply*

He was not able to give evidence. The commission was not functioning. I will not go through all of that. It is safe to say that the government did not want people to come forward. It did not want the commission to do its job. I do not think anyone would dispute that, save for the government of course.

We asked that Mr. Colvin come before committee so we could actually get to the bottom of what happened. Instead of listening to Mr. Colvin's testimony and taking that evidence in, the government's approach, and we have seen this time and time again, was to shoot the messenger, to attack his credibility.

Mr. Colvin came before the committee because he was asked. In the case of Mr. Mulroney, he was not invited to the committee until after Mr. Colvin attended and Mr. Mulroney asked to come before the committee.

It is interesting to note that prior to Mr. Colvin's testimony, the government was not interested in having this study done by the Afghanistan committee. It was very clear about that. It fought against Mr. Colvin appearing at committee and decided that it would support a study of sections 37 and 38 of the National Security Act but voted against Mr. Colvin coming before the committee.

Yet, after the motion passed in committee, it did not list Mr. Mulroney as a witness. All parties are able and encouraged to invite witnesses to the committee. Not once did the government say it wanted to hear from Mr. Mulroney until Mr. Colvin provided his testimony. That is interesting because it shows the government was not interested in the declaration from officials. What it was more interested in, after Mr. Colvin's testimony, was covering the trail.

I say that, sadly, because what the government should be acknowledging is what every single independent body that has looked at human rights in Afghan jails has observed, that there was and is abuse in them. That is obvious.

For some reason, the government has tried to deny that. I do not understand it. It is a well-known fact. In fact, one of the agencies Canada funds, the Afghanistan Independent Human Rights Commission, and its representatives, whom I previously brought to committee before the detainee issue was before committee, had written very clearly that there was widespread abuse.

It is interesting that when Canada's monitors and trainers for the Afghan army and the Afghan police and the deputy minister were asked if they had read the Afghanistan Independent Human Rights Commission's most recent report, they said they had heard about it but never read it. The reason given was that it had not been translated.

I do not know about anyone else, but if I am involved in training police and corrections officers in Afghanistan, and I have given the authority and mandate to the Afghanistan Independent Human Rights Commission to be an overseer and monitor what is going on in jails, I would want to read that. I would want my officials training the Afghan police and corrections officials to actually have read what is going on in the jails. They were not doing that. I brought that issue up months ago.

That report is now widespread. It has now been translated into English. It was curious that the government could not find anyone

who read Dari in the monolith that is the bureaucracy, but the officials were finally availed of it. It was actually one of my staff who helped translate it.

The question in front of us is to take from the government and even the opposition the issue of the transfer of Afghan detainees and posit it before an independent inquiry.

• (1030)

Even with the government's hottest rhetoric, and we saw it all last week, how can the government deny what every single solitary editorial in this country and most people who look at this through an unbiased lens have said we need? We need an independent inquiry. What are the Conservatives afraid of?

The Minister of National Defence contradicted himself in the House. He said that he never read reports from Mr. Colvin and weeks later he said that he got an attachment on it. Last week the Minister of National Defence said that some of those reports came to him but they went through the generals and the bureaucrats first.

There is a lot of game playing going on, even with the one person who the government put forward as credible to attack Mr. Colvin. Members of the government did not say this when they quoted him in the House, but it is interesting to note what Paul Chapin, the third party validator for the government, did before he retired. The Minister of National Defence used his words in the House to defend the Conservatives' lack of action on the detainee issue and their denial. Before he retired, Mr. Chapin was actually the architect of the first detainee transfer. Now he works for a lobby group.

The one third party validator the government has is not even independent from all of this. He is entirely involved in the detainee transfer agreement. That is it. That is the government's credibility, one person, Mr. Paul Chapin. He is a fine gentleman, but let us be honest. He was the author of or was involved in writing the first detainee transfer agreement, which everyone agrees was insufficient.

Where is the credibility for the government? There is none. It is relying on hot rhetoric. I do not have to tell members that when the government starts calling people names and accusing people of being allied with the Taliban, it shows the merit of the government's arguments. If the government is not able to rely on fact, and if it is not able to make the argument, then there is the old parlour trick of attacking the messenger. We have seen this. Not only did the government attack us, and we on this side are used to the government attacking us, but it is so 2006, what we have seen this past couple of weeks. It is what we heard when we first debated this, that somehow we are aligned with the Taliban and we do not support the troops.

When the government starts to go after public servants who are not whistleblowers but who were actually called before the committee to provide evidence, then it has hit a new low. The limbo pole is almost on the ground and the government is trying to get under it.

*Business of Supply*

If we are to get to the bottom of this issue and if, as the government claims, it wants to get to the truth, why is it the government has withheld documents? Why is it that certain journalists in this country have access to documents that a parliamentary committee does not have access to? Why is it that certain people in this country are able to access information that a parliamentary committee cannot access?

If this were any other jurisdiction, for example the United States, and a congressional committee had asked for documents before witnesses testified, it would be given them in a second. However, not with the Conservative government. The government decides to attack the messenger. Never mind the facts. As I said, the facts that we have had in front of the committee demand further investigation. I say this as a member of the committee. I want this issue to be the subject of an independent inquiry. For the government to deny that makes its motive very clear.

The government does not want Canadians to hear the whole story. It wants to bury truth. It is going to take us down a path of poisoning an issue, politicizing an issue, instead of bringing light to an issue and instead of asking that someone who is unbiased, not the opposition, not the government, not any other third party, but someone unbiased look at this to get to the truth.

• (1035)

I call on the government not only to support this motion, but to announce its intent to call an inquiry. If the Conservatives deny a public inquiry, they will rue that day and history will not be favourable. They will wish they had gone down the path of transparency and called a public inquiry.

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, I listened intently to the words of the member opposite. I certainly agree with what he said, that we should not politicize this, that we should look for direction from individuals who are not directly tied to the issue. It is very instructive in taking his credibility to heart when he said that nobody else has validated this; it is only this other individual who formerly worked in the public service, Paul Chapin. Mr. Chapin said, "Colvin's charge is not that there was general torture going on. His charge is that we, Canada, knowingly turned over people to be tortured. And that's irresponsible because he has no hard evidence for that". That is a former colleague from the public service. He said there were not others. There were in fact three high-ranking generals, Fraser, Hillier and Gauthier, all of whom were on the ground during the time in question, all of whom were clearly in a position of command with respect to the issue of detainees. They saw no torture. They heard of no torture. They reported no torture to the government.

Similarly, we had Mr. Mulroney, another public servant who was specifically tasked with the mission in Afghanistan. He gave his assessment of Mr. Colvin's testimony. He found it lacking. He found there was no evidence of torture that he had seen or that he had been directed to.

We have individuals like Christie Blatchford, an embedded journalist, not someone who would be beholden to the government. Here is what she had to say:

In condemning with the same brush highly professional Canadian soldiers, and to complain that they were complicit in breaches of the law of armed conflict and knowingly buried his reports, it is Mr. Colvin who has some explaining left to do.

That is from the *Globe and Mail*. We have people like Matthew Fisher, another embedded journalist. There is a growing list of individuals who are casting some degree of suspicion over Mr. Colvin's word.

**Mr. Paul Dewar:** Mr. Speaker, here we go again, is all I can say. The minister has gone at it again. He cannot resist it. He seems to think that if he attacks the messenger, he will get his message out.

The facts are the message here. The facts are that there have been facts and evidence brought forward to a committee of the House. What I am saying to the government is what the motion says, bring forward an independent lens so we can stop this jingoistic ballyhoo we hear all the time from the government when we bring forward facts.

Why is it that certain journalists have access to documents? How is it they obtained documents that we do not have access to? Is the government investigating that? Is the tiger team taking documents from some people and handing them over to certain journalists? Is the government saying that the tiger team will bless one group and give it documents because that group gives out the government's message? Is that what is going on here? That is what Canadians want to know.

At the end of the day what will clear this up is a public inquiry. Why are the Conservatives scared of a public inquiry? What are they afraid of?

• (1040)

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, I had the privilege of chairing the Standing Committee on National Defence. The parliamentary secretary and I served together on the committee. He will attest that the committee functioned as a family. We put the interests of the mission first and then our men and women in uniform. I know he feels the same way as I do and so does the minister.

We asked tough questions. All the honourable gentlemen the minister mentioned came before the committee and a committee of the whole in this chamber. We asked tough questions. That is our role as parliamentarians.

I have had several calls from my constituents asking, "Are you guys really against the military?" Why does the member think that every time we ask these tough questions we are getting rebuttals? I say this respectfully, but tactics have changed. We are supposedly against our men and women in uniform and against the military which is really not the case. I am sending that message across.

**Mr. Paul Dewar:** Mr. Speaker, as the son of a World War II vet and the grandson of two World War I vets, one of whom was gassed overseas and received a medal of bravery for his valour in World War I, I do not need to take any lessons about patriotism and supporting the troops. It is in my DNA. I am glad the member brought up that question. If anyone wants to talk to me about the military we can take a walk outside and I will read some testimonies from my family.



*Business of Supply*

This is about the core of who we are. This is our moral reputation in the world. Why I am asking for a public inquiry, and I am sure there will be support from other parties, is to ensure that moral reputation stands and that the people who need to be held to account, the government members, are held to account. That is how democracy works. I have no idea why the Conservatives want to deny an independent inquiry on an important issue.

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, obviously this is an important issue, and it is an emotional issue. I want to quickly point out two things and then ask a question.

Mr. Colvin's memos in 2006 did not relate to abuse. They related to conditions in the jails. His reports basically said that the jails were not that bad. His reports in 2007 came to light after Graeme Smith did his article-

**Mr. Brian Murphy:** Where did you read them?

**Mr. Laurie Hawn:** Mr. Speaker, it is in the public domain, from the CBC as a matter of fact. The reports only surfaced after Graeme Smith published his reports. I would ask the question, where is Mr. Colvin getting his information?

With respect to the comments about whom the government wanted to hear from and so on, as we do not repeat what happens in camera, I would just say that the member was not being factual when he made those statements.

There is one source who spent a total of an afternoon outside the wire, visiting one prison, talking to four prisoners. He did not know where they came from. One of them showed some signs of abuse. That is the "he said" side. On the "everybody else said" side, we have three high-ranking, highly respected generals, a senior diplomat who was Colvin's superior, and numerous other people saying the opposite.

Is the member saying that that one source is more credible than all those other sources?

**Mr. Paul Dewar:** Mr. Speaker, it is pretty obvious what the government is doing here. There are actually many other sources than Mr. Colvin. When the parliamentary secretary says "according to Mr. Colvin's reports", it would be nice if we could read them, because we are not allowed to read them. Certain journalists have access to the unredacted reports. In fact, retired members of the military have access to these documents. We do not. It is evident what is going on in terms of how the government is playing things.

The point is that the information that is available to everyone, and even the generals agree, stated that there was abuse going on in Afghan jails. There was not a separate place for detainees to go where there was no abuse. In fact, Mr. Mulroney, under questioning, said he could not assure anyone that there was not abuse, and he came in to fix it.

Finally, the point that needs to be made to my friend on the other side is that if he feels there are all these undisputed facts going around, why would he not support an inquiry?

• (1045)

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, certainly from what we are hearing, it is a happy day when

the Conservative government is seeking out its new-found friend, the CBC. We can all praise that as an epiphany.

I want to ask the hon. member, who brings forward a very important point, are we not just discussing what is the proper venue? Certainly the Minister of National Defence as a former Crown prosecutor would know the importance of full disclosure. It does not appear that we have had, except for the CBC, full disclosure.

As the prerogatives of the Parliament of Canada are outside section 38 of the Criminal Code, which the Attorney General and the Minister of National Defence may be relying on, as Mr. Colvin says, does the member not think that eventually we will have full disclosure of full documentation? That may preclude the necessity for his royal commission inquiry.

**Mr. Paul Dewar:** To be very brief, Mr. Speaker, no. Because the government has the tiger team. It consistently withholds information, and that is known. We need an independent lens.

We are going to have an inquiry on missing salmon, which is an important subject. I wish the government would get on with that sooner.

We have spent \$18 billion on the mission in Afghanistan. We have lost 133 men and women in uniform and a diplomat. Does the government not think that is as important as missing salmon? I will leave it to the government to answer that question.

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, I am pleased to take part in the debate. We have just heard the hon. member for Ottawa Centre, who proposes that the Government of Canada call a public inquiry into the transfer of Taliban prisoners in Canadian custody to Afghan authorities from 2001 to 2009. This is the period in which Canada has been involved in the mission in Afghanistan.

Let us be perfectly clear. As we have heard from the introductory remarks to this debate by the member for Ottawa Centre, this is fuelled by partisan politics. This is fuelled by unfounded allegations. I heard the hon. member say not 30 seconds ago that the Afghan mission would cost \$18 billion. He is pulling that figure out of the thin blue air. I can assure the House this is not the cost of the Afghan mission. I will now go through some of his other remarks and point out the truth.

This exercise would be unnecessary and a waste of taxpayer money. It would be duplication of effort, as we currently have a number of investigations going on into the exact same subject matter. In fact, I can point to three areas of investigation that are either under way or completed.

[*Translation*]

First of all, the Canadian Forces convened a board of inquiry to investigate the treatment of persons detained by the Canadian Forces in April 2006. The board concluded that Canadian Forces members, without exception, treated prisoners professionally and humanely, and that all actions taken by Canadian Forces members in dealing with prisoners complied with directives in place at the time of capture and were consistently above reproach.

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During the board's investigation, the Canadian Forces made significant changes to improve their reporting and registration system, as well as the time frame for and level of the directives provided to Canadian Forces members in the field.

[English]

Second, the Military Police Complaints Commission is investigating detainee transfers. The Government of Canada is co-operating fully with the commission, where it is operating within its mandate as set out by the National Defence Act and defined by the federal court.

The Military Police Complaints Commission itself has confirmed that the Department of National Defence has provided the commission with access to hundreds of documents and produced dozens of witnesses with respect to the MPCC matters relating to detainees. The work of the commission is currently suspended by the decision of the chair, who has chosen to appeal the federal court's decision affirming its mandate.

The third area of investigation into detainee transfers is the ongoing study by the special parliamentary committee on the Canadian mission in Afghanistan. Here, again, the government is complying with the special committee's request for documents in a timely fashion.

However, there is another reason why an additional investigation is uncalled for.

Our implementation of the enhanced detainee arrangement has already had much of the intended effect. Upon taking office and discovering shortcomings in the arrangement and deficiencies signed by the previous government, we acted to improve it. This is the real issue.

As a government and upon taking office inheriting the mission, inheriting this topical issue, we acted. We acted decisively, we acted with resources and we acted responsibly. We started to invest in improving a difficult situation. I think even members of the opposition, if they could step back from their partisanship, would recognize that this was a particularly challenging issue, and I will come back to that. Therefore, we put a new arrangement in place.

I want to put on the record what the member for Vancouver South, who is one of the chief prosecutors in this matter, had to say about the arrangement that his government put in place. He was speaking to this matter on April 10, 2006, to a motion that was before the House. This is what he had to say then about his government's transfer arrangement:

I have had an opportunity to look at the agreement. I agree that it is an important agreement and it is one that is quite good in many respects. The involvement of the International Red Cross or the Red Crescent as an independent third party is very important because it can then follow the prisoners and ensure they are treated well and appropriately in accordance with the Geneva conventions. The agreement makes reference to the Geneva conventions and that is important for us to recognize.

We changed the arrangement to ensure that Canadian officials could have access to Afghan detention facilities for the purposes of monitoring those conditions and the well-being of Taliban prisoners turned over by the Canadian Forces.

Here again is an important distinction. We are talking not about general conditions within prisons. We are not talking about general

treatment of all prisoners turned over to Afghan authorities. The primary responsibility in this entire debate is for prisoners taken captive by Canadian Forces and then turned over. We can be concerned, and should be concerned, about the general conditions, and we seek to improve them. However, our primary responsibility is for detainees captured and turned over by Canadian Forces.

With respect to detaining Taliban prisoners, and the word "detainees" will be heard often in this discussion, we are talking about individuals turned over who were captured in the heat of battle, captured while planting IEDs or making IEDs used to kill or maim Afghan citizens, allied forces or Canadian soldiers. We are not talking about individuals detained at the side of the road for speeding or picked up for shoplifting. We are not talking about nice people.

Canada has a responsibility with respect to allegations of abuse, and we take them seriously. We always do and we always will. When we have had specific allegations of abuse, we have acted quickly and responsibly. We now have a new arrangement that enhances our ability to do just that.

Our mission in Afghanistan to bring about stability and security, to allow us and enable us to do more in the area of reconstruction and development, to work on human rights and governance, to allow us to assist the Afghan people to build capacity so they can do many of these things for themselves is a noble cause to which all members I am sure would agree.

The Canadian Forces are critical to that exercise. The most important part of this mission is to bring about stability and security first, enabling us to do all of these other important initiatives.

The Canadian Forces treat Taliban prisoners humanely, in spite of the atrocities in which they may have committed or been involved. Our forces are trained to do so. They are professional in that regard. This is something that we do from the moment they are captured to the moment they are turned over to Afghan authorities, whether they are captured on the battlefield or in the process of committing some heinous crime.

● (1050)

I want to talk for a moment about the Canadian detainee handling process and how it has evolved since became involved in the Kandahar mission in 2005 under the previous government. I want to explain what it means to be a detainee, when an individual is captured while involved in armed conflict.

It is important to understand, first, that Afghan detainees are not prisoners of war. However, they are treated as if they were prisoners of war. We do not treat them differently, keeping in mind that they do not fit that definition. They do not wear uniforms. They do not adhere to international convention. They do not play by any rules of engagement. They engage in the most awful behaviour imaginable. They involve themselves in efforts to kill and maim their own citizens, allied forces that are there to protect Afghan citizens, and they use the most despicable tactics imaginable.

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However, we take steps, as we are required to do and adhere to, to ensure that detainees, Taliban prisoners, are treated humanely. Our policy is to treat detainees, Taliban prisoners, regardless of their legal status under the laws of armed conflict and other international laws, humanely, in a manner consistent with the standard of prisoner of war treatment and certainly consistent with the values and principles that Canadians hold dear.

Who exactly are detainees? This seems to have been muddled somewhat, and I would suggest deliberately in the discussion in the past few weeks. Let me be clear. Detainees are persons who have been captured, who are being held against their will as they continue to wreak havoc in their own country. They came into custody and care of Canadian Forces under a wide variety of circumstances. I have mentioned already that they do not fight conventionally. They do not wear uniforms. They hide in civilian clothing. They often use tactics to deliberately disguise themselves or put themselves in the midst of innocent citizens. Generally, they have committed a hostile act or shown hostile intent toward Canadian Forces, allied forces or their own civilians.

Let us not forget, we are dealing with individuals who, as I said, are using the most heinous tactics. They are throwing acid in the faces of school children in some instances, children who are simply trying to get an education. This is the culture we are trying to change in Afghanistan, to give young people a future, hope, a chance.

Many of the Taliban prisoners have directly or indirectly threatened the lives of Canadians. Many, I hasten to add, have the blood of Canadian soldiers on their hands. These are not nice individuals. As soon as a person is detained, information is collected regarding the threat that individual poses. We question, collect and preserve evidence implicating or linking the person to a crime. We take gunshot residue. We check the individual for materials related to explosives or we have video surveillance that has caught the person in the act of either making or planting bombs.

Usually this information is then provided to Afghan authorities upon transfer so they can continue to detain the individual in accordance with Afghan criminal law. Let us not forget, we are there to help them build their capacity, their justice system, their prisons, their human rights.

Before I continue to speak to the process of Taliban capture and transfer, I want to explain why we transfer.

As was the case with the previous government, it is not the current government's policy in Afghanistan to transfer to third parties. That was the case when the mission began under the previous government. That process changed. To do so would not respect Afghan sovereignty and would potentially complicate our relationship with allies and undermine our ability to help Afghans build capacity and do things for themselves. Nor will Canada build or maintain permanent detention facilities in Afghanistan. Not only would this be costly, but it would also conflict with Afghan sovereignty. What would Canada do with detainees when the mission concluded? We do not bring detainees back to Canada, as some have suggested.

• (1055)

[*Translation*]

However, and this might be what is most important, none of these action plans would help Afghanistan restore its own judicial system. It is important that appropriate action be taken regarding the detainees, according to the Afghan judicial system. The authorities of that country need support to rebuild a fragile country, so that they can fulfill their detention responsibilities and, perhaps, bring individuals who try to destabilize the country to justice.

ISAF does not have a detention facility. The treatment and the transfer of detainees are national responsibilities. In general, our allies in ISAF have adopted a similar or identical approach to Canada's, which involves transferring detainees to the Afghan government for further legal action. This approach is not without its problems, but nothing is simple in a situation as complex as that in Afghanistan.

• (1100)

[*English*]

Canada has launched substantial capacity-building programs to ensure we are doing all we can to support the Afghan government and its own ownership in providing security and justice to its own people. This is the principal point. We are there to build their capacity, to invest in means, in training, in monitoring and, of course, in efforts to mentor Afghans to do these things for themselves.

These programs have contributed significant resources to improving detention facilities and correction practices, \$132 million overall in that judicial capacity-building, in that prison and penal system and judicial system building.

Our military and our officials are providing training for the Afghan army, police, corrections and other security personnel on human rights. The government has helped to provide much needed equipment and training and much needed investment in infrastructure. Canada is a substantial contributor to the human rights support unit in the Afghanistan ministry of justice.

Our government has made significant contributions to the Afghan Independent Human Rights Commission to support its mandate to monitor, protect and promote human rights and to report violations to Afghan authorities. Canada has deployed personnel from Correctional Service Canada to assist, train and mentor Afghan prison personnel.

We do this for obvious reasons. As a government, we place a huge priority on human rights, just as the Canadian people. A huge priority on human rights and basic fairness is implicit in the approach that Canadians take. It is instinctive in all of us in this country that we support human rights and that we support a justice system that is fair, inclusive and listens to all perspectives.

As a lawyer and a former crown prosecutor, this is something that I personally believe in and that I have always personally committed myself to. It is something that I have worked in. It is a core belief that I believe I share with many in the House and certainly in the country.

*Business of Supply*

The Canadian military and officials are working hard and working hand in hand with Afghans in their effort to ensure a fair and humane system is built in their country, a system that will continue to oversee fair treatment of Afghan prisoners and, whether they are captured by Afghan security forces, allies or Canadians, that they will receive fair treatment.

I come back to the point that our primary responsibility is for the detainees transferred by the Canadian Forces, Taliban prisoners for whom we have responsibility.

I want to speak about a system that is in place right now and then work back to the point that we have arrived at. I should add that Canada's efforts have been referred to as the golden standard among allies. The Canadian Forces routinely take Taliban prisoners in the course of their operations because they are active, engaged and outside the wire. The number varies largely dependent upon the insurgent activity; that is, the more they try to kill or attack civilians or our troops, the more contact that we have and the more detainees we capture.

Immediately after being captured, we ensure that the Taliban prisoner is fit to be moved. Our first concern is to provide necessary medical treatment. We also commence collecting information or evidence, forensic material or other physical evidence to substantiate the threat that the individual was posing, and then we turn that evidence over with that individual to the Afghans.

The Taliban prisoner is moved to the Kandahar airfield where our main operating base is located. At the KAF the Taliban prisoner is given further medical attention if needed and is questioned based upon why that individual was detained in the first instance and to properly assess whether they pose a continued threat.

The Taliban prisoner who is not deemed to be a further threat is released from Canadian custody, while those who our task force commander validates as a threat to Canadian Forces or allies or Afghan citizens is then transferred to Afghan authorities. We transfer Afghan prisoners as expeditiously as possible while ensuring due diligence in processing them. The ISAF guideline is to transfer them within 96 hours of capture. While our intent is to transfer within that timeframe, there are occasions where we may be compelled to keep a detainee for longer, such as the need to provide medical treatment or other logistic or operational reasons.

To better support the Afghan government in its justice system, we strive to provide a summary of evidence related to the threat of detainees and whether they can corroborate information to help Afghan authorities support a possible prosecution. They are also questioned with a purpose of gleaning from that interview whether we can prevent further attacks, whether we can interrupt further Taliban activities that are aimed at violence, aimed at threats toward Afghan citizens, communities or the allies.

●(1105)

Individuals are then transferred to Afghanistan's national directorate of security where we usually hand them over to the ministry of justice to await trial. Some are convicted and some are released. Capacity remains a big problem in the justice system there as it is in many departments of the Afghanistan government.

However, in keeping with the improved transfer arrangement and our international obligations, officials notify the ICRC and the Afghan Independent Human Rights Council upon taking a detainee and we now have a monitoring regime in place to help ensure that Canadian transferred detainees are treated appropriately.

Our obligation is to be satisfied that Afghanistan is willing and able to treat detainees humanely. We do a follow-up, we monitor and we ensure compliance. We have Canadians who go into the prisons to perform that task. Further, the Canadian task force commander must be satisfied that there is no substantial grounds for believing there exists a real risk that a detainee would be in danger of being subjected to torture or other forms of mistreatment at the hands of Afghan authorities.

Again, that is a critical point. We are talking about the abuse of Afghans on Afghans. There has never been any proof of wrongdoing by the Canadian Forces in this regard. As I mentioned, we do this through our formal arrangement and monitoring regime but also through the training, mentoring and capacity building that Canada is involved in. We can be proud of those improvements. We continue to seek improvements. That is the principle of the issue. We are there to help Afghans build that capacity and we have made great strides in that regard.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the minister started off by saying that the inquiry requested under this motion was unnecessary and that, in his view, it was partisan driven.

The Special Committee on Afghanistan reported to the House and a motion was made that there was a breach of members' privileges with regard to not having access to documentation, as well as other things, which, using the minister's own words, would constitute a fair and inclusive process. This did not happen at committee.

The minister also seemed to pit Mr. Colvin against three generals saying that there was not one allegation of abuse but that is not the case.

The minister says that the primary focus should be on detainees who are transferred to the Afghan authorities. However, when he said that there have been a number of investigations going on in this regard, he referred to the April 2006 report of the Canadian Forces with regard to how members of the Canadian Forces treated detainees.

That was totally irrelevant, totally improper and totally discredits the minister's arguments. Would he care to withdraw that example and explain why he would mislead the House in that fashion?

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**Hon. Peter MacKay:** Mr. Speaker, the feigned outrage and fake indignation of the hon. member again belies the House with respect to the seriousness of this issue. I am simply pointing out that the subject matter of detainees has been investigated. In fact, it has been looked at by a number of independent arm's length organizations within the Canadian Forces. This subject matter that is now before the parliamentary committee is getting a full hearing.

To suggest somehow that this subject matter is not complex, not controversial or not difficult is naive in the extreme. We inherited a very difficult situation. We are in a high tempo military operation in one of the most complex countries in the world. Culturally, it is a country with a history of violence, a country that has endured many invasions and a country that has been in turmoil for centuries.

We are there trying to help that country build capacity. The subject of handing over detainees is but one aspect of what we are attempting to accomplish in Afghanistan. I would suggest that we have now pulled much of the discussion off in one direction rather than concentrating on the big picture, which is what Canadians would really expect from the Parliament of Canada.

To suggest somehow that we are trying to withhold information or that we are not being forthright is again completely fallacious. We have undertaken extreme efforts to provide information and witnesses and to co-operate while simultaneously and, most important, improving practical means on the ground to help this mission succeed, to help Afghanistan stabilize and to help Afghans do more to help themselves.

• (1110)

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I listened carefully to the minister talk about the situation in Afghanistan. I have to agree with him on one point. In the House of Commons there are partisan views on one side or the other and none of us can help being politicians.

He kept mentioning that he is a lawyer. I too am a lawyer and have had extensive practice in the area of inquiries and other legal matters, but would he not agree with the one statement that at least a public inquiry would have objectivity? If there are facts to be weighed, they would be weighed objectively by a trier of fact with long experience and not tainted by what he has to admit in his own case has to be a personal bias and the government's bias in terms of protecting its role.

A public inquiry is objective and independent, and that is what the Canadian public needs. Would he not agree with that?

**Hon. Peter MacKay:** Mr. Speaker, what I would agree with is that he and I are both barristers, have both spent time in a court of law.

I hope he would agree that on any standard of proof individuals basing their opinion on reports read, things they were told in some cases second and third hand or information gleaned from, in this case, a detainee or Taliban prisoner who has a vested interest in lying, that this information would not only not be a standard in a court of law but would not even result in a charge being laid on reasonable and probable grounds. I think he would agree with that.

With respect to the process that we have undertaken, we have heard from witnesses. In fact, the vast majority of witnesses, who are

not politicians, are not partisan and have no bias, are public servants, military personnel who are there to try to see the mission succeed, were specifically tasked at the time in question to see the mission succeed, have given their testimony. It is a much different and, I suggest, more accurate picture with respect to the issue of the detainees than one individual who has been contradicted numerous times by those same witnesses.

**Hon. Vic Toews (President of the Treasury Board, CPC):** Mr. Speaker, relating to the comments the minister just made, I appreciate that he is a former prosecutor from Nova Scotia. I am a former prosecutor from Manitoba and I had occasion to listen to Mr. Colvin's testimony.

What struck me about the testimony was that there was no first-hand knowledge of who committed abuse on any of the few prisoners he interviewed. He had no knowledge of the key issue that is essentially the knowledge that Canadian soldiers had about the likelihood of abuse, much less torture, on prisoners who were turned over to Afghan authorities.

Here is a man, Mr. Colvin, who spent about half a day out of his entire tour outside of the wire and had these few interviews. As a former prosecutor, I would have real concerns about even initiating a process on that basis. We are not dealing with someone recounting first-hand knowledge about the key issue here.

Would the minister indicate what his concern would be if someone actually commenced a legal proceeding on this basis?

**Hon. Peter MacKay:** Mr. Speaker, as I just stated, it would not have met a legal standard, even at a basic level of police laying a charge.

Let us revisit his question with respect to first-hand information. Here is a quote from General Hillier, who, as we know, was the chief of defence staff during the time in question. This is what he said, "We didn't base our actions upon people making statements that all detainees were being tortured. How ludicrous a statement is that from any one single individual who really has no knowledge to be able to say something like that". He went on to say, "There was no reason based on what was in those reports for anybody to bring it to my attention. After having read that I am absolutely confident that was indeed the case".

Here is another quote from General Gauthier, who was the commander in Afghanistan during the time in question. He said, "Again, I can very safely say there is nothing in any of these 2006 reports that caused any of the subject matter experts on my staff, nor, by extension, me, to be alerted me to either the fact of torture or a very high risk of torture, nothing".

Here is a quote from what Mr. Mulroney had to say. He said, "I can say we have no evidence that any Canadian-transferred detainee was mistreated".

These are from individuals on the ground specifically tasked and responsible for the mission. We based our decisions and actions on these individuals. This is how the government acted on the trusted people who were absolutely in charge of the mission. Based upon that, we acted.

*Business of Supply*

•(1115)

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, just to clarify a point, the minister began his comments by challenging the numbers I had for the cost of the war. They were provided by the Parliamentary Budget Officer. The evidence is all over the place. The government could not provide that. That is why the PBO had to do it.

Regarding the question, we have evidence from Graeme Smith of torture. It was well-known and he is the cause, according to the government, for stopping the transfer of detainees. He said, "I saw the marks of the torture on their flesh", referring to a detainee, "They told me how they had been beaten, choked, frozen, electrocuted, all kinds of these horrible, horrible tortures".

The whole point is that we need to sort this out and the only way to do it is through an inquiry. The minister is denying a process. Why is he denying this process of an inquiry? Are we supposed to just trust him? He has already contradicted himself today three times.

**Hon. Peter MacKay:** Mr. Speaker, what is so completely unbelievable about the statement of the hon. member is that he is asking us to accept the evidence of a reporter based on what a Taliban prisoner told him.

The second thing I would point out, as I have tried to do throughout my remarks, is that these are observations about individuals whom we do not know were Canadian-transferred prisoners. We do not know if these were individuals for whom we were responsible.

That is where the members continue to deliberately try to mislead the House, deliberately mislead Canadians, about our responsibilities. There are specific concerns about prisons and individuals in those prisons and then there are concerns about detainees that Canadian Forces have transferred. That is the crux of the matter.

The deliberate attempts to mix up and confuse Canadians—

**The Deputy Speaker:** Order. The hon. Minister of National Defence may wish to withdraw the statement "deliberately mislead the House". I believe I heard him say the words "deliberately mislead the House" and those are unparliamentary terms, so I would invite him to withdraw that part.

**Hon. Peter MacKay:** Mr. Speaker, I withdraw the words "deliberately mislead the House".

**The Deputy Speaker:** On a point of order, the hon. member for Ottawa Centre.

**Mr. Paul Dewar:** Mr. Speaker, I was about to get up but you did your job. Can we not have a genuine withdrawal here?

**The Deputy Speaker:** I heard the minister withdraw the remarks and that is normally sufficient for when a member uses unparliamentary terms, so we will move on.

Resuming debate, the hon. member for Vancouver South.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, I will be splitting my time with the member for Toronto Centre.

I think the issue is whether or not the evidence on either side of this issue is conclusive. According to the Minister of National Defence, he has cast some doubt on the evidence produced by Mr.

Colvin. Others have too. I believe inquiries are held, and trials are held in courts of law, to determine conclusively as to who is right and who is wrong on a particular issue.

This is not an issue of local concern. This is about the reputation of a country. This is about the values of our country. This is about a Canada that has been known for noble deeds internationally. This is about a Canada that is now becoming known for not wanting to look at torture, not wanting to know whether or not the government conducted itself in a way that may have violated international law.

Let me make two points before I begin with the body of my remarks. First, in any of what I say or my colleagues say in this House, we are not questioning the conduct of our soldiers on the ground. We are questioning the conduct of the government. It wilfully ignored the warnings for over 17 months. There is a huge body of compelling evidence it had those warnings, not just from Mr. Colvin but from respected international organizations. I want to put that on the table, so that we know it is about the government's conduct, it is about the politicians' conduct, and it is not about the conduct of our military on the ground.

Second, I believe there is a sentiment that exists on the government side of the House in the way it makes remarks about Taliban prisoners, that if one happens to a Taliban prisoner and is then sent to a risk of torture in an Afghan jail, then it may be somehow okay, that we should not really be looking at our own conduct as to what we are doing. We do not hang our scumbags and our murderers. If someone is shooting at us in the battlefield, that person is killed. That is legitimate. But once Canada arrests that person, we have an obligation under international law to behave with the best of standards that we have helped craft over the decades in this world. That is what Canada is known for.

Therefore, whether one is a Taliban prisoner or an ordinary Afghan prisoner, we have an obligation to treat them as we would treat prisoners of war. I believe that is a very important principle.

Let me just begin by saying that for the government, it is not about a search for truth, it has been a search for an alibi, essentially, for any manipulation of the facts that will get it off the hook for a mess of its own making. It has shown that it will go to any lengths, stoop to any tactic, smear any reputation or throw anyone under the bus in order to cobble one together.

Indeed, at its absolute lowest, we have seen the Prime Minister and the minister drape themselves in the mantle of protectors of the soldiers, whose very safety they may have themselves endangered with their callous disregard for the truth.

How has the government responded to this serious issue? Just as I have described, the way it responds to pretty much any issue. Canadians recognize this charade. They know the government. It denies, it stonewalls, and it obfuscates. It smears an experienced public servant. It leaks selective information to chosen journalists. It questions the patriotism of its critics. This is absolutely unacceptable.

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There is such compelling evidence about the issues that we are talking about that in fact it would be a simple thing for the government to say, "We need an inquiry to resolve this issue. We need an inquiry to clear the air on this issue. We need an inquiry to remove this stain on Canada's reputation, this question mark on Canada's reputation, this question mark on Canada's moral leadership in the world".

It is a very simple conclusion to come to, but the government will not come to it because it remains wilfully blind to the allegations of torture, to the warnings it received from not just Mr. Colvin but from the international organizations. It did nothing for 17 months.

• (1120)

I will put some facts on the table. These are excerpts. The Minister of National Defence, using the testimony of some others, has said there was no evidence in Colvin's documents, no mention of the word "torture" involved in Colvin's documents. I will read some of the memos from Afghanistan.

Memo 278, page 3, says that a particular detainee was "beaten with electrical cables while blindfolded".

Memo 279, page 3, says:

During NDS interrogation had been kept awake for [section blacked out].... He also used the words beat and torture. ... When asked what was used he said a power cable or wire and pointed to his side and buttocks.

Memo 284, page 4, reads:

[section blacked out] claimed to have been detained due to a tribal dispute - a rival tribe labelled him [section blacked out] and accused him of being a Taliban [section blacked out].... He asked that we tell NDS not to beat the detainees, and to treat them like human beings rather than like animals.

Memo 284, page 4, reads, "He said he had been punched in the mouth for no apparent reason". He was hit twice on the buttocks. "

Memo 287, page 1, a detainee said that he had been whipped with cables, shocked with electricity and/or otherwise 'hurt' while in NDS custody..."

Memo 287, page 5, reads:

When asked about his treatment [this particular detainee] said he had a "very bad time. They hit us with cables and wires." He said they shocked him with electricity. He showed us a number of scars on his legs, which he said were caused by the beating.

Memo 287, page 5, another detainee, "...detainees had their fingers cut and burned with a lighter...he was hit on his feet with a cable or big wire and forced to stand for two days..."

That is the evidence from the redacted, blacked out, blanked out documents that the government has released pursuant to ATIPs that are available on the Internet. The government is absolutely so shameful that it would provide documents to journalists of choice. Everyone else has documents that the government wants to have except that it believes the members of Parliament like myself and others are a bit of a security risk. Members of Parliament cannot see those documents in their original form without the documents being redacted.

The ultimate issue is that the government has known from Mr. Colvin and from others what has happened in this situation. I will quote some of the international organizations. In September 2005,

Human Rights Watch said, "security forces arbitrarily detained civilians and committed cruel, inhumane, and degrading acts".

March 2006, the UN reports on the situation in Afghanistan, "Complaints of serious human rights violations committed by representatives of national security institutions, including arbitrary arrest, illegal detention and torture are numerous".

March 2006. U.S. state department stated:

There continued to be instances in which security and factional forces committed extrajudicial killings and torture.

...local authorities in Herat, Helmand...and other locations...routinely torture and abuse detainees. Torture and abuse consisted of pulling out fingernails and toenails, burning with hot oil...sexual humiliation, and sodomy.

Then we have the Afghan Human Rights Commission and also Amnesty International.

I agree with the minister that there are several sides to this, that there is a dispute as to the facts, but no one on the other side of the House can deny that this is a dispute that is worth resolving, because once it is resolved it will restore Canada's reputation in the world. It would be made whole again. Right now there is a stain, a question mark on Canada's reputation and there is a question mark on the conduct, on the acts and on the omissions of the current government. To resolve all of that for the Canadian people and for the sake of our country we need to have a public inquiry.

• (1125)

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, I want to point out a couple of inaccuracies in the hon. member's remarks.

First, as a general comment, members will note that there was no acceptance of responsibility whatsoever by the member acknowledging that his government was in office for five years with respect to the mission. In fact, when we took office, we had to improve upon the now universally accepted fact that there was a failure, there was a shortcoming, there were deficiencies in the transfer arrangement even though the hon. member in 2006 stood and said that it was fine, that it was all going well.

What I would like to ask him, though, specifically, is whether he thinks it was responsible and whether he thinks it was in fact acceptable that his government began this mission by sending the Canadian Forces there with forest green uniforms, inadequate protection, jeeps that were light armoured, the equivalent of a Volkswagen Rabbit, whether in fact he felt that the Canadian Forces were properly prepared for the mission that awaited them in Kandahar province.

He also went on to talk about how we did nothing for 17 months. Did he think we could flick a switch upon coming to office in 2006 and improve the justice system there? Was it a matter of painting the walls at the Sarposo prison? Was it a matter of just automatically changing the culture within moments of taking office, where his government had been there for five years and were unsuccessful in doing so?

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We undertook significant efforts to go about improving the monitoring, to having Canadians able to go into the prisons, to do the important things that actually build capacity within the Afghan system, in addition to improving the failed, inadequate transfer arrangement left by his government, even though—

• (1130)

**The Deputy Speaker:** The hon. member for Vancouver South.

**Hon. Ujjal Dosanjh:** Mr. Speaker, the fact is that between 2006 and 2007 there were over 130 detainees transferred and the government had no way of monitoring or tracking. There was absolute wilful blindness and a deliberate ignoring of the facts.

The issue is that there were no Afghan detainees transferred to Afghan jails prior to the current government taking power. It needs to actually stand and take responsibility for the period for which it is responsible. It is not about we did this and they did that. It is about the conduct of the government from March 2006 to November 2007 as to what it ignored. It ignored the warnings of Mr. Colvin. Mr. Colvin was told to shut up. It ignored the warnings from international organizations.

Where does the government stand? Does it condone torture? Did it allow the detainees to be transferred v at risk of torture? That is the ultimate issue. Let us not change the channel here. We will not allow that to happen.

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP):** Mr. Speaker, many people in my riding have contacted me, and I am sure many Canadians are saying the same thing, to say that this is either government negligence or government incompetence or a combination of both.

I wonder if the hon. member would like to comment on that?

**Hon. Ujjal Dosanjh:** Mr. Speaker, it is government incompetence. It is deliberate ignorance and deliberate wilful blindness.

The fact is that this sentiment has been expressed on the other side many times. We heard it this morning from the words of the Minister of National Defence. He referred to them as Taliban prisoners. The sentiment is that an Afghan life, when in prison, pursuant to this mission, somehow has less value. That comes right through the way the Conservatives attack anyone who ever questions their conduct.

Canada is my country of choice. I chose it. I was in Britain for three and a half years. I came here because I think it is a wonderful place. It provided high moral leadership in the world. Under the leadership of the current government, there is now a stain on the name of Canada. There is now a question mark on the name of Canada. We want that question mark removed. We want the government to do the right thing by Canada and call a public inquiry.

**Hon. Rob Merrifield (Minister of State (Transport), CPC):** Mr. Speaker, I found it absolutely appalling when the hon. member said that there was a stain on Canada. There is absolutely no stain on Canada.

I find it repugnant, as the general did in committee the other day when he said that he was labelled a war criminal and, by extension, our troops. It is absolutely repugnant for the opposition to say such a thing about our men and women in—

**The Deputy Speaker:** The hon. member for Vancouver South.

**Hon. Ujjal Dosanjh:** Mr. Speaker, that was the member's interpretation of whatever may have happened.

Could the government stand up and say, with absolute honesty, that no laws, international or domestic, in Afghanistan have ever been violated?

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, as I understand the terms of the motion that has been proposed by my friend from Ottawa Centre, it refers to the years 2001 to 2009. It is not confined to the period after the Conservatives took office.

On behalf of our party, I want to make it clear that we support the motion. We understand that the implications of the motion are that the conduct of the previous government will be equally subject to scrutiny as the conduct of the current government. It is important for people to understand that. When I say this is not simply a partisan issue, I know there will be chuckles on the other side of the House. However, the fact is that we in this party are supporting a motion that refers to a public inquiry that would look at the conduct of governments with respect to the question of the transfer of detainees.

The minister and others have risen over and over again to say that the agreement that was negotiated prior to 2006 and signed by General Hillier during the election campaign of 2005-06 on behalf of the Government of Canada, was a flawed agreement. If we listened to the comments that were made by Mr. Colvin, we would certainly come to that conclusion.

As a result of that agreement, we discovered, and over time it was found out, that the Red Cross could not report instances of abuse to Canadian authorities. It could only raise them with Afghan authorities. The Red Cross repeated again over the weekend its very strong view that it retains its credibility and its deep neutrality as an organization because it does not engage in political conversations. It has insisted on that. We also found that there was no ability on the part of Canadian authorities to investigate any issues that have taken place.

My simple point would be that the government cannot really have it both ways. The government cannot say, absolutely convinced, 100% certified and guaranteed, that nothing happened untoward with respect to any detainee who was transferred to Afghan authorities, and then say that the agreement was deeply inadequate and that it spent a year and a half in trying to fix it and make it better, and then reached the conclusion that a whole series of steps needed to be taken to ensure that "problems" were dealt with.

Questions arise. What were the problems? What was it that made the Conservative government decide that there needed to be a change in the agreement? What was it that made the government finally led them to realize that it had to make substantial investments with respect to reviewing, inspecting and investigating the whole structure? What was it that made the government do that?

**Mr. Ed Fast:** Liberal bungling. That was the Liberal flawed agreement.



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**Hon. Bob Rae:** Mr. Speaker, the answer my friend is shouting across the way is “a flawed agreement”. There is no question that it was a flawed agreement. It was an imperfect agreement arrived at by people who were doing their best in the circumstances and who did not fully realize its inadequacies.

I can say to the hon. member, who continues to shake his head because I can hear him doing so, that what he is saying is that it was the government's fault.

I will make it clear. We know how these policies get developed. They get developed by people on the ground and by lawyers who review material which ultimately gets approved or not by cabinet. That is how it works.

**Mr. Ed Fast:** A Liberal cabinet.

**Hon. Bob Rae:** A Liberal cabinet, yes, and it is the decision of that cabinet that will be reviewed by the inquiry. If it were a wrong decision, that is what it would be.

I do not think the Conservative members are hearing what I am telling them. The conduct of the Liberal government is every bit as much the subject of the inquiry as the conduct of the Conservative government.

• (1135)

That is the reality of this war. The reality of the war is that it was a war that was entered into by a Liberal government on behalf of the people of Canada because of the nature of the attack on 9/11. Further steps were taken by this Parliament, in which we agreed that we would continue and maintain our support for the troops.

Let there be no question, we are supportive of our troops. We are supportive of the efforts that have been made. We are supportive of the determination shown. There is absolutely no allegation, none whatsoever, that any Canadian officer or Canadian soldier was ever involved in the mistreatment of Afghan detainees. That is not the question.

The question before us is, did we take full note of the information, not the evidence but the information, and I stress this word to the minister, the prosecutor for Manitoba who sits across from me, that was reported to the government by a range of sources, not just Mr. Colvin? The emphasis on it all being about Mr. Colvin versus the three generals, and it all being about Mr. Colvin versus Mr. Mulroney, I say with great respect is not the issue. The issue is what information did the Government of Canada have? What did it do with that information and how did it process that information, and why did it take so long to go from hearing the information with respect to the conditions in Afghan prisons and the treatment of prisoners and the decisions that were ultimately made with respect to how those would be reviewed?

• (1140)

[*Translation*]

I would like to mention two things.

First, we support this motion and we recognize that the Liberal government's work will also be subject to scrutiny in the inquiry proposed by the member for Ottawa Centre. This will not be a partisan review. This review will delve into the Liberal government's

handling of the war and that of the Conservative government. We accept that responsibility and are saying so clearly.

Second, there is a fundamental contradiction in the government's position. It says that all kinds of problems made it necessary to change the agreement between Afghanistan and Canada. Yet it refuses to clarify exactly what problems made the change necessary.

That is the contradiction, and that is the issue that we hope will become the focus of the proposed inquiry.

[*English*]

The last point I want to make is this: Why hold a public inquiry? As some members will know, if they have ever paid any attention to some of the things I have said over the years, I am not a huge fan of holding public inquiries every time something goes wrong. I have argued against them in different instances, but it seems to me in this particular case, it is very hard to figure out what the alternative is. Some people say it should be a parliamentary committee. We are dogged by problems in the parliamentary committee. We cannot get access to information. We cannot get access to the same documents. Documents are leaked to journalists. The journalists then report on the documents. It is really quite an unusual situation. A government gives a document to a journalist and the journalist says whatever he or she is going to say about whatever he or she is told, and then the government says that this journalist has the information. Where else would they get the information if they do not get it from a source within the government? Where else would those documents come from. Where else would the unredacted documents come from if they do not come from the government? Where else would they come from?

I am not suggesting that the parliamentary secretary gave the documents to the journalist. I am just saying, where else would they come from? Who else has access to those documents? It is a fascinating question as to how this takes place.

We are then faced with the situation: What other vehicle do we have to get to this central question? Although the members opposite might not like to see it this way, I do think there is a significant question for Canadian foreign and defence policy and our public policy, that is, having faced this difficult situation, are we or are we not prepared to get to the bottom of it?

In every effort that was made, the Military Police Complaints Commission, for example, was told by DND lawyers, “No, you cannot look at this; no, you cannot look at that”.

There does not seem to be any really effective alternative other than to hold a public inquiry to get to the bottom of this question.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I want to thank my colleague from Toronto Centre for his candour. He laid out his comments that this is not about going after the government; it is about having an independent lens, an inquiry, on what happened going back to 2001. I am glad he made that point because it is worth underlining.

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In other words, we are not looking just at the present Minister of National Defence and the previous Minister of National Defence in the Conservative government. We are looking at the file. We are looking at what needs to be established regarding what happened and, as the member underlined, what should be happening.

Are we absolutely certain that everything is currently right? The only way we are going to find that out is if we look at all of the facts.

If we are not able to get a public inquiry going now, does the member believe that we will be able to get enough information from the government for the committee to be able to do what the public inquiry should be doing? In other words, is there any other option than a public inquiry in light of the fact that we have a government that is not willing to dispense all of the documents? Would it not be better to have this independence going back to 2001, as the member said?

• (1145)

**Hon. Bob Rae:** Mr. Speaker, if we look for example at what the British government has done on a number of occasions with respect to the conduct of the war in Iraq, if we look at what the American government has done with respect to the conduct of the war in Iraq and with respect to the treatment of prisoners and the issues that have been raised, there is always some kind of process.

I think when we look at the frustrations and the obstacles and difficulties that we have faced with respect to a purely parliamentary inquiry, it is very difficult. Will facts come out? Yes, facts will come out, things will emerge and other stuff will come up and question period will be used. However, these are not perfect vehicles for making decisions with respect to how things were done and how they can be improved.

This is not even about blame. This is about how do we improve public policy. How do we ensure that we will all be able to do a better job, because there will be other Afghanistans? There will be other difficult conflicts and issues.

This is the way we have to go about making better policy, making better decisions and allowing our decision-makers to improve how they do things. It is not a criminal investigation. It is not a criminal inquiry. It is a public inquiry into how do we improve public policy.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, it is very nice to hear the opposition talking about niceties and that this should be a public inquiry, and that it is not about criminal things, this thing and other things.

However, let us look at what actually happened. It is very simple. It started as a war in a country that was completely broken. We started under the Liberal regime, which set up a system that when enemy soldiers were captured, they would be taken there. All of these things were evolutionary.

After we came out with a new agreement in 2007, clearly the people who were on the ground, not the people sitting here in armchairs in this nice country, but the people who were on the ground, said time after time that whatever intelligence they had, they worked on it immediately. As soon as they knew something, everything was done. The committee heard about it and everyone heard about it.

What I do not understand from the members over there is that after one individual gave his assessment, they are basing their entire fight on that one individual.

Why do they not believe the generals, the people who were on the ground?

**Hon. Bob Rae:** Mr. Speaker, I do not know whether the generals on the ground visited prisons or not.

The simple fact is that we have different sources of information with respect to the general conditions in prisons. I believe absolutely the testimony of the three generals who testified before us, in terms of what their view of the situation was, what their view of the information they were receiving was. There is no doubting anyone's testimony.

I completely believe Mr. Mulroney's testimony when he said that he believes there was no evidence with respect to the treatment of Canadian prisoners. The problem is that we were not at that time in a position to get evidence with respect to the treatment of Canadian prisoners. There was no independent investigation with respect to the allegations of what took place.

The members opposite have criticized Mr. Colvin for his investigatory techniques. All he was trying to do was to get information and pass that information on to the government where it would be assessed for decision-making by government. That is all he could do—

**The Deputy Speaker:** Resuming debate, the hon. member for Saint-Jean.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, I am very pleased to speak today on the Bloc Québécois' behalf about the proposed public inquiry now before us.

We have to tell it like it is. We are dealing with a cover-up operation the likes of which has never been seen in Canadian history. Moreover, it is being carried out by what is probably Canada's least transparent government ever.

Given the current context, it is understandable that we should be dealing with a number of issues. The government is hiding things from us and preventing various parliamentary committees and commissions from getting to the bottom of things. I think it is important to establish a chronology of events so that those listening can understand the issue.

I could start with the attack on the twin towers in 2001, but I will not. Nevertheless, it did lead to Canadian armed forces intervention in Afghanistan. As in every theatre of operations, an important and urgent issue arose: what to do with detainees.

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I will jump instead to 2005, 2006 and 2007, when the opposition was raising questions in the House, even when the Liberals were in power. A lot of questions were asked in the House about the fate of detainees and how they were treated. There were also questions about whether detainees were treated according to the Geneva convention. Every time, we were told that there was no problem, that the Geneva convention was complied with, that detainees were not tortured, that the people who were turned over to the Afghan authorities were monitored in some way, and that everything was fine. That was the message we got.

Even at that point, I could not understand why the government in place was not asking for information more officially and openly in order to reassure people. Everyone understood the importance of this issue and the democratic values that this Parliament and all western parliaments stand for. That is very important. We cannot condemn certain regimes or certain torture practices if we use them ourselves.

There were a lot of questions, and I do not know why, every time the Minister of National Defence or the Minister of Foreign Affairs faced questions in the House, he did not tell his office that he had been asked questions again and that he wanted to know what was going on. But that is not how the government reacted. Instead, it hid the truth.

I am talking about the previous government as well as the current one. We were told there were no problems. To my way of thinking, even back then, the general public, especially in Quebec, felt that there was a problem. The people of Quebec had a very hard time accepting the operation in Afghanistan.

Moreover, I would remind this House that the Bloc Québécois opposed the last two requests to extend the mission in Afghanistan, because of a whole series of problems, including that major problem, of course.

The values of the Parliament of Canada and the legislative assemblies of Quebec and the other provinces are very important. The work done by their members and, in turn, the work done by soldiers in the theatre of operations must be guided by democratic values. Everyone agrees that politicians—the people who make the decisions—have the first and last word about military interventions abroad.

We have a responsibility as individuals. It is a shame that people who want to get to the bottom of this are being accused of not supporting the troops. We say this all the time and we will say it again today: we have absolutely nothing against the troops, who are simply obeying orders. The government tells them what their mission is, when they will leave and when they will come back.

We are not criticizing the troops. We are criticizing the government for trying to cover up its inaction and secrets, and trying to muzzle the opposition. It is accusing us of being like the Taliban and not supporting the troops. That is false.

• (1150)

We have said it many times here and it bears repeating because, just the day before yesterday, the Prime Minister boarded a Canadian frigate and said that he supported the troops and that we did not. That is not true. Even soldiers can be tried under the Geneva convention if

it is found that they transferred detainees when there was a high risk of torture. These are fundamental values that we want to defend.

We also want to try to end this war. We say war, but really it is an insurgency. There is a real climate of secrecy. The Afghan population knows it and is starting to be vocal about the fact that the troops there are occupation forces and not liberation forces. If we prove ourselves no better than the Soviets or no better than any other group that tortures people, that has an impact. The counter-insurgency has to be based on fundamental values. If the Afghan public finds that things are not being done properly, and there is talk of that over there, then we will have a hard time resolving this conflict. The Afghans will see that their family and friends are being held like prisoners and being tortured. According to Mr. Colvin, it was farmers and people who were in the wrong place at the wrong time. How can we then turn around and say that the values we want to defend are so fine? The Afghans will say they are not so fine because they have an aunt, an uncle or a nephew who was tortured.

This also affects Canada's international policy. How can the Prime Minister staunchly defend human rights when goes to China? The Chinese president will probably reply that he should start by looking at his own record, because to his knowledge, things are not going so well. And he would be right. This weakens Canada's position on the international scene.

So it is important to say that we are worried about it. We in the opposition have been worrying about it since 2005, 2006 and 2007. We have asked many questions. The government tried to calm us down, saying that there was nothing there, when in fact we know very well that, yes, torture did occur. It is probably still going on. Perhaps now, with the second agreement signed with the Afghan government, there is more control over it. However, with the 2005 agreement, there was not enough control or supervision in Afghan prisons, which means that torture did occur. Regardless of what any generals say or what Mr. Mulroney says, regardless of what government officials are going to say on Wednesday afternoon, torture does occur in Afghan prisons and we are not the only ones saying so.

Amnesty International, the Afghanistan Independent Human Rights Commission and the Red Cross say so. Everyone says so. The Afghan commission is reporting torture in 98% of cases. So the government cannot tell us that it is not happening. At this time, only the government, its public servants and other people paid by the government are practically the only people saying that prisoners are not being tortured. Everyone else—the opposition, European diplomats, the Afghanistan Independent Human Rights Commission, Amnesty International and the Red Cross—all agree that torture is taking place. Therefore, this is a very real problem.

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Some people have tried to solve the problem and that where it gets interesting because we see that the government's cover-up continues. The Military Police Complaints Commission wanted to carry out a systematic study. It looked at the various court decisions because groups such as Amnesty International had gone before the Federal Court and the Supreme Court. It said it would investigate. The government began by telling the commission's chair, Mr. Tinsley, that his term was coming to an end and that it would not be renewed. That was not good; they wanted to disrupt proceedings. People are beginning to say that the chair of a body such as the Military Police Complaints Commission should finish his inquiry before being replaced. Otherwise, it would be too easy to say to Mr. Tinsley, on the day his term expired, that his job was finished. A new member would be appointed and he would practically have to start all over because he had not heard the first statements of evidence. He has to reacquaint himself with the legal aspects and reread what the witnesses said, and so forth.

● (1155)

That was the first sign of obstructionism by the government. The fact that some witnesses have received legal notice from this government—specifically from the Minister of Justice—threatening them with sanctions if they testify is the second sign of obstructionism.

Not only is the minister threatening them with sanctions, but he is also refusing to table the documents because they represent a threat to national security, according to the information provided in the legal notice. We will speak of national security a little later because that is the excuse behind which the government is hiding. These ministers of the Crown are using national security as a pretext and I will speak of that later. There are a number of facts that have raised doubts. Not only did we have doubts when we questioned the government in 2006 and 2007 but our doubts have been confirmed by the government's conduct with respect to the Military Police Complaints Commission. In fact, the government has paralyzed the commission.

After calling on the government many times to release documents and allow people to testify, the chair was forced to suspend the work of the commission. But the government is now saying that the chair himself suspended the work. When witnesses can no longer testify and documents are not available, what can the chair do? The chair must suspend the work. It was the government that suspended the commission's work, not the commission itself. The government's secretive nature and lack of transparency is becoming more obvious.

I will continue. This is what happened. My colleagues and I believed that, in the interest of defending the values I spoke about at the beginning of my speech, we would have to take over. We told ourselves that the Conservatives could try to cripple a commission, even if it operates at arm's length from the government, as they often say, but it would be more difficult for them to do that to a House of Commons committee. But that is what is going on now.

When the government has the chair of the Military Police Complaints Commission in a stranglehold and is preventing him from doing his work, he has no choice but to suspend the work of the commission. He can complain publicly once or twice, but that stops being effective after a certain point. For two or three weeks,

members of Parliament have been pressing the government every day. We want to know the truth. The Special Committee on the Canadian Mission in Afghanistan is doing its work, within the limits that have been imposed on it. But the government is starting to take away our opportunities to discover the truth. It keeps preventing committee members from getting to the truth.

This is the same behaviour the government demonstrated with the commission. But now it is more difficult, since the government must answer questions every day. And every Wednesday afternoon, journalists attend the meetings of the Special Committee on the Canadian Mission in Afghanistan. Reports are published in the newspapers. Thus, the government is under some pressure. Yet that does not prevent it from trying to cripple us.

This all started when I moved a motion. My colleague from Ottawa Centre also moved a motion. In it, we said that we wanted to get to the bottom of what happened with Afghan detainees. In the motion I myself moved, I proposed reviewing sections 37 and 38 of the Canada Evidence Act, the two sections that deal with national security.

The first heated exchange began when our first witness, General Watkin, the government's Judge Advocate General, appeared. He has full jurisdiction on the military justice side of things. When the general showed up, everything got off to a bad start. That is what came out in the media too.

In response to the committee's initial questions, the general said that he could not answer. That was exactly what we did not want to hear. We wanted to hold an inquiry so that people would answer our questions and help us get to the bottom of things. Behaviour mirrored that exhibited during the Military Police Complaints Commission hearings. Witnesses were told how far they could go, and for anything beyond that, they were to come up with reasons not to respond. The general said that because of client privilege, he could not provide the information because his client had asked him not to.

● (1200)

He said that he could not break the bond of trust with his client. That is when the arm-wrestling match between the general and me began. We asked Mr. Walsh, the law clerk of the House, to tell us how far we could go during parliamentary committee meetings. Could we question any witness at all? Were witnesses immune? Were we entitled to access to documents on request?

The general responded that he would abide by rulings of the Federal Court or the Supreme Court of Canada and that he did not want to go any farther. The law clerk of the House confirmed that, during a session of a parliamentary committee, we have the right to interpret the law as we wish, and witnesses are required to answer questions.

I resolved the situation by suggesting that the general consult with his client, the Government of Canada, and come back with the latter's response to my interpretation of parliamentary law, which takes precedence over court rulings. We have to have the freedom to speak, and we have to have access to all of the documents. So things got off to a bad start with the first witness.

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Then the generals arrived and they all said the same thing. It then became clear how unbelievable the situation was. These generals did not hold back. I even found them to be a bit arrogant. They said they had access to all the documents. And I am not talking about redacted documents, where even the date at the top has been crossed out and all that is left is the initial salutation and final “thank you” because the rest is completely or almost completely blacked out. Those are censored documents.

The generals told us they consulted the documents and did not see any problem. They were all singing from the same song sheet. I have never seen one general contradict another. The three generals became the three tenors of denial. To their knowledge nothing happened and nothing will change.

We began having serious doubts about the government's credibility. These people are not going to accuse themselves. What is more, they have a version that we cannot verify. It would be like a defence lawyer having documents in his or her possession that the crown attorney did not have. Some say they have certain information in their documents, but we cannot take action because we have not seen those documents. We are not on an equal footing in this situation.

We asked to see the documents, but everyone says there will be no documents. For two weeks now we have been asking the government to provide us with uncensored documents. I do not know if those documents are available today, but as of yesterday, we still had not received them. The inquiry is proceeding. The Judge Advocate General, the generals, Mr. Colvin and David Mulroneu have all appeared before the committee, but we still have not received any documents. So we are being forced to proceed blindly, in the dark. Has there ever been anything like it? It is very difficult. Quite simply, they are making it almost impossible for us to do our job.

So then Mr. Colvin appeared before the committee and caused quite an uproar. I thought his testimony was excellent—unfortunately for him, one might say, but fortunately for us. Since I see that I have only one minute left, I will speed things up a little. I had more prepared.

So Mr. Colvin really caused an uproar. We are now grappling with the need for a public inquiry. We have no choice; we have no access to the documents. Our witnesses are being muzzled and we have only seven minutes to ask them questions. As soon as we have finished, the committee moves on to another party, which also has seven minutes, and so on. Our witnesses can duck and weave all they want, but a public inquiry is needed, one with an independent judge who can access the documents and who will compel witnesses to give their evidence with full immunity.

This is what is needed at this time and what we are calling for. That is why we support the motion for a public inquiry.

•(1205)

[*English*]

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, when it comes to detainee transfer, in reply to a question, the government has said that there is absolutely no evidence, that only one person has claimed there were problems.

Mr. Smith, who was the cause for the government to stop transfers of detainees, provided evidence. He wrote extensively in the *Globe and Mail*. In regard to a detainee he interviewed, he said, as a result of the abuse by the Afghans:

I saw the marks of torture on their flesh. They told me how they had been beaten, choked, frozen, electrocuted, all kinds of these horrible, horrible tortures. And those stories, I have to say, lined up with absolutely everything else that I was hearing in the system. The jailers who held these men complained to me that by the time the Afghan intelligence system was finished with them, that they were often broken husks, you know. Men who stumbled into the jail cells in chains and who couldn't hold their bowels...had to be cleaned up by their jailers. And the jailers were complaining because they said...it wasn't their job to take care of this so-called human garbage.

What does my colleague think of that? Is that evidence to him that there were problems in the system, or is Mr. Smith just another accomplice of the Taliban?

•(1210)

[*Translation*]

**Mr. Claude Bachand:** Mr. Speaker, I thank my colleague from Ottawa Centre for his question as it allows me to finish my remarks.

That is what Mr. Smith said. Personally, I believe what he said. I also believe Mr. Mulroneu and Mr. Colvin. The latter sent a report to Mr. Mulroneu that was published by the CBC. In the report, almost everything is blacked out, with the exception of certain areas where it is possible to read that prisoners were beaten with cables, electrocuted and had their fingers cut and burned. This was pointed out to Mr. Mulroneu. I asked Mr. Mulroneu this question and I even tabled the document. I asked him if he had seen this document. He told me he had.

So how can he claim that there was no torture? Afterwards, Mr. Mulroneu's defence was that Canadian soldiers capture prisoners, hand them over to the authorities and we know that they are not tortured. In the same sentence, he admitted that there is no monitoring system. Therefore, they cannot be monitored in prison. How can he say that?

Mr. Mulroneu, an experienced diplomat, acknowledged that under the Geneva Convention, prisoners cannot be turned over to those who use torture. The convention goes further and states that prisoners cannot be transferred if there is a risk of torture. Everyone agrees that there is a risk of torture. Not just Mr. Smith agrees. We also have the Colvin report, submitted to Mr. Mulroneu, that describes the abuse detainees were subjected to.

[*English*]

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, there were so many misrepresentations in my colleague's testimony that I cannot possibly cover them all.

The document he showed Mr. Mulroneu was from mid-2007 after we were already taking action. He said that they had asked for the documents by December 2. He should check his calendar. It is not December 2. The sanctions that we were to be talked about was if somebody broke the law in testimony, not simply that he or she would testify. There are many others, but I will go to a question.

*Business of Supply*

He said whom he believes. He left out the generals. He has called the generals arrogant. My colleague from Vancouver South has repeated allegations that the testimony of the generals was morally weak and legally flimsy. He said that they were singing off the same song sheet, implying that perhaps there was some collusion. Maybe they are singing off the same song sheet because they are simply telling the truth.

Is my colleague calling the generals liars? Is he calling them morally weak and legally flimsy, or does he put some faith in the Canadian Forces and the leadership that he claims he does?

[Translation]

**Mr. Claude Bachand:** Mr. Speaker, I want to thank the parliamentary secretary, because he often gives me the chance to reopen the debate. He never misses an opportunity to do so.

Is he saying that there have been other cases of torture since the second agreement took effect? Is that what he is saying? He says that my dates are wrong. Torture took place before and after 2007. Is that clear enough? That is the information we have now. I did not say the generals had lied, I said they were arrogant. They said, "We have the documents and you MPs do not." That is what they said. We are unable to prove anything because we do not have the documents, except for ones that have been heavily redacted.

The motion we put forward has to do with uncensored documents. We want those documents so that everyone is on a level playing field. So far, the government has refused to give them to us.

• (1215)

**Mr. Nicolas Dufour (Repentigny, BQ):** Mr. Speaker, I find this extremely dramatic. It is clear what the Conservatives are trying to do. They are draping themselves in the flag and trying to tell us that as soon as we ask questions, we are automatically against the army. There is a major difference, and I do not understand why they are applauding, because it makes no sense. Just because we are asking questions and trying to comply with the Geneva convention, that does not mean we are automatically against the generals or the army as a whole.

On the contrary, we supported the war in Afghanistan because we wanted to send our troops, our children, there to defend democracy. But the problem is that the government is practising the exact opposite of what it is preaching in Afghanistan. We sent our children to Afghanistan to bring democracy to that country. The problem is that in Canada, the government is not even able to respect the very essence of democracy. If the government has nothing to hide, it would give us the documents we need.

What does my colleague think of the obscurantist attitude the Conservatives are taking in order to hide the truth from us? If they had absolutely nothing to hide, they would turn over the documents.

**Mr. Claude Bachand:** Mr. Speaker, I thank my colleague for his speech. I will add that if the Conservatives had the will, they would agree to a public inquiry. I see that the Prime Minister is in China today. He will surely have problems convincing the Chinese president that human rights are not being respected in China. The president will respond that the same thing is going on in Canada. The Chinese have the same attitude as the Conservative government. They keep people in the dark there as well. They do not want to say

so. They are hiding behind their ways of doing things, and the Canadian government is doing the same thing with the detainees. A public inquiry is needed because we are being prevented from doing our work. Even though we still have our freedom of expression, a public inquiry is needed to get to the bottom of things.

In the meantime, the committee will continue to do its work, but right now, everyone knows that the government wants to hide the truth from the public. That is the sad reality.

[English]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, does the member feel the government is simply fighting against the inquiry primarily because it desperately wants to renew the commitment beyond the 2011 deadline? Having an inquiry will turn more Canadians against the war. Does he think that is a possibility?

[Translation]

**Mr. Claude Bachand:** Mr. Speaker, I was asked a similar question the other day on Radio-Canada, and I heard the statements made by various ministers and the Prime Minister that our mission would end in 2011. But I added that pressure on the Canadian government from NATO allies would also increase. One thing is certain at present; the Canadian government is hiding the truth because it thinks that it would have a negative effect on the mission in Afghanistan and especially on public opinion. In such circumstances, people will say that they are not in favour.

I would tell the government that Conservative members are taking a risk by ignoring all the members of this House and all Canadians who want to know the truth. We intend to pursue this until we get the truth. And if the government keeps stalling us here, we hope to be able to continue this search for the truth by means of a public inquiry.

[English]

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I am pleased to rise to support the motion, which I seconded. It states:

That, in the opinion of the House, the government should, in accordance with Part I of the Inquiries Act, call a Public Inquiry into the transfer of detainees in Canadian custody to Afghan authorities from 2001 to 2009.

First, I should address the fact that the spread of the dates here obviously coincides with the commencement of Canadian activity in Afghanistan starting in 2001, continuing to this day, the longest military engagement in which Canada has participated. The second world war was shorter than that as was the first world war. We have a long-standing Canadian engagement in military activity and military combat abroad.

There is the importance of Canada doing this kind of activity in a way that complies with our obligations as a country, to ourselves, to the international community and, first and foremost, to our soldiers who are asked to conduct this very dangerous and important activity in the context of our international human rights obligations. However, we need to know whether we put the systems in place to meet these obligations.

*Business of Supply*

I will start with a quote from Brigadier-General Ken Watkin, Judge Advocate General, who appeared before the Special Committee on the Canadian Mission in Afghanistan on November 4 of this year. He set out the legal framework of the obligation about which we are concerned. He says, “The prohibition against torture is a preemptory and non-derogable norm of international law”, and here is the nub. He says:

The transfer of detainees to a real risk of torture or ill-treatment is contrary to international humanitarian law, also known as the law of war or the law of armed conflict. It is a specialized body of law that governs the conduct of Canada, its officials, and its military forces during the armed conflict in Afghanistan.

That avoids all the semantics of whether the Geneva Convention applies or whether there were prisoners of war, or any of those diversions we have heard government members engage in from time to time, even claiming in one debate in the House that it was not a war at all. Why the members would do that I do not know. It certainly is a diversion from the reality, as Brigadier-General Watkin pointed out to the Afghanistan committee.

We need an inquiry to find out whether the systems that Canada put in place from day one meet our international legal obligations. The government tries to fog this up in attacks on the patriotism of individual members of Parliament when we question a general. I do not know when this became something that was wholier than thou, that when people criticize a general, they are unpatriotic. This seems to be more the kind of thing we would hear in a more militaristic state than we have in Canada.

We have the right to debate these issues, not that I question any particular statement of a general. However, surely this a country where parliamentarians and the civilian authority is the authority that is important. We honour and respect the work of our soldiers and their sacrifices. We saw a national outpouring during the week of November 11, in which all Canadians recognized that.

However, this is not the point. In establishing this mission in Afghanistan and then carrying out this mission, the primary responsibility of the Department of Foreign Affairs and International Trade is to ensure that our international legal obligations are looked after. The senior military authorities in the Department of National Defence and the minister are primarily responsible. The question is this. Is the 2005 agreement, which I think is universally regarded as being inadequate, and our practices now in keeping with our international obligations?

• (1220)

The call for an inquiry is a call for us to find that out in an atmosphere where there is an objective and independent review of the facts and circumstances that were known or should have been known to the government at the time in question. It is not about attacks on individual public servants that are taking place regularly in this House and in the wider public. There needs to be an objective voice and an objective weighing of the issues and concepts.

We are not talking necessarily about evidence. One would not know from listening to the Minister of National Defence that we are talking about a criminal prosecution being undertaken by Richard Colvin. He was doing his job. His job was to report to Canadian authorities on the very things on which he reported. He used the

sources that were available to him as part of any normal activity of a Canadian diplomat or political officer in the situation he was in.

Let us not forget that Richard Colvin replaced Canadian diplomat Glynn Berry who, four months previously, was killed by an IED. Mr. Colvin was a brave and courageous Canadian who went to do a job for his country in Afghanistan and is being vilified daily in the House of Commons by the government. That is a shame.

David Mulroney, to his credit, acknowledged the courage, bravery and contribution of Richard Colvin in his work in Kandahar for the Canadian government. As I say, to his credit, Mr. Mulroney's testimony acknowledged that. In fact, he said when the changes were made in 2007, they relied on Mr. Colvin and his work as part of the whole picture of what was going on in Afghanistan.

Mr. Mulroney does not share the view of the Minister of National Defence and others in the government who have done some damage to Mr. Colvin's reputation, but not enough to persuade Canadians that an inquiry is not necessary. In fact, the majority of Canadians, according to a recent poll, support the need for an independent public inquiry into what went on with respect to the handling of detainees.

We hear people from time to time ask why anybody would care, that this is about Afghanistan, a backward country, that all the people are Taliban and they do not have any regard for Canadian lives and why should Canadians care about them. That is part of a theme that runs counter to the call for an inquiry and for Canadians raising concerns and believing that there should be concern.

Since Mr. Colvin was the first one to bring this up in his testimony, I could do no better than to quote the rhetorical question he asked and then answered before the committee on Afghanistan. He asked, “Even if Afghan detainees were being tortured, why should Canadians care?” He gave five compelling reasons. “First, our detainees are not what the intelligence services would call “high-value targets”, such as IED bomb makers, al-Qaeda terrorists or Taliban commanders”.

In other words, the people who were being gathered up were not necessarily as a result of intelligence efforts and choosing individuals to arrest because they were people who were picked up by intelligence sources. They were picked up by conventional forces doing routine military operations. Many of them, as he pointed out, would not have been targets of investigation.

This has been confirmed by later meetings with Afghanistan security officials, who complained that they had to release many of the people who were passed over to them because they did not have any supporting evidence or information as to why they were detained. They were not Taliban. The indication is that the NDS and others have a very high knowledge base of who is and is not Taliban. His conclusion was that a lot of innocent people may have been handed over for severe torture.

*Business of Supply*

•(1225)

He went on to say that the second reason we should care is that seizing people and rendering them for torture is a very serious violation of international and Canadian law. He said that Canada has always been a powerful advocate of international law and human rights, that that is a keystone of who we are as Canadians and what we have always stood for as a people and a nation. He said that to do so would be contrary to our own stated policies. In April 2007 the Prime Minister said publicly that Canadian military officers do not send anybody at all to be tortured. That was indeed our policy, but behind the military's wall of secrecy, in Mr. Colvin's view, that is unfortunately what we were doing. He said that even if all of the Afghans who were detained had been Taliban, it would still have been wrong for them to be tortured.

The Canadian military is a proud and professional organization, thoroughly trained in the rules of war and the correct treatment of prisoners. The question is, at that time, what was the level of knowledge in Afghanistan of government officials and, by implication, the military? Was it sufficient to render a view that there was a real risk of torture or ill treatment if detainees were handed over? That is a question that has to be answered, not by me or by the government here today. We have heard people's views on it. We have heard Mr. Mulroney's view on it. We have heard the generals' views on it. Whether there was evidence of any individual detainee who was handed over by Canada and had been subsequently tortured is not the question, whether there was proof of torture of a particular individual. In fact, the system was such that it was almost impossible to have such proof.

What Mr. Mulroney said to the committee last week was that after signing the second memorandum, and we are talking about May of 2000, a database of detained prisoners was developed. In other words, he confirmed what had been said by Mr. Colvin and others, that prior to then, we were not tracking or monitoring the prisoners, and therefore we could not answer that question ourselves. Whom do we rely on to determine whether or not there was a real risk of torture?

Mr. Colvin, in writing his reports, doing his job and relying on the sources that he was required to rely on, said as follows in an affidavit to the MPCC:

—I obtained information on detainee issues from a wide range of sources. This included diplomats from other embassies, NGOs [non-governmental organizations], officials from UNAMA [United Nations Assistance Mission to Afghanistan], military officers at ISAF, human-rights organizations, journalists—

—and we have seen some of those reports—

—and intelligence sources. It would be normal, appropriate and necessary for me in the context to rely on such sources in the course of my duties. All this information was provided on a confidential basis, and the specific sources cannot be disclosed in an Affidavit.

He said the same thing to the committee and what happened? He was attacked by the government for it. He did not even tell us who his sources were. Of course, the names of the sources are confidential, and that is totally understandable.

Why do we need a public inquiry? Because the organizations to which he referred and the evidence that was laid out, and previous speakers have referred to it, indicated that the United States Department of State, Human Rights Watch, the Afghanistan

Independent Human Rights Commission and other agencies confirm the level of torture and ill treatment in Afghanistan jails was, to quote some, commonplace.

Was there a real risk of torture? That is something that may have to be decided objectively. Did we have procedures in place to prevent that from happening? It is a given that we did not. Obviously the changes that were made indicated that, and some of the things that Mr. Colvin has said were used in doing that.

A *Globe and Mail* editorial last week talked about four questions, and these are four questions that we believe can only be answered in an objective inquiry.

•(1230)

Here is what the *Globe and Mail* editorial said:

The federal government's dissembling on abuse Afghan detainees suffered after they left the hands of Canadian Forces is now transparent.

The government must be held to account, and needs to answer these questions: What did the government know, and when?

That is the fundamental question that has not been answered. All we have had is pot shots being taken at opposition members and at diplomats who were doing their job to try and get this information forward.

The article also asked who else inside the government was expressing concern. The government is saying that Mr. Colvin was the only one who expressed any concern about the treatment of detainees in Afghanistan prisons. How do we find that out? We will not find it out by going on fishing expeditions in a parliamentary committee but by having a full public inquiry where someone can do the job.

The article also asked what the extent and the result of the investigation was once undertaken. The article is talking about information before April 2007. Another question was how widespread was the culture of secrecy. We do know that other countries such as the U.K. and the Netherlands that have been engaged in this activity had open, transparent and comprehensive policies. They had policies which followed up on their detainees and made proper reports.

While all the information was being kept secret, the minister of defence of the day in 2006-07 said there was no problem because the International Committee of the Red Cross, the ICRC, was monitoring the prisoners and the ICRC would tell us if anything was going wrong. That mantra was presented to the House of Commons month after month until finally the International Committee of the Red Cross had enough and made it public that not only did it not monitor prisoners, but it could not do that. It only tells the Afghan government if it sees anything.

I do not even think the Conservative government was able to notify the Red Cross of what prisoners it had because of its poor record keeping and it failed—

**Mr. Laurie Hawn:** That was the previous government.

**Mr. Jack Harris:** Mr. Speaker, the member is saying that was the previous government. If that was the previous government and if what the member is saying is true, then that would also be part of the subject of the inquiry.



*Business of Supply*

**Mr. Ed Fast:** Jack, you've got to get to the truth.

**Mr. Jack Harris:** Mr. Speaker, a member opposite said we have to get to the truth. That is exactly what we have to do. This forum or parliamentary committees should not be the places where people banter back and forth on this subject. We need an objective inquiry.

What would an inquiry do? What would be the value in having an inquiry? It has been suggested recently by a distinguished professor of law that there are five important attributes of a public inquiry: one, independence; two, effectiveness; three, an adequate mandate; four, investigative powers; and five, transparency.

The primary one has to be independence. Regardless of how reasonable I am being here today, and I think I am being extremely reasonable, I am obviously being regarded by members opposite and probably people in other parties as being somewhat less than independent, somewhat biased. That comes with politics. Equally true, of course, is what is being said on the other side by ministers who have a stake in whether or not mistakes were made in the past. They have a bias as well. Independence is extremely important.

As to the effectiveness of an inquiry, an inquiry would be much more capable than a parliamentary committee of doing a proper job, such as examining witnesses.

The investigative powers, and in fact, the transparency and openness of a public inquiry is what Canadians want and what Canadians need.

• (1235)

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I just have a couple of questions and a quote for my hon. colleague.

First of all, when he repeats Mr. Colvin's claim that we were rounding up farmers, cab drivers and so on, that testimony was specifically, very clearly and very credibly, repudiated by all three generals. The only people who were turned over to the NDS were people who had clearly been involved in explosive or firearms activities, through gunshot residue, through capture while in the act, and so on. To say we were turning over complete innocents is just simply a false statement.

We talked about the ICRC. When asked if reports had been sent to Canadian authorities at any time since Canadian combat forces arrived in Kandahar to fight the Taliban in 2006, Mr. Fillion of the ICRC declined to comment, citing his organization's policy:

We do reserve the right to go public when all other means are exhausted. This has not happened in Afghanistan because we have a constructive dialogue with all the relevant parties, including Canada.

So how can my hon. colleague suggest that the ICRC was somehow implying, as per his implication, that we were doing something wrong?

• (1240)

**Mr. Jack Harris:** Mr. Speaker, first of all, I was not there when the general spoke to the committee, but I did see a report in which General Hillier specifically said that we may have passed over some innocent people.

I could be wrong. I have not read the transcript, but I have heard him say that he said that. I obviously know that our troops would not

deliberately arrest people that they thought were innocent. We do have reports from the Afghanistan authorities saying that they had to release a lot of people who were passed over to them by the Canadians because they did not have enough information to support the detention.

That is what they said. That is not what I said. That is not what General Hillier said. That is what they said. Whether that is right or not, I do not know. I know it is part of the information that is out there that I would hope a public inquiry would deal with.

The ICRC is an independent body. It does not report only to the host country. That is its policy. That was a concern that I raised. The previous minister of defence ended up being embarrassed and had to apologize to this House of Commons for statements he made continuously misleading the House on that point.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I want to thank the member for his reasoned argument in favour of the motion that there be a public inquiry. I think he has given some sage advice to the House.

From the debate that I have listened to thus far, there is clearly—

**Some hon. members:** Oh, oh!

**Mr. Paul Szabo:** Mr. Speaker, it is interesting that the only people in the House who are trying to disrupt or shout down members who are speaking are the Conservative members because they are on the defensive.

There is a disagreement on some of the facts. Even General Hillier, I was there—

**Mr. Colin Mays:** Look at him, he's the only one there.

**Mr. Rick Norlock:** You poor innocent crier.

**Mr. Ed Fast:** It's because you're the only one in the House.

**Mr. Vic Toews:** Why don't you call out one of your Liberal colleagues to speak out.

**Mr. Paul Szabo:** Then we have the government being on the defensive. Now we have the President of the Treasury Board making a fool of himself yet again.

The committee has been stonewalled, the documents were not available. When I sat there and listened to the presentations, I knew that the witnesses had the documents but that the members of the committee did not have the documents. They could not ask the questions in proper context. Even if they do get the redacted form, we still cannot possibly understand the details.

Finally, the minister said this morning that this is unnecessary, we have had other studies. He referred to the April 2006 Canadian Forces review where it concluded that no members of the Canadian Forces mistreated Afghan detainees. That is clearly not even relevant to the debate. He is obviously trying to switch the channel and take it off the real facts, that an inquiry is necessary to find the truth.

*Business of Supply*

**Mr. Jack Harris:** Mr. Speaker, no one on this side of the House has suggested, to my knowledge, that any Canadian Forces member mistreated prisoners. So that is not the issue at all.

I share the member's concern about what goes on in committee and not having access to documents that the witnesses are referring to, without even knowing what they are, how many documents there are, or what is in them. That would never happen in a public inquiry.

A parliamentary committee meeting lasts two hours a week, or an hour and a half at the last meeting I was at, and is a highly-politically charged environment when dealing with this issue. It is impossible to get at the truth. It is impossible to do more than contribute to the back-and-forth banter on a partisan basis about something that Canadians believe ought to be put to a public inquiry.

I would urge the government to do that, if for no other reason than to allow us to go on to other issues that are much more important. What are we doing in the future in Afghanistan? That is pretty important and we have to get to that.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, one of the facts that was brought up during the committee proceedings was that when General Fraser was asked whether he was aware of the allegations of Governor Khalid, who was the governor of Kandahar with whom we had a lot of dealings, being involved in torture, the general said that he was not aware. Which is fair. That is evidence. Then, the next day, when Mr. Mulroney was in front of the committee, he was asked the very same question and he said, yes, that he was aware of that and that there were concerns.

In fact, we know what happened. We ended up having to have the governor around a bit longer because one of the foreign affairs ministers of the day went to Kandahar and bleated out the concerns that he was going to be removed, and we ended up with him for longer. So, we have those contradictions.

The other one is that all of the generals, when asked whether they were aware that there was abuse in Afghan institutions, said, yes, yes and yes. So, what we have are different emphasis of facts, and contradictions in some cases.

Is it not the best thing to do right now, I ask my colleague, in order to sort out these facts, to have an independent inquiry?

•(1245)

**Mr. Jack Harris:** Mr. Speaker, I guess the member will not be surprised by my response. Clearly, if we have an inquiry, we have a dispassionate arbitrator, who is normally a judge, who has a tremendous amount of experience testing evidence, trying facts, sorting facts from opinion, and weighing the evidence.

This is the kind of independence that we would have from a public inquiry. And if there were any documents that were relevant to a particular witness, those documents would be before the inquiry. The parties would have them, the counsel would have them, and they would be able to use those documents to test their memory.

Witnesses do not always remember everything and they do not remember them correctly. Anybody who has been to any kind of inquiry or court proceeding knows that when witnesses are subject to examination, or cross-examination, it does not have to be a nasty cross-examination but probing cross-examination, witnesses remem-

ber a lot more things than they might remember off the top of their heads.

So, it is a process whereby the truth can be weighed and be determined. That is why we need an inquiry, not the kind of charade that has happened from time to time in front of this committee.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, as we know, public inquiries cost millions upon millions of dollars to conduct. When this government actually undertakes a public inquiry, there is usually significant evidence to warrant it.

What we get on a weekly basis here from the opposition parties is requests for public inquiries where there is not a shred of evidence available to make a prima facie case that we should actually move forward with an inquiry of this nature. All we get are drive-by smears. We get an unrelenting barrage from the opposition, attacking our soldiers in the field, attacking this government for the good work that it is doing in supporting our troops.

So, my question for this NDP member is, why would he put the taxpayers of this country to such an incredible expense when there is absolutely no evidence at all that Canadian soldiers transferred detainees to the Afghans and that those detainees were actually tortured?

**Mr. Jack Harris:** Mr. Speaker, clearly, it is whether or not there was a real risk of torture. The member is asking the wrong question and, therefore, he is going to get the wrong answer. That is the problem here. The Conservatives put up the wrong questions and then they answer them. They are never going to get to the truth by doing that.

By the way, I do not wish to trivialize it, but we have a very important public inquiry going on with respect to the salmon industry in B.C. That is going to cost money. This will cost money, yes, but the war in Afghanistan is costing \$18 billion, and the expense of a public inquiry is worth Canada's reputation.

[*Translation*]

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, I would like to preface my comments on the issue of Canada transferring Taliban detainees to Afghan authorities by reminding some of the members here that Canada is operating in Afghanistan in a challenging and complex environment with respect to security.

Afghanistan is one of the poorest and most dangerous countries in the world.

Our soldiers, diplomats, humanitarian workers, police and correctional officers and others are putting their lives at risk to build a better, safer world for Afghans, Canadians and the international community.

With respect to the transfer of Taliban prisoners, it is important to remember that Canadian Forces personnel do capture individuals during military operations.

The reason they do that is to protect themselves from danger, to provide better protection and stability to the Afghan people, and to prevent terrorist attacks against Canada and the international community.

*Business of Supply*

Canadian Forces personnel transfer these detainees to Afghan authorities under a supplementary agreement between the governments of Canada and Afghanistan signed on May 3, 2007.

• (1250)

[English]

Let me be perfectly clear. There has never been a proven allegation of abuse involving a transferred Taliban prisoner by Canadian Forces. This is about what Afghans allegedly did to other Afghans. This is not about our brave men and women serving in the battlefields of Afghanistan.

We have said it before and we will continue to reiterate it, when the military and diplomats have been presented with credible, substantiated evidence, they have taken appropriate action.

[Translation]

I want to emphasize to the House that, as it has always done, the Government of Canada ensures that the prisoners it transfers to Afghan authorities are treated humanely in accordance with both countries' obligations under international law.

When concerns were expressed, we took action. The 2005 transfer agreement was not good enough, so we came up with a better one.

[English]

When allegations surfaced, we acted. We strengthened an inadequate 2005 transfer agreement.

[Translation]

In addition, under the terms of the new agreement, Canada boasts one of the most rigorous mechanisms for the monitoring of prisoners, as well as access to those transferred to Afghan authorities, in order to ensure the protection of their rights.

Once prisoners are transferred, Afghan authorities are ultimately responsible for how they are treated.

However, and just as important, it allows for the development of this essential capacity, where no such capacity existed before.

I would remind the House that Afghanistan is an independent, sovereign state and in the end, that country's government is responsible for protecting its citizens, enforcing the law and ensuring that human rights are respected.

In that spirit, Canada is trying to help ensure that prisoners' rights are being respected, especially those captured by Canadians and transferred to Afghan authorities.

Canada's efforts are focused on two goals: providing general programs to develop Afghan capacities in order to improve conditions for all Afghan prisoners; and maintaining a rigorous, effective oversight and monitoring system in order to ensure proper treatment of prisoners transferred by Canadians.

Our government has made significant investments in building the Afghan government's capacity to detain Afghan and other insurgents and to investigate, prosecute and convict them, in accordance with the Afghan government's responsibilities and its international obligations.

In particular, Canada supported the reform of the correctional sector in Kandahar and throughout Afghanistan by providing mentoring and strategic training activities, as well as providing assistance to improve the related infrastructure and equipment.

As the hon. members here today know, our government negotiated and entered into a new agreement with the government of Afghanistan. That agreement took effect on May 3, 2007.

Under the new agreement, Canadian representatives have full, private and unlimited access to all prisoners transferred by Canada to the Afghan authorities.

• (1255)

[English]

Our supplementary arrangement provides one of the strongest safeguards to ensure the protection and monitoring, through visitation, of human rights of prisoners who are transferred by Canada to Afghan authorities.

[Translation]

Since 2007, when Canada obtained the right to have access to detainees captured by the Canadian Forces under the supplementary agreement, Canadian authorities have made nearly 200 visits to those detainees. They have often visited them once or twice a week for private interviews, even though such visits could expose them to considerable personal risk.

If, during these visits or by some other means, Canadian authorities learn of serious allegations of abuse, Canada immediately notifies the International Committee of the Red Cross and the Afghan human rights commission and raises the issue with the highest Afghan government authorities so that a proper investigation is held.

When Canadian investigations revealed plausible allegations of abuse of Afghan prisoners transferred by the Canadian Forces, we took action. We did not start transferring detainees again until February 2008, after we had ensured that our requirements had been met and the necessary conditions had been restored.

[English]

We can be proud of our men and women in uniform in this respect as in all respects. We should not play politics with the difficult mission of those who protect us. There is no need to launch a public inquiry into this matter. The special parliamentary committee on Afghanistan has also undertaken a study on the issue of detainee transfer. Witnesses have appeared and, in the upcoming weeks, more are scheduled to testify.

The testimony last week before our committee of Generals Hillier, Gauthier and Fraser as well as Mr. David Mulroney demonstrate clearly just how difficult, involved and complex this effort has been. However, it has demonstrated that, despite these difficulties, they were always conscious of their responsibilities when it came to the question of transferring prisoners held by the Canadian Forces to Afghan authorities. That is a critical point that we should not lose sight of as this debate goes forward in the House today.

*Business of Supply*

During these committee proceedings, the opposition has been free to call witnesses, as they did with Mr. Colvin. The hearings have been broadcast on national television, so Canadians have been able to see the proceedings for themselves. What did they see? Canadians saw the compelling testimony of three distinguished Canadian generals and a top diplomat, Mr. David Mulroney, the former senior official in the Privy Council Office, in charge of coordinating our efforts in Afghanistan.

What did they hear? They heard the clear and unequivocal message that at no time and under no circumstances did Canadian Forces transfer detainees when they suspected there was a real risk of torture. That was confirmed by all the witnesses except Mr. Colvin.

Retired General Hillier said, “We didn't base our actions upon people making statements that all detainees were being tortured. How ludicrous a statement is that from any one single individual who really has no knowledge to be able to say something like that. We certainly didn't see any substantive evidence that would indicate it was that way”.

Mr. Mulroney said, “I can say we have no evidence that any Canadian transfer of detainees was mistreated”.

Could all the other witnesses be wrong? Is the opposition asserting that anyone is lying?

Let us go back to the facts. When did we have real documented concerns as we did in November 2007? When we did, those transfers were stopped. We were only able to reach those conclusion because, in May 2007, our government put in place a more robust monitoring mechanism, one that supplemented the Liberal 2005 arrangement. That was two and a half years ago. That is the record. Canadians know it.

• (1300)

[*Translation*]

The government has given the commission its full cooperation; it has submitted thousands of pages of relevant documents, and numerous officials have already testified.

The Special Committee on the Canadian Mission in Afghanistan has also begun studying the issue of detainee transfers. Witnesses have already appeared, and others are scheduled to testify in the weeks to come.

I travelled to Afghanistan twice and met with dozens of Canadian soldiers, police officers and officials. Each time, I was impressed by the courage, calm, strength of character and genuine patriotism of all these people. They are the glory of their generation, as were the heroes of Vimy, Dieppe and so many other theatres of war where Canadians fought to defend our values and our freedoms. These men and women are also putting their lives in danger to secure a better future for a country that is trying to ward off the threat of totalitarianism, sectarianism and extremism.

The worst excesses, the worst cruelty we have seen in generations have been committed in Afghanistan by the horrible Taliban regime and their terrorist accomplices.

The members of the official opposition, whose party decided to send our soldiers into this region—and our party supported them—know full well that we face a cruel, unscrupulous enemy.

In closing, I invite them to think about that when they are tempted to criticize the people who are defending our honour against the forces of barbarism.

[*English*]

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I am not sure what testimony the minister is referring to, but that has never been the case. In fact, even Mr. Colvin was very clear, as we all have been, that this is not about the men and women on the ground. This is about the people up the chain.

On that, I was taken by the fact that the minister did not refer to the fact that the MPCC was shut down. I will read from a source in the paper yesterday, which says, “Two years ago, the Harper government gave the complaints commission \$5 million in special funding to look into the detainee probe, but guess what? They have been kept in the dark. For almost two years, they have not been able to do their work. In fact, not one single document has been provided”, and it is the same problem for our committee. That was written by Greg Weston of the *Sun*.

Fifty-three per cent of Canadians want an inquiry. The MPCC has been shut down and we have had the committee starved of documents.

My question is very simple. What are the Conservatives hiding? Why are they trying to avoid accountability and transparency? It is not only for their government. This motion goes back to 2001. What are they hiding?

**The Acting Speaker (Mr. Barry Devolin):** Before I go to the minister, I just want to remind all hon. members that they should not use the names of other members in the House, even when they quote from a newspaper article.

The hon. Minister of Foreign Affairs.

**Hon. Lawrence Cannon:** Mr. Speaker, we are hiding absolutely nothing. The Prime Minister has made it quite clear that we will refer documents, those documents that are legally authorized, to the purview of the committee.

Everybody recognizes as well that, yes, these documents are redacted. I point out for my hon. colleagues that our Canadian Forces are still in that theatre of operation. There still is a war going on and in that context, the different articles, particularly sections 37 and 38 of the Canada Evidence Act, must apply. We are doing exactly what the Prime Minister said my colleague, the Minister of Defence, said they would do.

All the information is there. A public inquiry is going on now. The problem is when evidence is given at the committee that does not seem to suit the machinations of my colleagues on the other side of the House, they try to find another way of finding or turning around the truth, but this is the truth.

*Business of Supply*

• (1305)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, in his speech the minister started off by saying that the mission was in a difficult and complex environment, that military personnel were putting their lives in danger, that we were protecting people from danger and preventing the possibility of terrorist attacks on Canada and that the 2005 agreement guiding the transfer of detainees was inadequate. If we look at all those reasons, I would not have been surprised for the minister then to conclude, “So now you understand why there is the possibility that in fact was torture of detainees who were transferred”.

Does the minister believe that the committee, which has limited meeting time and could not possibly recall various witnesses or have the access that a public inquiry would have, would be able to ultimately find out where we are going on this? We have the independence, because there is a partisan element, the effectiveness, we obviously know the restrictions on that, the adequacy of the work, again it is just the committee structure itself, the investigative powers and the transparency and openness, which is not happening now particularly with regard to those documents. Why will the minister not admit that a public inquiry will get to the truth?

**Hon. Lawrence Cannon:** Mr. Speaker, what my colleague forgot to mention is that the opposition parties control the committee. In that regard, they can pretty well do what they want. Up to now, they have pretty well done what they wanted.

With regard to the documents, I will repeat what I told my other colleague. The documents will be available on December 2. The Prime Minister has mentioned that. I would invite my colleague to be a little patient.

I listened to the debate this morning and I heard my hon. colleague from Toronto Centre say that they were there from 2001, that the Liberals were in government and that they were indeed responsible. Today they are all in agreement to have a public inquiry. They think it is the appropriate thing to do. I could not help but reflect on the people around me. The member for Toronto Centre set the place on fire and instead of calling the firemen, he ran.

[*Translation*]

If you cannot stand the heat, get out of the kitchen.

We are the ones who have taken the appropriate measures and restored the credibility of and trust in our men and women who are working in that military theatre.

**Mr. Nicolas Dufour (Repentigny, BQ):** Mr. Speaker, I have a very simple question.

We see the powers and scope a public inquiry could have. The opposition and the Canadian public would finally get the real story. We would have the documents and meetings with the witnesses and we could call people who would have the duty to speak and provide answers.

The government keeps boasting that it is telling us nothing but the truth, that there is no problem in Afghanistan and that everything is going well. If the facts can back up that claim, then why refuse to hold a public inquiry? First, it would clear the government and prove it right, if that is the case. What I am getting from this is that by

insisting on blocking a public inquiry, the minister is playing exactly the same game his little Liberal friends in Quebec City are playing: trying to hide the affair so that no one will talk about it in order to avoid telling the real story. Is he protecting someone? Is there something he is hiding?

If the facts are behind them, then let them launch a public inquiry right now.

• (1310)

**Hon. Lawrence Cannon:** Mr. Speaker, I did not entirely understand the question. He is saying we are protecting Liberals in Quebec City. I think he is confused.

The truth speaks for itself. The hon. member is young and I just want him to know—

**Mr. Nicolas Dufour:** He cannot just spout off—

**Hon. Lawrence Cannon:** If the hon. member could be quiet for a few seconds and allow me to respond. I was just going to tell him that December 2, is tomorrow; less than 24 hours from now. All the documents that legally can be presented to the committee will be. The Prime Minister confirmed that. I would ask the hon. member to be a little patient. I can understand his impetuosity. He sees scandals and commissions of inquiry everywhere, but let him take a deep breath and settle down. He will understand how this all works.

[*English*]

**Mr. Laurie Hawa (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I have a really short question for my hon. colleague. The special committee is under way right now. As he mentioned, the opposition controls that committee. They are the masters of their own fate.

Does it not make sense for the special committee to finish its work before we run off with our hair on fire seeking a public inquiry?

**Hon. Lawrence Cannon:** Mr. Speaker, on the principle of coming forward with all of the information, making sure that this is a clear and transparent exercise, the Canadian Forces have nothing to reproach themselves for. They have done this in the right and proper fashion. Indeed, the government, when it witnessed the lamentable way the previous government handled this issue, did the appropriate thing and put in place the appropriate mechanisms. We have to continue until we can complete this.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I will be sharing my time with the member for Outremont.

Canada has been involved militarily in Afghanistan since 2001 and questions about detainees have been asked for years.

Reports are available from the U.S. state department and Human Rights Watch saying that torture was and is commonplace in Afghan prisons.

Amnesty International and the British Columbia Civil Liberties Association sought a court injunction to stop detainee transfers. The morning of the first hearings in May 2007, the Conservatives signed a new detainee transfer document.

*Business of Supply*

This agreement contained many of the elements that New Democrats had been asking for: a rights of inspection of Afghan prisons, a right of follow-up and a limit on the prisons to which detainees could be transferred.

However, since 2007 almost no documents have been released about inspections or follow-ups that we may or may not have done. The only documents that have been released were compiled in the summer of 2007 and contained allegations of torture from the reports of Canadian officials. It was stated by these witnesses that wounds of abuse were seen.

The government has refused to release any documents related to any inspections that may or may not have happened around these various halts in transfers.

The Military Police Complaints Commission has been investigating detainee abuse in transfers and the government has not given it a single page of evidence since February 2008.

This is clearly an attempt to cover up. Because the opposition members are asking for answers and for the truth to be revealed, the Conservatives claim that the opposition do not support our troops. Nothing could be further from the truth. They are simply using our troops as a shield so they do not have to release documents and answer questions

This is in the same vein as government statements that the war is protecting women and children. Claims have been made by the government that our soldiers are there to protect women and children. We have heard this 100 times. Yet the situation and realities of life for many women and children have not improved. The establishment of women's rights has long been used to justify Canada's intervention in Afghanistan when, in fact, the U.S. led coalition entered Afghanistan in response to 9/11 and under the right of self-defence after the Taliban regime allowed al-Qaeda to base itself in that country.

Women's rights groups and female Afghan parliamentarians have stated that women's rights have not improved in Afghanistan, nor are they a priority for the government there. In fact, leaked Government of Canada reports say that women's rights have not improved since the fall of the Taliban. The Taliban regime committed horrendous atrocities and prevented women from enjoying even basic human rights.

However, the Taliban does not have a monopoly on the abuse of women's rights. Other armed groups, such as the Northern Alliance, also have a history of oppressing women. Former Northern Alliance warlords are now local governors and members of the Karzai government.

In fact, after the election of Mr. Karzai, the Afghan department for vice and virtue was reinstated. This notorious department was responsible for many of the atrocities committed during Taliban rule.

In addition, in an effort to fight the Taliban, international forces have made deals with notorious warlords and armed militia who are complicit in the abuse. This means that women are unable to turn to the very forces who are supposed to protect them.

In June 1997 the NDP defence critic tabled a minority report on Canadian involvement in Afghanistan, outlining among other things

that Afghan women were not adequately protected or supported by the international military presence in their country. This has been completely ignored by the government.

The Afghanistan Independent Human Rights Commission has reported that women and girls continue to be threatened and deprived of their human rights. The first basic right is the right to education.

Today 1.8 million girls are enrolled in school. However, girls represent only 35% of Afghan's total school going population. At the grade 1 level, girls constitute about 40% of the students. This percentage becomes progressively smaller at middle school, at about 34%; and by grade 12, females account for only one-quarter of the students. Girls living in rural areas have significantly less access to schools than those in urban areas.

● (1315)

According to the commission, the cultural requirement to have female teachers creates a vicious cycle. Girls are not educated due to lack of female teachers, which in turn prevents the development of female teachers to educate the girls. This attitude is deeply entrenched in Afghan society and is unlikely to undergo any radical change in the near future. Women constitute only 28% of existing teachers, and of them, 80% work in urban areas.

The commission further reports that attacks by insurgents on educational facilities have jumped dramatically in the last few years. In 2007 there were 55 security threats and over 180 attacks carried out on schools, killing 108 people and injuring 154. The first three months of 2008 saw five threats and 24 attacks, with two people killed.

The situation is particularly critical in the south where the insurgency is strongest. Attacking schools is usually the last step in a long process of intimidation that keeps Afghan children, particularly girls, out of school. Other types of attacks and intimidation techniques include threatening letters, threats of kidnapping, attacks on teachers, intimidation of local officials and attacks on schoolgirls on their way to school, using acid. We saw that on television: little girls scarred by acid.

Such actions have forced the closing of more than 200 schools in 2007. The primary targets of the attacks, of course, were schools where boys and girls attended classes together or where they shared a building. Security was the number one reason cited by the AIHRC investigation crew when it looked at the allegations of girls being prevented from going to school by relatives.

Women are also denied basic access to health services. According to the Afghanistan Independent Human Rights Commission, every 30 minutes in Afghanistan a woman dies during pregnancy or childbirth. That is 60 deaths for every 1,000 live births, which is 60% higher than in the industrial world, and 80% of those deaths are preventable.

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Recent studies by the commission show the reasons women lack access to health care include the traditional ones: the non-existence and lack of health centres, a poor economy, lack of self-sufficiency, lack of participation in their own affairs, lack of attention to their health issues by the families, and domestic violence and illiteracy. According to the studies conducted by the commission, 24.6% of people have no access to acceptable health services, and the majority of them are women. In addition, 54.8% of people cannot use the so-called health centres due to the long distances involved.

The level of accessibility to health services varies. Women's access to health services is only 5% to 7% in the southwest, and in some districts of central Afghanistan there are no female doctors and no health workers. This situation exists despite national and international laws emphasizing the need for women to access health services.

The commission also outlined forced marriage as a serious barrier to women's rights in Afghanistan. These marriages come about through various means, including as a way to settle a feud; huge dowries; or threats of intimidation. These marriages can include underage marriages, that is, where a child is forced to marry an older man or where a child is engaged when she is born. Widows are still considered a heritage and are not allowed to marry other men willingly.

Finally, the Afghanistan Independent Human Rights Commission reports that violence against women is prevalent. The participation of women in Afghan public life is still relatively low, and the majority of violence against women takes place within the family. According to UNIFEM, 80% of violence against women occurs within their families. Domestic violence is a serious problem, accounting for a third of the total violations against women. Often the violence is so debilitating that women may choose to run away and be put in jail rather than tolerate the abuse.

Abuse, suicide, domestic violence, forced prostitution, addiction to narcotics, all of these exist in Afghanistan. What are our troops doing there? What is the government covering up? Why can we not hear the truth?

● (1320)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I thank the member for her insight on the conditions that exist over in Afghanistan and for pointing out the fact that this is a terrible tragedy that is happening in the world and a lot of people are suffering because of it.

The motion before the House is basically pursuant to the defeat of a previous motion indicating that the committee's rights were breached because it did not have access to documents, further stonewalling by the government and it not being able to do its job. That motion was not dealt with. Now we have this opportunity to express more specifically the reason for a public inquiry.

The Minister of Foreign Affairs just spoke and one of the things that he said to us, in addition to all the terrible things that are going on in Afghanistan, was that we are also trying to prevent possible terrorist attacks against Canada. He also said that the 2005

agreement on Afghan detainees was inadequate. If it was inadequate, does that mean that torture of detainees could have happened?

Then he said—

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for London—Fanshawe.

**Ms. Irene Mathysen:** Mr. Speaker, it seems to me that there are more questions than answers in all of this. It behooves this Parliament and the Conservative government to answer the questions and be forthright. If detainees are being tortured, we need to know about that. We cannot always depend on the Karzai government or the reports that we hear officially.

A few days ago, Malalai Joya, a young parliamentarian from Afghanistan, was in Canada. She cannot live in Afghanistan anymore because she had the audacity to speak the truth about what was happening in her parliament and in her country. She asked the people of Canada to take a step back and consider the impact of what is happening to Afghani people. She begged us to do that and we need to do that. To begin with, an inquiry would be an important step.

● (1325)

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, at the end of her remark, my colleague asked what are we doing there. We are there to make a difference. She outlined some of the areas where we have made a difference. Forty thousand fewer babies are dying every year because they have basic health care. There are more women in Afghanistan's parliament than there are in Canada's Parliament. Thousands of small businesses have been started, mostly by women. Those are just three areas, and there are more things that we are there to do.

I have a simple question for her: If Canada and like-minded countries like Canada are not there and cannot be there to help the Afghan people to some prospect of a decent life, then who in her fantasy world would be there?

**Ms. Irene Mathysen:** Mr. Speaker, I will ignore the tone of that. I find it insulting but of course it was intended to be insulting.

It is interesting that the Conservatives have the audacity to talk about basic health care when it is very clear that women cannot access basic health care.

Mr. Karzai just signed another agreement, a law put in place, where women can go nowhere unless they are accompanied by their husbands. They cannot go to the doctor unless the husband says that it is okay.

In terms of female parliamentarians, there very well may be more in Afghanistan than in Canada, much to our shame, but the reality is that those women cannot speak out. Malalai Joya talked about rape. She talked about the fact that MPs who had the courage to speak out had their children murdered. She talked about the fact that when the son of one of the parliamentarians raped a five-year-old child, he was protected by the Karzai government. For that, she had four attempts on her life. She cannot live in her own country. She cannot stay inside the territory of Afghanistan because she had the courage to speak out.

*Business of Supply*

That is what happens to women in Afghanistan. In this Parliament when women speak out they are challenged and called what? Insidious, silly, imagination at will?

[*Translation*]

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, today we are debating a motion introduced by our party, the New Democratic Party, to establish a commission of inquiry, pursuant to the Inquiries Act, into the transfer of detainees in Canadian custody during the current conflict in Afghanistan.

We are focusing on the period between 2001 and 2009. In that period, two governments were in power. It covers a number of years, primarily when the Liberals formed the government and also when the Conservatives governed with a minority in this House.

First it is important to create the proper context for a debate on torture and examine why it is so important to determine whether our armed forces were involved in the transfer of detainees to an authority, the Afghan government, which may have abused or tortured them. We know that international agreements, primarily the Geneva conventions, prohibit the transfer of a detainee in times of war if there is a risk of torture.

First, there is simply the human side of this. Torture is unacceptable. Second, it is a problem, because even if we do not think about other people, we must at least think of ourselves. Our own soldiers and members of our armed forces could end up in the same position one day. It would be very hard for us to invoke the Geneva convention if we have a very bad record when it comes to the treatment of prisoners.

As for the first part, the moral aspect, it is important to put the writings of the current Liberal leader into perspective. When he was in the United States, he had no problem writing a number of justifications for abuse and mistreatment. I would even say that the current Liberal leader, from his exalted position as a professor at Harvard University, became an accomplice to the American government of George W. Bush and Dick Cheney, by giving them the terminology they used to justify torture.

The Liberal leader took a page from the book of George Orwell, whose *Newspeak* is all about changing the terminology, when he said that we should no longer talk about "torture"; we should say "enhanced interrogation techniques". What happened next? We saw the American president, Vice-President Cheney and other government officials say that water boarding could be acceptable. The former Liberal leader established some criteria. There should not be permanent damage, harm to physical health, and so on.

When someone does not have a moral GPS, they write things like that, and that is unfortunately the case with the Liberal leader.

Torture is torture, period. But it had become a sort of touchstone. Were we tough enough to live in a world where we knew that there was a vast terrorist plot to destabilize our governments? I would venture to say that the thing that has most destabilized our governments is the loss of our moral authority in the world, because our governments, our democracies, are based on values, and one of our values is that we do not tolerate torture and we cannot outsource torture. We cannot leave it to someone else to have it done.

In this case, there are several different versions and sometimes different versions from the same person. The current Minister of National Defence has contradicted himself so much in recent weeks that a commission of inquiry is needed to shed light on this issue.

● (1330)

At one point, the Minister of National Defence said one thing in this House and, later the same day, stood in the corridor behind us and said the opposite for the television news. The public has the right to know two things. First, are torture and the transfer of detainees to people who might torture them still prohibited under Canadian law? Second, will the government comply with international law, specifically the Geneva convention? If so, then we have the right to know what happened in Afghanistan.

Instead of coming clean and admitting that, given the contradictory versions, the best thing to do was to shed some light on this disturbing matter, we heard personal attacks levelled against very credible people of the highest calibre. We were very surprised to hear the government attacking Mr. Colvin. We will have the opportunity to see what the Conservatives do with people who say the opposite of what they want to hear. Putting his own career on the line, of course, he had the courage to write down repeatedly that he was very worried because, according to all available information, it appeared that people were being tortured in Afghan prisons.

No, he was not present during any torture sessions, otherwise, things would be altogether different. The Conservatives keep saying that he did not witness any torture himself. Of course he did not see any, as if a Canadian official would stay and watch. However, according to all the available information, he knew torture was taking place. He therefore wrote about it and appeared here.

He is being mercilessly attacked by the Minister of National Defence. What a shame. The Conservatives had just appointed the same Mr. Colvin to a very important strategic intelligence position in the United States. And now they are telling us that he has no credibility and we should not believe a word he says. No problem. They simply found another senior Canadian diplomat and dragged him by the scruff of the neck before the parliamentary committee. It was something to see. That other diplomat knew what the government expected of him, but he nevertheless managed to say that Mr. Colvin's concerns were valid and well founded.



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An authority was set up to deal with such matters. That authority within the Canadian armed forces is the Military Police Complaints Commission. In accordance with an act of Parliament, it has a very serious responsibility to keep a critical eye on what our soldiers are doing and to make sure that their actions obey the rules governing ethical conduct in time of war. So what happened? The government engaged in systematic obstruction to the point that the chair of the Military Police Complaints Commission, which examines the actions of our armed forces, has been forced to suspend the commission's work. But are they ashamed of that? Not at all. What are they doing now? They are saying that he was the one who decided to suspend the hearings. He explained that he could no longer hold hearings because he was being blocked at every turn.

What happened to the noted scientist responsible for nuclear safety who sounded the alarm by saying that there was going to be a shortage of isotopes? They fired her. What happened to the person in charge of investigations at the Competition Bureau who revealed what was going on in the oil industry? They fired her. Last week, the person responsible for the Royal Canadian Mounted Police's ethics review dared to say things that the government did not want to hear. They fired him. That is how the Conservatives have operated time after time. Anytime upright people dare to say what the Conservatives do not want to hear, they try to fire them. They did the same thing with Mr. Page, the Parliamentary Budget Officer, who dared to tell the truth and who was always right.

In closing, for all of these reasons, the only way to be sure of anything is to hold a proper public inquiry. That is how we will find out who is telling the truth—the Minister of National Defence or other very credible individuals. I am eager to find out.

•(1335)

[*English*]

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I have a fairly simple question for my hon. colleague. He mentioned that what had been heard at committee were personal attacks against people of the highest credibility and character. I wonder if he would comment on the comments from across the floor, that the generals were morally weak and legally flimsy, and that General Gauthier could be characterized as a war criminal.

**Mr. Thomas Mulcair:** Mr. Speaker, just so that no one thinks for one second that any one on this side said any of that, I intend to make that point perfectly clear from the outset.

With regard to the varying versions, I will stick with Mr. Colvin. He is one of the most important members of our foreign service who is so credible and respected that the Conservatives promoted him to the top job in Washington, and then the weakling Minister of National Defence attacked him unjustifiably and unacceptably because he dared tell the truth and tell the Conservatives something they did not want to hear.

If they have nothing to hide, let them call a commission of inquiry.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, this morning the member for Toronto Centre spoke on behalf of the Liberal Party and reminded the House that, in fact, it was the Liberal

government that got involved in Afghanistan after 9/11, so that any inquiry period that we would be dealing with here would be starting in 2001, up to the current period, covering two successive governments.

So, the question that I would have is, why would the Conservatives be so reluctant to have an inquiry when the other half of the equation, being the former government that was in power for half of the time, is more than willing to agree to the inquiry?

**Mr. Thomas Mulcair:** Mr. Speaker, as far as we are concerned, the only way to see clear in this file is to conduct a full commission of inquiry precisely because of the fact that there are interests on that side of the House who are trying to hide what has happened for the past four years.

And of course, with regard to the Liberals, their lack of a moral compass is something that will come back to haunt them. Their current leader, it should be borne in mind, not only used his important and august function at Harvard University to say that Canada was a weakling for not getting involved in the war in Iraq, and we all know how well that turned out, but he also went after Canada for not understanding that basically, as long as we do not call torture torture, we can torture.

He used his position at Harvard to write learned papers to provide Dick Cheney and George W. Bush with the terminology, the Orwellian terminology for torture. It was going to be enhanced interrogation techniques.

That is exactly what the Geneva accord provides, that we are not allowed to torture, but we are also not allowed to transfer to somebody else who is going to torture. If we are not allowed to torture directly, we certainly cannot do it indirectly. We are not allowed to subcontract the torture.

That is what the allegations are from very credible people, people who are so credible that the Conservatives named them to the highest position of intelligence gathering in the United States of America at our embassy. That is why they have something to hide. They do not want those emails to be made public. They do not want the Canadian public to know.

However, contrary to the Liberal leader and contrary to the Conservatives, the Canadian public has a strong moral compass. Canadians will continue to demand that this House do the right thing and force the holding of a commission of inquiry, so that they will know what actually happened.

•(1340)

[*Translation*]

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, I listened closely to the speech by the hon. member for Outremont regarding the motion on the issue of torture in Afghan prisons. I have a quick question for him. Of course he has already been asked the question, but I will rephrase it to give him a chance to express some other points.

Why is the Conservative government refusing to shed light on torture in Afghan prisons?

**Mr. Thomas Mulcair:** Mr. Speaker, it is simply because they have a guilty conscience. They have something to hide.

*Business of Supply*

The successive contradictory versions from the weakling Minister of National Defence cannot all be true. He contradicts himself from one day to the next. We could conclude that he misled the House with one version or another. While we are at it, if the government is above reproach and have nothing to hide, let us have a commission of inquiry on what really happened and let the public decide.

Do you know what? That is what they are afraid of; being judged by the public. That is why they have the nerve to use our armed forces as a moral guarantor. How scandalous. How shameful. How sad.

[English]

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, I am pleased to participate in this debate. I want to say first of all that I support the motion before the House.

This debate has absolutely nothing to do with the support of Canadian soldiers in the field. Having been to Afghanistan on two occasions, I can say that they are of the highest quality, the highest standards, and that our men and women deserve and I know receive the support of all members in this House.

The issue is about the conduct of the Government of Canada. It is about the direction that the government is going in. As the vice-chair of both the defence committee and the Afghan committee, I find it very troubling that we are not able to have the documentation that we need in order to do our job. Apparently others have that right, whether they be former generals or people in the press, but the members of the committee who are charged with the responsibility of looking into these issues, into these allegations, do not have the documentation.

This Parliament passed a resolution in 2008, and I want to read one part of it to the House:

(a) commit to meeting the highest NATO and international standards with respect to protecting the rights of detainees, transferring only when it believes it can do so in keeping with Canada's international obligations;

That is what this House passed and members on the other side voted for that. That is our moral responsibility and, indeed, our legal responsibility, both under the Geneva Convention and the articles of war.

We have heard from the other side that somehow while the 2005 agreement was clearly not adequate, the Conservatives brought in a tougher one later on. Nobody is disputing that. The question is, from the generals who appeared before us, Mr. Mulroney and others, that we really did not know what we were getting into in 2005, but clearly if there was a problem, why did the government across the way decide to change the agreement, to amend the agreement? If there was no abuse, and no one can categorically say that there was not, then why did we have to amend it? We had to amend it because obviously there were issues out there.

In one of these redacted documents, and again when we are reading something with all this black in it, it is very difficult, one of the memos from Mr. Colvin's email which was copied to Mr. Mulroney, Colleen Swords and others, and I do not even know the date because unfortunately it is blacked out, under 19 it says:

Apart from non-access to detention facilities themselves, the main difficulty we faced was in correctly identifying "our" detainees. [blacked out] explained that they had no list of "Canadian" detainees....Moreover, the information in our possession

was quite limited. The names were written only in English, not in Pashto. We had no photos or other descriptions of each detainee, only their age and the name of their village (not even the district) in [blacked out]. Of the [blacked out] only in [blacked out]—

And it goes on. From that, clearly there is either something to hide or the fact is that we did not know what we were transferring, but certainly the International Red Cross did. Certainly, the Americans did and others did. I am sure that pressure was brought to bear and is why the government decided to change the agreement.

The agreement that was entered into in 2005 was to meet the requirements we thought of at the time. Clearly, there were allegations out there, these allegations made by Mr. Colvin and others. Mr. Colvin is a respected public servant. The generals before us are all well respected. No one questions that.

The questions are, what did the government know, what information did it have, and what did it do with that information when it received it? If the government has nothing to hide, then why does it not allow a full public inquiry? That would also be very helpful, both to those who have come forward on both sides of this issue and also because we as a committee, and I think this is very important, are constrained in our ability to seek the answers because first, we do not have the documentation, and second, we have seven minutes in which to ask questions. It is pretty hard to get the question and answer in seven minutes. I know that is a difficult situation at least for members.

• (1345)

Maybe, on the other side, some members there have seen these documents in their entirety. They claim they have not, but at this point we say a public inquiry because we are not able to function. In fact, it seems like a Hollywood backdrop. Witnesses come in and certain members are briefed on this information who come before the committee. The members try their best, but at the end of the day, we do not have the information we need. So this is also a moral issue.

We have a moral obligation to Canadians to ensure that we are extremely above board. The government, if it were needing to hide anything, would certainly make these documents available, certainly to members of the committee, but also would be forthright in saying there is a conflict here. We have a situation where a former defence minister indicated he knew nothing that happened and yet 19 memos were sent to the government indicating that there were concerns of torture.

Then we have the current minister who has changed his mind from time to time depending on the situation. My mother used to say "never be a prevaricator of the truth because you will have to remember what you said or not said at some point". It is better to simply tell the truth right up front. Unfortunately, we do not seem to be able to get the answers we need. Is the government covering up? One would assume, if members are not prepared to release the documentation, if they are not prepared to be forthright, that is the only conclusion one can come to.

*Business of Supply*

On the issue of international responsibilities, our soldiers are performing extremely well in the field. We know they are taught very strongly about what to do when they have a prisoner. So there are concerns when these people are turned over to Afghan jails. No one is suggesting that Afghan jails are top notch. In fact, they are a disaster. We know they are a disaster and that is why on at least three occasions the transfers were stopped. If they were not stopped then everything would have been fine. But clearly they were stopped because there were these allegations out there. I find it hard to believe, as a member of Parliament, that the government did not know because otherwise it would not have stopped something if everything was fine.

On this side of the House we listen when government members speak. On that side of the House we hear catcalls. If we really want to have a thorough and full debate, then they should listen, even if they do not like it. At committee we try to extend the same courtesy across the aisle, but the government is stonewalling. We saw what happened at the Military Police Complaints Commission, another example of where it was thwarted from doing its job because of the situation.

I should point out that my friend and colleague, the member for Esquimalt—Juan de Fuca, will be splitting time with me.

I want to point out that the special committee on Afghanistan is not able to do its job because it does not have the tools to do it. Unfortunately, although everyone on the committee certainly has good intentions, they cannot do that. So the issue now comes down to certain people saying one thing, certain people saying another thing. We need a full public inquiry, where the documentation can be provided, where we can actually get the answers and not in seven minutes, so we can move forward on this issue.

Again, I refer to the resolution that Parliament supported. It referred to protecting the rights of detainees. We have to walk the talk. We cannot pass a resolution and then ignore what is in the resolution. We have a responsibility and I would suggest that if the government has nothing to hide, call a public inquiry. Let us find out the real facts and then not only will Parliament know but Canadians will know.

• (1350)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the member for Toronto Centre, when he spoke, talked about the British and the United States governments as two governments that actually have a process to deal with the treatment of prisoners. I would like to ask the member, does he feel that the process of having an inquiry would actually improve the public policy?

**Hon. Bryon Wilfert:** Mr. Speaker, we are in the business of good public policy, so I would suggest to the member and members of the House that it would in fact enhance good public policy. It is important that we look at all of these facts in a very clear way. The only reason, by the way, we are calling for a public inquiry, why we are supporting the motion, is because the special committee on Afghanistan cannot get to the bottom of it because of redacted documents, because of the failure to really do the probing. From our standpoint, I think the result would be what the member suggests.

**Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC):** Mr. Speaker, I find the

member's statements troubling. In fact, I find a number of the statements made by the official opposition on this issue to be really reprehensible and troubling.

The member specifically said that he did not have enough evidence. Three top army generals sat before the member and provided evidence. General Hillier, General Gauthier and General Fraser sat before the member and provided evidence refuting any testimony that there had ever been any indication of torture of detainees turned over by the Canadian Forces.

What was the member's response to that? He said, "We don't know who to believe. I do not know whether to believe these three generals who are Canadian heroes or not". That was the statement made by the member and it is reprehensible. He should stand in his place and apologize for questioning their comments.

**Hon. Bryon Wilfert:** Mr. Speaker, what I find reprehensible is that someone in the peanut gallery would stand and not only makes accusations that are not correct but if the member had bothered to listen he would have heard, one, my support for the troops and, two, support for the generals.

The fact is that the crowd over there always likes to stand behind supporting the armed forces. They do not have a monopoly on support for the armed forces any more than we do. They should get with the program and stop trying to change the channel. The channel is their competence and their watch that we are looking at, not the generals and not our soldiers in the field. They should not try to pull that nonsense in here.

• (1355)

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, I have a question for the hon. member who has experience on the defence committee. I would ask him to remind us all what the role is of parliamentarians in overseeing generals and the Canadian armed forces.

**Hon. Bryon Wilfert:** Mr. Speaker, we are obviously in the business of public policy and, ultimately, the armed forces is responsible to government. It is the government that dictates policy.

What we are looking at, as my colleague knows, is the policy of the government, not the actions of our soldiers. Our soldiers respond to policy that is derived from government. If the government does not have anything to hide, it should be able to do so. Our soldiers carry out their responsibilities based on government policy.

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, the Human Rights Watch, which is an internationally recognized body, takes an interest in issues of human rights throughout the world. It has also supported the call for an independent inquiry. Does the member think this kind of call affects the international reputation of Canada if we do not have one?

**Hon. Bryon Wilfert:** Mr. Speaker, our central tenet for foreign policy has always been human rights and the protection of the individual. I would certainly concur with my colleague's comments. They are well-founded and I think would have an effect on a country that is known for both its support of human rights historically and the security of the individual.

*Statements by Members*

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, today the House is debating a motion calling for a public inquiry into the situation surrounding Afghan detainees.

What has transpired since this special committee was created to look into this has not been a good reflection on Parliament, which is unfortunate. The biggest part of that has to do with documents and the fact that the documents were available to the witnesses who appeared before the committee but not to the committee members themselves.

There also are some questions about whether there was other evidence. I think I have seen enough indications that we have had questions of fact being challenged and disagreement. We have also had some testimony at committee, even from General Hillier himself, that if we were to ask all of the detainees whether or not they had been abused while in detention, probably half of them would say yes. So there have been some questions.

Earlier today, the Minister of Foreign Affairs rose in the House to address this motion. He started off by saying that we had to understand that being in the military theatre is a difficult and complex environment. He also said that military personnel were putting their lives in danger, that they were protecting the public in Afghanistan from danger and that they were there to prevent possible terrorist attacks from occurring even in Canada.

He finally concluded that the 2005 agreement on the transfer of detainees was inadequate and, therefore, as a consequence, on May 3, 2007, another agreement was struck which was more robust.

It begs the question that if the 2005 agreement with regard to the rules of transferring detainees was inadequate, does that mean there is a possibility that torture may have taken place? Does that mean that the circumstances were such that, as is being alleged by so many other people who have not appeared before the committee, there were incidents of torture?

These are significant questions. I understand we will move to another stage, so when I complete my comments at the end of question period, I will add more on those things.

• (1400)

**The Acting Speaker (Mr. Barry Devolin):** The member for Mississauga South will have seven minutes remaining when we return to this matter.

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## STATEMENTS BY MEMBERS

[English]

### CALGARY EAST

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, I rise in the House today to pay tribute to the hard-working people of Calgary East who have elected me to represent them in Parliament for the last 12 years.

My riding exemplifies the virtues of Canada's multicultural mosaic. It is home to colourful and welcoming neighbourhoods, sprawling green spaces and many large businesses that proudly employ people from all over the city and the region. It is no surprise

that close to 50 new Canadian citizens every month choose to settle down in the welcoming communities that make up Calgary East.

Like many Canadians, the residents of Calgary East too have faced the brunt of the economic downturn. However, I am proud to say that in these tough times they are certainly doing their part to help pull themselves and their country out of the recession.

I am privileged to represent the people in the riding of Calgary East and look forward to continuing to serve them as their Conservative member of Parliament.

\* \* \*

### FRED FOX

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, Nova Scotia recently lost one of its finest citizens and one of its leading fire chiefs when Windsor Fire Department chief, Fred Fox, passed away.

A lifelong resident of Windsor, Fred joined the fire department in 1971. At the time of his passing, he was serving in his 20th year as fire chief and 38th year as a member of the department.

Chief Fox was instrumental in the development of the Fire Service Association of Nova Scotia, which recently recognized him with a lifetime honorary membership. He was the Nova Scotia director of the Maritime Fire Chiefs Association for several years and a member of the Canadian Association of Fire Chiefs, having served as Nova Scotia's director to the federal association.

Volunteer firefighters possess a commitment and generosity to their communities, which Chief Fox exemplified with his skill and caring service to his community. His death is an enormous loss to the department and to the entire community he served.

I offer my deepest sympathy to his wife Prudy, son Gregory, daughter Melissa and to all of their extended family. Fred was a great Canadian.

\* \* \*

[Translation]

### ÉDITH CLOUTIER

**Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ):** Mr. Speaker, the 17th Annual Aboriginal Achievement Awards will be held on March 26. I was proud to learn that a resident of my riding, Ms. Édith Cloutier, will receive the public service award.

Ms. Cloutier knows very well the duality of a mixed heritage as her mother was Algonquin and her father was a Quebecker. When only 23 years old, she became the executive director of the Val-d'Or Native Friendship Centre, which seeks to improve the lives of urban aboriginal people and relations between aboriginal and non-aboriginal peoples.

With her exceptional administrative talents, Édith Cloutier has made the Val d'Or Friendship Centre one of the most important and dynamic of the hundred such centres in Canada.

Ms. Cloutier has received many other awards in addition to this one. She became a Chevalier de l'Ordre national du Québec in 2006.

Congratulations Ms. Cloutier.

*Statements by Members*

[English]

**NIAGARA REGION**

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, it is in this season of giving that we are offered an opportunity to pause and reflect on the past year's events, difficulties and accomplishments. It is in this spirit that I acknowledge the great privilege it has been to serve the constituents of Niagara in this my first year in office.

This past year has been extremely difficult for many regions across Canada and the Niagara region is no different. I say with great pride that there is something very special in the resiliency of the hard-working people of my riding. Even when things seemed to be getting worse, I was inspired and amazed by the dedication and commitment of individuals and community groups to those hardest hit.

I would like to take this opportunity to thank everyone who over this holiday season will take the time to help those experiencing job loss and financial hardship. It is in the acts of giving that we show the true spirit of the season and, more important, demonstrate the year-round spirit of the constituents of Niagara.

Finally, I would like to wish all Niagarans a safe and joyous holiday season and a sincere desire for all of us to have a happy and prosperous new year.

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**HIV-AIDS**

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Speaker, worldwide, more than 25 million people have died since the start of the AIDS pandemic in 1981. My parents were two of those individuals.

Today, one in every 584 people in Canada is HIV positive. Forty-five hundred new HIV infections are being reported each year. Up to 30% of those who are infected are unaware that they carry the virus.

To stop the rate of new infections, we must strengthen prevention, offer accessible programs, particularly for young people, improve point of care testing for HIV and focus on populations where HIV is increasing.

In my community, Daryle Roberts, Karen Alexander and the hard-working team at the Living Positive Resource Centre continue to bring together all levels of government with front-line AIDS workers and individuals living with HIV. By understanding the challenges and needs of those whose lives are impacted by HIV and AIDS, we are improving their quality of life and reducing the stigma and discrimination they face.

\* \* \*

● (1405)

**STATUS OF WOMEN**

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, 20 years after 14 young women were killed at École Polytechnique, the safety and status of women in this country are at risk in a manner unprecedented in years.

The government has failed to take action to address the real issues of concern for violence against women. The mandatory minimums

are not enough. More jails are not the answer, but that is what the minister stands for.

What is clear is there is no one in the government prepared to advocate on behalf of women. We need a national violence prevention strategy. We need a national investigation into the cases of more than 520 missing and murdered aboriginal women and girls. We need safe and affordable housing available.

What we do not need is to have the Minister of State for the Status of Women showcasing the member for Portage—Lisgar who is looking to dismantle the gun registry at the École Polytechnique memorial honouring the memory of the 14 slain women.

Enough is enough. We need a government to stand for the safety and security of the women of Canada.

\* \* \*

**PILLOWS FOR TROOPS**

**Mrs. Shelly Glover (Saint Boniface, CPC):** Mr. Speaker, on November 20 a campaign was started in Winnipeg to support our troops in Afghanistan. It is not about the latest weapons or armoured vehicles. It is about pillows.

This campaign was created as a memorial to Corporal James Hayward Arnal, a 25-year-old resident of Saint Boniface who was killed on July 18, 2008 while serving in Afghanistan.

His passing deeply touched my community and all who knew him. I had worked alongside his father for many years as his partner on the Winnipeg Police Service and I know just how terribly his family misses him.

Corporal Arnal, who was the 88th Canadian soldier killed in the Afghan conflict, kept a travel-size pillow with him throughout his mission.

The goal of the campaign is to provide a similar travel-size pillow to each Canadian soldier serving in Afghanistan. The first shipment will be accompanied by Corporal Arnal's mother, Wendy Hayward, to Trenton, Ontario in December. The pillows will be shipped from there to Afghanistan in time for Christmas.

Donations can be made online at [pillowsfortroops.com](http://pillowsfortroops.com). Please help to make our Canadian heroes a little more comfortable as they fight to help keep us all safer.

\* \* \*

[Translation]

**BRIDGESTONE**

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, on November 11, the Bridgestone company of Joliette won a gold medal at the best business practices show, an event organized by the Mouvement québécois de la qualité to showcase projects that improve productivity.

*Statements by Members*

The Joliette company was competing against 37 other teams from 34 different corporations. Bridgestone presented two projects: the first, Six Sigma, to improve quality; the second, known by the Japanese name of *suru-raku*, is an approach that encourages the standardization of all activities. Fresh from this success, the team is going to Japan in April 2010 and it plans to take top honours at that event.

The company recently announced an investment of \$40 million in the Joliette plant, including the Quebec government contribution of \$4.8 million. The federal government contributed absolutely nothing. But let us look on the bright side. My Bloc Québécois colleagues and I congratulate the company on its success, which mirrors the dynamism of the Lanaudière region, and the trust it places in its employees.

\* \* \*

[*English*]**WORLD AIDS DAY**

**Mr. Colin Carrie (Oshawa, CPC):** Mr. Speaker, today, December 1, marks the 21st commemoration of World AIDS Day. On this day communities in Canada and around the world honour those who have died from this disease and those who continue to live with the effects of HIV-AIDS.

Despite significant advances in medical treatment, there are still no cures or vaccines to prevent the spread of HIV.

Our government remains committed to a comprehensive long-term approach to HIV and AIDS in Canada and globally. Under the federal initiative to address HIV and AIDS in Canada, we are working in partnership with the provinces and territories, community-based organizations and others to prevent the spread of HIV, promote awareness and provide care and support to people living with and affected by HIV and AIDS.

This government's international efforts to address HIV and AIDS continue to be based on sound public health evidence, built on a foundation of human rights, gender equality and the protection of the rights of children and other vulnerable groups.

In closing, I ask everyone to join me today in wearing a red ribbon to raise awareness and to show support for those living with or affected by HIV and AIDS.

\* \* \*

● (1410)

[*Translation*]**ROBERT THIRSK**

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, I rise today to highlight the return to Earth of my friend, astronaut Robert Thirsk, who spent six months on the International Space Station. That is quite a trip.

Robert returned to Earth this morning, gently touching down in Kazakhstan.

[*English*]

During his mission he conducted many scientific experiments while helping to build the station. His mission was marked by three

important firsts for Canada. He was the first Canadian to fly on the Russian Soyuz rocket. He spent six months in orbit, the longest stay for a Canadian in space. On two occasions he met up with visiting Canadians Julie Payette and Guy Laliberté.

[*Translation*]

Robert is a fine example not only for the scientific community, but also for our youth. I hope that many young Canadians will be inspired by his experience and follow in his footsteps, thus helping Canada become a world leader.

To my long-time friend Robert, congratulations. You have made Canada proud.

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**THREE OPPOSITION PARTIES**

**Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC):** Mr. Speaker, exactly one year ago, on December 1, 2008, the leaders of the Liberal Party, the Bloc Québécois and the NDP signed a shocking agreement aimed at bringing down a government that was democratically elected less than two months earlier in order to form a coalition.

Even the Bloc, a sovereignist party, was part of that agreement. A sovereignist party governing our country? Seriously!

The opposition parties dreamed of taking power without an election. How scandalous! It came as no surprise that Canadians from coast to coast to coast were shocked by this secret, undemocratic political scheme. Quebecers and Canadians want action, not partisanship.

Our government cares about Quebecers and Canadians. It will continue to implement Canada's economic action plan and focus on the economy.

\* \* \*

[*English*]**WORLD AIDS DAY**

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, in this place which so often generates more heat than light, I want to pay tribute to the thousands of Canadians who act where government fails. One area where this is painfully obvious is in our response to HIV-AIDS.

Organizations such as the Hamilton AIDS Network are doing incredible work in preventing HIV transmission, and recognizing and responding to the stigma and challenges posed by HIV-AIDS. But, instead of partnering with NGOs on their essential programs, the government is forcing them to do more with less.

The same is true for the Grandmothers to Grandmothers Campaign that was launched by the Stephen Lewis Foundation. Volunteers are dedicating themselves to ensuring that whether one lives or dies with HIV is not determined by one's race, gender or citizenship.

*Statements by Members*

The government could so easily support these efforts by passing the NDP's Bill C-393, but instead, it puts the needs of big pharma ahead of the need to win the battle against AIDS in the global human family.

On this World AIDS Day, I want to salute the Hamilton AIDS Network and the Grandmothers of Steel for their compassion and commitment. I want to challenge the government to support their efforts with resources instead of just rhetoric.

\* \* \*

**ISRAEL**

**Ms. Candice Hoepfner (Portage—Lisgar, CPC):** Mr. Speaker, the Liberal Party has been caught red-handed misleading Canadians about its record on Israel. When the member for Mount Royal told the House that the Israeli government asked Canada to remain at the Durban 1 conference, most journalists accepted the Liberal talking point at face value. They can no longer.

Alan Baker, the man who led Israel's delegation at Durban and Israel's former ambassador to Canada, today contradicted the member for Mount Royal's claims. He told the *National Post*, "We tried to get the Canadians to walk out".

Liberal MPs have marched under the flags of terrorist organizations such as Hezbollah, prompting rebukes from the Israeli government. Liberals misled the House about being asked to stay at Durban.

Will the Liberals apologize for misleading Canadians? Will they apologize for deserting Israel during her time of need?

\* \* \*

[Translation]

**ÉCOLE POLYTECHNIQUE DE MONTRÉAL VICTIMS**

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, today, female members of the three opposition parties attended a parallel event protesting the government's position on violence against women to commemorate the deaths of 14 young women at the École polytechnique de Montréal who were murdered with a long gun on December 6, 1989.

We were stunned and outraged to see that at the government's own commemorative ceremony, which also took place this morning, the member who introduced Bill C-391, which would exclude long guns from the firearms registry, was beside the Minister for the Status of Women.

This is especially disturbing because 88% of women killed with guns are shot with handguns or rifles. If violence against women is to finally stop, the duty to remember must translate into real action. That is why Bill C-391 must be rejected.

\* \* \*

● (1415)

[English]

**WORLD AIDS DAY**

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, today is World AIDS Day.

Seven thousand five hundred people will be infected with HIV, and five thousand five hundred will die of AIDS. Every day, more new infections occur than new people receive treatment.

Highly active antiretroviral therapy with a full array of contraceptive options would halt the pandemic's progress in its steps, but only if AIDS is not treated in isolation. To accomplish this, maternal care, infant care, HIV-AIDS treatment, and tuberculosis management must be integrated. This means the international community must invest in primary health care systems, health care workers, diagnostics, meds, clean water and power. Doing this would enable us to arrest the pandemic and treat 85% of the people who walk through a clinic's door.

Canada is hosting the G8 summit in 2010. Let us put primary health care at the top of the agenda, for this is the most effective way to save the lives of millions of people who die every year from entirely preventable causes.

\* \* \*

**LIBERAL PARTY OF CANADA**

**Mr. Greg Rickford (Kenora, CPC):** Mr. Speaker, I rise to mark the one year anniversary of the failed attempt by the Liberal Party to ignore the democratic results of last year's election.

As members may remember, the Liberal Party entered into a coalition, promising a blank cheque to the NDP and a veto on all legislation to the Bloc.

The Liberal leader was clear. He happily signed on to the coalition and later told the nation that he would be prepared to lead it. Since then, the Liberal leader has threatened an unnecessary and unwanted election.

Meanwhile, our government is taking real action with Canada's economic action plan, delivering results for Canadian families and businesses during the global recession.

A year ago the Liberals made it clear that they would do anything to take power, so we should not be surprised when they politicize everything from our soldiers to our infrastructure investments.

They have tried it once and they will try it again because we know the Liberal leader is not in it for Canadians. He is just in it for himself.

*Oral questions*

## ORAL QUESTIONS

[*Translation*]

### AFGHANISTAN

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, yesterday, the Minister of National Defence said that the government was refusing to disclose evidence of torture in Afghanistan because of the Canada Evidence Act, but today the Minister of Foreign Affairs said that some documents will be made public. Two days, two different stories.

What guarantee can the government give Canadians that all the documents will be made public without being censored?

[*English*]

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the government has been entirely clear. We will continue to provide all legally available information.

There are long-standing practices not just of this government but of other governments, and even mandatory legal requirements, that we will continue to follow. It is a responsibility that those of us on this side of the House take seriously because the number one priority must be the safety and the security of our men and women in uniform.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, last week in his testimony, General Gauthier said that he hoped Parliament would have access to the documents on this question. It still has not happened.

After weeks of withholding evidence, how are Canadians now supposed to believe that the government will provide full and uncensored documents to the parliamentary committee so that it can get at the truth of this matter?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, it is interesting that the leader of the Liberal Party stands in his place and characterizes remarks made by General Gauthier.

It was his own defence critic, the member for Vancouver South, who called General Gauthier's comments before the committee morally weak and legally flimsy.

The general is a Canadian hero. He is a Canadian hero who spent 36 years in uniform, and that is the kind of respect he gets from the Liberal Party and the official spokesman for the Leader of the Opposition. It is shameful.

• (1420)

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, our side of the House did no such thing. We hold General Gauthier in the highest respect.

The issue here is that all of the evidence in this affair, including that handed over to the Military Police Complaints Commission, was so heavily redacted as to be useless.

The versions of Richard Colvin's memos that were leaked to journalists were so redacted as to be useless.

We need to get to the bottom of this. Why will the government not accept that we need a judge, an independent inquiry, and full access to the documents so that we can finally get to the bottom of this affair?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the leader of the Liberal Party says one thing but the facts suggest something else.

His defence critic said that this general, this Canadian war hero, was weak and flimsy. And look at what else he said. When he was outside the House of Commons yesterday after question period, when asked if he had characterized the general's remarks that way, what did he say? "Absolutely".

Shame on him. Shame on the Liberal Party.

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I am again trying to get an answer to a simple question from the government.

One of the senior officials at the Department of Foreign Affairs, in describing how the department went about looking at allegations of torture, said:

We don't investigate those allegations. We record them.

I would like to ask the minister, is that still the policy of the Government of Canada with respect to allegations of torture?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, Mr. David Mulroney, the senior civil servant in charge of the mission, confirmed what we have said all along.

The enhanced arrangement now allows for greater monitoring. That was in place two and a half years ago; unannounced monitoring, a more rigorous ability to have Canadian eyes on information inside the prisons to follow Canadian transferred detainees. If credible allegations have arisen, as was again confirmed, the Afghan sovereign government will do the follow-up with our assistance.

We also notify the ICRC and the Afghanistan Independent Human Rights Commission.

Our officials can visit prisons unannounced at any time. These are great improvements from the previous arrangement we inherited. This was confirmed by both the bureaucrats and military who testified last week.

[*Translation*]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, the problem we have with the government's answers is that it says that we do not have access to credible information from someone like Mr. Colvin and then says, on the contrary, that Mr. Colvin did not have all the facts.

The problem is that the government did not look for the facts. The government did not try to get to the truth.

That is why we will ask again: why not hold an inquiry to get to the truth of the matter?



*Oral questions**[English]*

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, the problem with the member opposite's sanctimonious lectures in this place is that they are really not consistent.

In fact, what we do is to act upon the advice of senior members of the public service, those who were in charge of the mission at the time. We act upon the advice that we receive from commanders in the field, people like generals Hillier, Fraser and Gauthier, who were there during the time in question. We receive that advice. We obviously take that advice and make decisions to support the ongoing mission in Afghanistan.

The hon. member cannot have it both ways. He cannot accuse the government; he cannot dismiss the government's position, knowing we took it from that source.

\* \* \*

*[Translation]***THE ENVIRONMENT**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, according to a joint study by *Le Devoir* and the Pembina Institute, action taken by Ontario, British Columbia and Quebec to significantly reduce greenhouse gas emissions ensures that, if the government maintains its flawed greenhouse gas reduction plan, Alberta will be able to increase its emissions without penalty.

Will the government admit that its climate change plan is tailor-made for Alberta?

*[English]*

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we are committed to doing our part to fight global warming, to fight climate change. We are committed to taking real action on an international level. We are working in concert with our friends in the Obama administration to have a real and meaningful plan to take a bite out of the carbon emissions in Canada. We are going to continue to do that at Copenhagen and to work constructively with our international partners to get every major emitter on board.

● (1425)

*[Translation]*

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, with 2006 as the reference year, the government is undermining all the efforts made by Quebec since 1990 to reduce greenhouse gas emissions, particularly those by the pulp and paper and aluminum industries.

Does the government realize that by using 2006 as the reference year, rather than 1990, it gives an advantage to its friends in the oil sector, who have done nothing to reduce their greenhouse gas emissions since 1990?

**Hon. Christian Paradis (Minister of Public Works and Government Services, CPC):** Mr. Speaker, that is completely false and we are pleased that the Obama administration's approach is similar to ours. Our two economies are integrated. There will be a North American approach.

I would remind the member opposite that, in 2007, the federal government transferred \$350 million to the Quebec government. Premier Charest himself stated that this would help Quebec achieve its goals.

That is what I call results.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, by choosing 2006 as the reference year, the government is ignoring the efforts Quebec companies have been making since 1990: reductions of 41% for the paper industry, reductions of 22% for the manufacturing industry, and reductions of 15% for the aluminum industry. Furthermore, it will be harder for these industries to achieve objectives using 2006 as the base year since, as companies get closer to zero emissions, it becomes more expensive and technically harder.

Does the government realize that it is penalizing Quebec companies that have made efforts, and is rewarding the oil companies in the west that have increased their emissions?

*[English]*

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, the government's plan is quite clear, and that is to search out a binding international agreement at Copenhagen, and from there, to ensure that we have, on a harmonized basis, continental targets and continental rules and regulations with respect to a cap and trade system.

The United States president last week announced a reduction target of minus 17% by 2020 from a 2005 base. The Canadian policy for the last two years has been minus 20% by 2020 from a 2006 base.

These are virtually identical, and we will make whatever minor adjustments are necessary to make them absolutely identical with the same baseline.

*[Translation]*

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, not only is Quebec being penalized by the choice of 2006 as the reference year, but it could also be the first to pay for this government's inaction, since it exports the most to Europe.

Does the government realize that if Europe follows through on its carbon tax threats for offending countries, Quebec will be paying for Alberta?

*[English]*

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, let us talk about Europe. It is exactly a year ago today that the Bloc, the NDP, and the Liberals, as coalition partners, voted and brought in a coalition accord. That accord, of course, called for a North American cap and trade system.

Since that time, there has been a bit of confusion among the coalition partners. The Bloc and the NDP still search out European targets for Canada. The Liberals seem the most confused. They talk about North American targets, they vote for European targets, but at the end of the day, they brought in a policy last week that has no targets.

*Oral questions***AFGHANISTAN**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Conservatives' stonewalling of the Military Police Complaints Commission is continuing.

It was not enough that for 21 months they would not support the handing over of documents and records. It was not enough that they intimidated witnesses with the possibility of jail time. Now they are refusing to release and make available to the commission legally subpoenaed documents.

What is going on here? Does the Conservative government believe that somehow the commission is working in league with the Taliban? Is that what we are going to hear next?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, absolutely not. What we will hear is that this government will continue, as it has in the past, to provide all information, all documents that are legally available to be provided. There has been a long-standing practice not just with this government but with previous governments in this regard, and even mandatory legal requirements that are imposed on the public service and those of us in government.

It is a responsibility we take incredibly seriously. Our number one priority is to protect the operational security of our men and women in uniform and that will continue to be our priority.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the government has made a lot of promises about transparency that it has simply never kept, whether to do with the commission or to do with the parliamentary committee, which has asked for documents, as it has every right to do.

The government is not respecting that right. It is trying to intimidate witnesses from testifying. It is selectively leaking to certain journalists the supposedly secret documents that have to be protected, but not to the processes that are established here in the House of Commons.

Why will the government not simply support a public inquiry? This is why we need a public inquiry. There is a vote today on this. Is the government going to vote against making the truth—

• (1430)

**The Speaker:** The hon. Minister of Transport.

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the committee has had the opportunity to hear from public servants, from senior public servants. It has had the opportunity to hear from three Canadian heroes, three generals who have worked in this regard on behalf of our men and women in uniform, on behalf of their country. What we have seen at the committee is that there has never been a confirmed case of the torture of a transferred Taliban captive.

Those are the facts and it is important that those not be left out in this regard.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, one of those generals said that the documents should be made available. The government should follow that advice.

[*Translation*]

If the Conservatives have nothing to hide, then what they should do is launch a public inquiry, as we have requested.

We would like to know whether the government's policy is to ignore its own written reports on torture, without investigating or doing anything. We would also like to know which ministers were in the loop. Was the Prime Minister aware of torture cases? Will the government abide by a majority vote in the House to launch a public inquiry, yes or no?

[*English*]

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, when this government gets credible, substantiated evidence with respect to this issue, we have acted. We have acted in the past.

What we have done is to have sought a prisoner transfer agreement. We have had enhanced monitoring. We have seen a significant effort on behalf of Canadian public servants and on behalf of the men and women in uniform to accept their responsibilities and to do their jobs. There has been no specific allegation from anyone that they have not done that.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, the government ignored reports on torture in Afghan jails from the U.S. state department, the UN human rights commissioner, and its own partner, the Afghanistan Independent Human Rights Commission.

Then the allegations of torture hit the press. It suddenly became concerned, not because of human rights or international law, but because the Prime Minister is always more concerned about his own image than the reputation of Canada.

It is the reputation of Canada that demands a public inquiry. Why will the government not call one?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, the ranting and raving and unfounded allegations from the member opposite are not going to change the facts.

We acted and acted responsibly on advice that came from senior military advisers, military generals and commanders on the ground in Afghanistan. We acted on the advice of Mr. David Mulroney, who was a senior bureaucrat, a public servant and an impartial person helping us with decisions in Afghanistan.

That is the responsible thing to do. That is in fact what I would suspect the member opposite and his government did when they were receiving this same type of advice. The difference of course is that we took action. We took responsibility. We improved the arrangement. We improved the resources, as we did with the military.

That is our record. Let him defend his.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, the parliamentary committee on Afghanistan has not received any documents from this government, although these have been made available. The government has no problem leaking them to a few chosen journalists. I guess the members of the Special Committee on the Canadian Mission in Afghanistan may be somewhat of a security threat to this country.

*Oral questions*

Will the government stop the stonewalling, produce the documents, stop the spin and call a public inquiry? If it has been doing such a good job, what does it have to hide?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, talk about sucking and blowing. We are being accused of not releasing documents but leaking them at the same time.

There is a mandatory obligation on public officials to ensure that when information is released, it is in compliance with the Canada Evidence Act. That legislation was made more robust by, and wait for it, the previous government.

With respect to information, I think most people, even the hon. member, can understand that we want to protect operational matters, information received from other countries, other sources, confidential sources, national security. Those are the reasons these documents are being examined by the Department of Justice.

[*Translation*]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, despite receiving warnings that began in May 2006, the government did nothing to put an end to the transfers for 18 months. Canada's reputation as a world leader in justice and human rights has been damaged by the actions of these Conservatives.

How can the Prime Minister talk to the Chinese government about respect for human rights—in Tibet for example—if he cannot lead by example?

• (1435)

[*English*]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Despite that rambling dissertation, Mr. Speaker, I will take Canada's record on human rights over China's any day.

I go back to the issue at hand. What we do as a government is act responsibly. We enhanced the arrangement to allow for greater monitoring inside prisons. We upped our ability to train, monitor and mentor prison officials. We invested in the physical prisons themselves. Those are the responsible things we did, and we started doing that immediately after taking office.

Contrary to the allegations, we acted responsibly, quickly and improved the situation in Afghanistan.

[*Translation*]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, this is yet another new version of events from the Minister of National Defence. His version changes every day.

The Conservatives deliberately hid the fact that, for 18 months, they regularly turned Afghan detainees over even though there was a real and serious risk that they would be tortured.

How can the Prime Minister go to China and defend human rights, particularly with respect to Tibet, when his own government is guilty of violating those same human rights?

[*English*]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, what again is so irresponsible, so inflammatory and so false is for the hon. member to try to parse her words and suggest somehow that the Canadian military was complicit in torture, suggesting that those hard-working, honest officials and military on the ground would deliberately transfer detainees, Taliban prisoners, to Afghan authorities knowing they would be tortured. That is a backhanded way to cast aspersions on the good work being done by our military and our professional public service. That is what those members are doing.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, for months, the government turned a blind eye to the torture of Afghan detainees. Now, it is trying to get out of this mess by burying the truth. The government has threatened Richard Colvin with a lawsuit and refused to disclose various documents to the opposition. Now it has given an independent commission a set of heavily censored documents.

Does all of this obstruction not prove that the government is trying to evade responsibility in the matter of the torture of Afghan detainees?

[*English*]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Again, Mr. Speaker, we improved the situation. We invested more heavily in improving the justice system and human rights system in Afghanistan.

With respect to documents, we continue to provide all legally required documents, documents that are available, documents that have to be vetted by the Department of Justice for content to ensure no national security risks will occur, that no information was received by the Canadian government from other sources to ensure we protect the interests of the Canadian Forces for operational reasons on the ground.

I think even a member of the Bloc could understand there are security concerns that we have to protect.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, on another note, NATO announced today that Canadian soldiers will be leaving Kandahar in early 2010 for the neighbouring district of Arghandab.

Can the Minister of National Defence confirm that this redeployment will not change the July 2011 end date of the mission for all Canadian soldiers in Afghanistan?

[*English*]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, what happens on the ground with respect to operational deployment of troops really is a testament to the high regard with which Canadian soldiers are held by our allies, particularly the United States. With respect to the command structure that is in place, Canadian generals, Canadian commanders actually have command over other countries. We have assumed this type of responsibility.

*Oral questions*

With respect to territorial responsibilities, the Arghandab Valley is an area for which Canada had previously held responsibility. This is where the Dahla Dam project takes place, an important contribution, a signature project that provides water and irrigation for Afghans.

We can be very proud of the professionalism and the magnificent work of our men and women in uniform.

\* \* \*

[Translation]

**EMPLOYMENT INSURANCE**

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Mr. Speaker, self-employed workers in Quebec will pay too much for EI compassionate care and sickness benefits. Instead of paying 41¢ per \$100 of earnings, they will be expected to pay \$1.36. It is too much.

The Conservative members refused to hear the former EI chief actuary, who maintains, as we do, that self-employed workers in Quebec are being ripped off.

Does the government's refusal to hear this credible witness not prove that self-employed workers in Quebec will not get value for their money?

• (1440)

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, with Bill C-56, for the first time, we are offering self-employed workers in Quebec the opportunity to pay into the plan in order to receive compassionate care, sickness and injury benefits at an affordable price.

This is the first time these benefits have been offered outside private companies. It is a good thing for Quebecers who are self-employed workers.

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Mr. Speaker, this government's employment insurance measures do not meet the needs of workers in Quebec. The program for long-tenured workers does not apply to Quebec forestry workers; the additional five weeks are a temporary measure; self-employed workers in Quebec already had access to parental benefits, and the contribution rate for compassionate care and sickness benefits is three times too high.

When will the Conservative members from Quebec stand up for Quebec workers?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, it is very important that Quebecers understand what we have done to help them during this global recession.

First, we added five weeks of benefits for everyone, including long-tenured workers. Now they can receive from five to twenty more weeks of benefits. This measure will benefit forestry workers in particular.

We are offering Quebecers and self-employed workers benefits they did not have access to before.

[English]

**INFRASTRUCTURE**

**Mr. Gerard Kennedy (Parkdale—High Park, Lib.):** Mr. Speaker, my question is for the minister responsible for infrastructure. I have in my hand the status report every project promised federal dollars has to send in. It is a report that the minister and his officials denied even existed.

Will the minister finally tell the House how many actual jobs he has created to date with federal infrastructure stimulus funds and will he release the status report replies to the House so Canadians can see for themselves?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we are working in partnership with the provinces and municipalities in every corner of the country, from coast to coast to coast. One of our main partners is the Federation of Canadian Municipalities. The report it did for its prebudget submission said that for every billion dollars that all three levels of government invested in infrastructure, we would see about 11,000 jobs created. That is tremendously important. There is also the great number of spinoff jobs which help keep our economy strong.

The economic action plan is working. We are continuing to make announcements. We are seeing construction begin in every corner of the country.

**Mr. Gerard Kennedy (Parkdale—High Park, Lib.):** Mr. Speaker, let us try this again. The government has misled Canadians with advertising claims on job creation without any proof. Tomorrow's report will be just another expensive fairytale.

The Conservatives have information about their promised infrastructure stimulus projects, detailed information. There can be only one reason why the minister is afraid to release it, because it proves he is an enormous failure in creating jobs and helping ordinary Canadians.

Will the minister stop trying to hide his incompetence and release all the project status reports today without delay?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the information the member opposite discusses is some three or four months old. However, I would encourage him to travel around the city of Toronto and around the province of Ontario and see the great work the federal government is doing with Dalton McGuinty's provincial government.

We have gone out of our way to put signs up, just for the member opposite, so he can see the amount of construction going on in every part of the country. There are signs of hope, signs of opportunity, signs that jobs are being created and that we are coming out of this economic recession stronger than ever.

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**THE ENVIRONMENT**

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, Canadians overwhelmingly want real government leadership on climate change and they are just not getting it.

*Oral questions*

The Liberal Party leader is committed to science-based targets in line with other industrialized countries, reductions to keep climate warming below 2°C. The Liberals have a solid plan to achieve it.

The Conservatives have had four years and three ministers and still no plan. Contrary to the Prime Minister's claims, even China's targets are more aggressive than Canada's.

Why has the government failed so miserably on climate change?

• (1445)

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, our position is clear, and that is harmonized North American targets within an international framework.

It is hard to take the Liberal Party seriously on this matter. The Liberals signed Kyoto, with unrealistic targets. Then beyond that, they spoke about a North American cap and trade with North American targets. Then they voted for European targets. It could not possibly get any stranger until they brought out their policy document that had no targets.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, Équiterre, Environmental Defense, Power Up, all these leading environmental NGOs salute the Liberal commitment. Where is the Conservative commitment?

Here is what the Prime Minister had to say about climate change discussions in 2002, "I put the government on notice that this is only the beginning of the debate. We will fight this every step of the way".

The Prime Minister has been blocking action on climate change for seven long years. Why should Canadians trust his government to change course now?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, Canadians certainly do trust this government because our position is clear and it is consistent. It is an international treaty. It is harmonized North American targets.

The entire world is focused on targets at Copenhagen. The debate at Copenhagen is about what targets people are putting forward. The Liberal Party comes forward with a policy document that calls for no targets. That is the Liberal way. Kyoto had no targets. We never know if the Liberals are for or against carbon taxes.

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**INFRASTRUCTURE**

**Ms. Lois Brown (Newmarket—Aurora, CPC):** Mr. Speaker, our government continues to make unprecedented investments in infrastructure from coast to coast to coast. We continue to work with our provincial, territorial and municipal partners to get projects approved so we can stimulate the economy and create jobs for Canadians.

Could Canada's Minister of Transport, Infrastructure and Communities tell the House about the significant announcement he made today in the city of Toronto and how it will affect one of hockey's most iconic shrines and one of Toronto's most historic buildings?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I was very pleased to be in the great riding of Toronto Centre this morning with the Minister of

Finance to make a historic investment of \$20 million to help revitalize Maple Leaf Gardens, a building that has been left derelict for many years.

This government was pleased to partner with Ryerson University and Galen Weston of Loblaw Companies Limited. That \$20 million investment will see more than \$40 million from students and from the private sector to make things happen. That is great news.

We had to leave the announcement early because the construction workers were standing by to start construction work and to create jobs right away.

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**TAX HARMONIZATION**

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, pensions are at risk and RRSPs are losing significant value. At a time when Canadian seniors are faced with poverty, the government is raising their taxes.

The Liberals have decided to abandon hard-working Canadians, but I rise today to speak on behalf of those they have abandoned.

Canadians are opposed to the HST. In fact, in Manitoba they have rejected the government's HST framework as it would impose more than \$400 million in new taxes on families. Canadians cannot afford it. They do not want it.

Why will the government not listen?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, a couple of the provinces have chosen to harmonize their provincial sales tax with the GST. Three others did that before. We have a proposal before the House to deal with this issue.

My friend in the NDP is an expert on taxes. We have cut over 100 taxes and the NDP has voted against that each and every time. When we reduced the GST twice, from 7% to 6% and then 6% to 5%, each time the member voted against it. Yet he stands here and says he cares about ordinary Canadians.

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**AVIATION SAFETY**

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, yesterday, members of the transport committee heard shocking revelations about Transport Canada's failed approach to aviation safety. Members learned that inspectors spend their time pushing paper rather than making sure it is safe to fly.

Government members on the committee claimed that the witnesses were fear-mongering. If this was just fear-mongering, why did the government halt its plans for safety management systems for small airlines? It recognized it was not going to work.

*Oral questions*

Will the government commit to review aviation safety, fix the problems and restore public confidence?

• (1450)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we are tremendously concerned with civil aviation safety. At my department, that is one of our most important responsibilities. I do not support outsourcing safety testing or safety monitoring to the private sector. I think it is an important core responsibility of government and my department.

We are doing a lot of listening to our employees and to others who have come forward with some reasonable suggestions. I did hear one comment from Daniel Slunder, the head of the Canadian Federal Pilots Association, who said:

Transport Canada is to be commended for recognizing there are serious problems with its aviation SMS program. This postponement is absolutely the right thing to do.

We are committed to working with stakeholders to ensure the public is safe.

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[Translation]

**AGRI-FOOD**

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, although the MAPAQ has authorized Fromagerie F. X. Pichet to market a raw milk cheese aged less than 60 days in Quebec, Health Canada objects. The result? A Quebec cheese maker is left with 2,500 wheels of cheese on its hands, even though Quebec health authorities have approved the product. For 15 years now, Ottawa has been getting in the way of Quebec cheese makers who are simply trying to respond to consumer demand by producing excellent raw milk cheeses.

When will the Minister of State for Agriculture stop being a milksop and actually defend Quebec businesses and consumers?

[English]

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Mr. Speaker, our government takes food safety very seriously. We look at these matters. We look at the recommendations that are made to the government in this regard, and we are looking at them now.

[Translation]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, this government is obsessed with uniformity. There is no room for individuality. That is true of raw milk cheese, and it is also true of the organic products for which the federal government refuses to recognize Quebec certification, even though it is much stricter.

When will this government realize that Quebec producers and consumers are the first to suffer from its uncompromising attitude?

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Mr. Speaker, I would like to point out what we have done for milk producers. Under article 28 of GATT, we took measures to limit the amount of milk protein concentrates entering this country, we introduced competition standards for cheese in order to guarantee the presence of Canadian milk in Canadian cheese, and we promised to invoke specialized WTO safeguards.

[English]

**UKRAINE**

**Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.):** Mr. Speaker, Canadians remember with pride the role that our 1,000 observers and mission leader, former prime minister John Turner, played during the 2004 election in Ukraine.

In January 2010, the first presidential election since the Orange Revolution will take place. The Ukrainian Canadian Congress has asked for Canada to send 500 observers this time but the minister only announced 60. The congress is disappointed and the NGOs in Ukraine are worried.

In 2004, we stood shoulder to shoulder with the people of Ukraine. Why not in 2010?

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I want to assure the member that even this time Canada will stand shoulder to shoulder with Ukraine. We are extremely happy with the elections that are taking place there. We will keep monitoring and we ensure that it will be a transparent and fair election.

**Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.):** Mr. Speaker, that is a symbolic gesture, not a real commitment. Sixty is one-tenth of 2004's number.

Mr. Davidovich, the former deputy chair of Ukraine's electoral commission, who refused to sign off on the previous fraudulent results, recently came to Ottawa. Our House gave this democratic hero a standing ovation. He is terribly worried. He flew here from Kyiv to raise the alarm.

In 2004, Canada showed international leadership. Canadians were heroes in the streets of Ukraine. However, last week the minister refused to meet Davidovich. Why? Why will she not listen to his expert advice?

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I would like to tell the hon. member that a lot of members on this side of the House were in Ukraine during the Orange Revolution. I remember that the member for Edmonton East was out there.

A lot of members on this side are very much interested in Ukrainian democracy and we will continue to support Ukrainian democracy. I can assure the member that we will stand with Ukraine as well.

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**COPYRIGHT ACT**

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, the European Union has leaked details of the secret ACTA negotiations in Korea and guess what? It has exposed the industry minister's so-called public consultations on copyright as a total sham, because ACTA will deep six Canada's ability to establish copyright policy. Further, it will strip thousands of citizens from the right to even use the Internet under the idiotic "three strikes and you are out" policy.

The government has no right to negotiate away our domestic copyright laws. Will the minister table in the House the mandate letter that was given to the negotiators to start the ACTA talks?

• (1455)

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, despite the hon. member's fear-mongering, the Government of Canada has not adhered to or agreed to anything in the ACTA negotiations. The ACTA negotiations are in fact subservient to any legislation that is put forward in the House.

In good faith, I and my colleague, the hon. Minister of Canadian Heritage and Official Languages, talked to the people of Canada, talked to stakeholders about a future copyright bill. We are proud of the fact that we have had that consultation because we got some good ideas, even from some NDPers.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, the ACTA provisions read like a wish list for the U.S. corporate lobby because it will override any flexibility for WIPO, it will gut our domestic copyright policies and it will criminalize thousands of Internet users through the three strikes provision.

Canada needs a minister who is willing to stand up for the innovation agenda, not a minister who is acting like a hand puppet for the U.S. embassy.

Why will the minister not table the ACTA negotiations so we can open it to public scrutiny?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, if the hon. member wants to read more about it, he could go to Michael Geist's website.

The fact is that anything that goes on in ACTA is completely subservient to what we as parliamentarians decide on this issue. We have gone further in terms of ensuring the public is aware of the issues involved in copyright renewal and reform than any other government and we are proud of that record.

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#### THE ECONOMY

**Mr. Rodney Weston (Saint John, CPC):** Mr. Speaker, a year ago, as the global recession was hitting our shores, the Liberal Party attempted to overturn the election results of two months earlier by promising cabinet seats to the NDP and a veto power to the Bloc Québécois.

Thankfully, this reckless coalition was rejected by Canadians and our government. The government Canadians actually voted for was able to continue its work of steering Canada through the global recession.

Could the Minister of Transport, Infrastructure and Communities please remind the House of all the measures that we have introduced to help Canadians?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** It is just as clear now as it was then, Mr. Speaker, that a Liberal-led coalition would have been a disaster for this country.

#### Oral questions

When Canadians saw the leader of the Liberal Party sign a pledge, a letter to the Governor General supporting a coalition, they went to the streets and protested.

Thank goodness that did not happen. We have Canada's economic action plan. We have an unprecedented partnership with provinces and municipalities where we are putting aside partisan politics and delivering for communities.

We have things like the first time homebuyers tax credit, the home renovation tax credit and we have the jobs and growth that have come from that great plan. I congratulate the Minister of Finance.

\* \* \*

[Translation]

#### MUSEUMS

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, there is a double standard. When CN management asks for arbitration in a labour conflict, the minister comes back with a fresh new bill. The union representing the workers of the Canadian War Museum and Museum of Civilization have been demanding arbitration for quite a while, but the minister does not even hear them.

Is this because the Conservatives just do not care about the employees of our cultural institutions?

[English]

**Hon. Rona Ambrose (Minister of Labour, CPC):** Mr. Speaker, it is always our hope that parties will come to a resolution and an agreement without any intervention.

Our mediator has been working with both of these parties since before the strike began and we will continue to pressure both sides to come to an agreement on their own.

\* \* \*

[Translation]

#### AFGHANISTAN

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, earlier in question period, the Minister of National Defence refused to answer a very simple question. I will ask him once again.

Given that NATO announced today that Canadian soldiers will be leaving Kandahar in early 2010 and going to a neighbouring district, can the Minister of National Defence confirm that this redeployment will not change the July 2011 end date of the mission for all Canadian soldiers in Afghanistan?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Yes, I can confirm that, Mr. Speaker.

\* \* \*

#### ABORIGINAL AFFAIRS

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, why is the government riding roughshod over first nations when it comes to education?

*Points of Order*

Recently, first nations learned that INAC was considering five options for post-secondary student support funding, including removing all first nations control over funding and putting it under direct government control. Worse still, first nations did not hear it from the minister but from the website of the U.S. company commissioned to write the recommendations.

Will the minister tell us which option he is considering and how first nations have been consulted?

• (1500)

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC):** Mr. Speaker, this is hardly a surprise. It was in the 2008 budget that a review of post-secondary education must take place. This House passed that in 2008. The documents she is referring to, of course, were posted. The company did its work. The documents have been posted and they are publicly available.

Again, no decisions have been taken by the government. The discussion continues on both the internal audit of the post-secondary education programming itself, and ideas have been coming forward from first nations and others across the country on how that service could be delivered and that money could be delivered more efficiently.

It is very public and first nations know that is exactly how we are going about it.

\* \* \*

**AGRICULTURE**

**Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC):** Mr. Speaker, China is one of Canada's largest export markets for top quality agriculture products. Recently, however, with the H1N1 virus, China actually took some pretty serious challenges to thicken the border against our pork production. The Prime Minister, as we speak, is on his way to China.

I am wondering if the Parliamentary Secretary to the Minister of Agriculture could tell this House what the negotiations have come up with and how they are going with China to reopen the border to Canadian pork products?

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Mr. Speaker, I am pleased to announce that effective immediately China has agreed to lift the ban on all imports of pork products into China from Canada.

This is great news for our pork producers who now have renewed access to a \$50 million a year market. Our government said that we would work nonstop until we resolved this issue and we have.

\* \* \*

**LABOUR**

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, if it is not a double standard, I do not know what is. When CN management asked for arbitration on labour conflict, the minister leapt to her feet saying, "Ready, aye, ready."

The union representing the workers at the War Museum and the Museum of Civilization have been demanding arbitration for quite

awhile but their pleas fall on deaf ears at the minister's office. Is this because the Conservatives just do not care about the employees of our cultural institutions?

**Hon. Rona Ambrose (Minister of Labour, CPC):** Mr. Speaker, as I said, as a government we are always hopeful that parties will come to a resolution without intervention.

When it comes to the museums strike, we continue to pressure both sides to come to a resolution. The public should know, though, that even though there is a strike ongoing at the museums, the museums are still open for visitors.

In terms of CN, this is a vital part of our transportation system and an integral part of our economy. If there is not a resolution, we must move forward with back to work legislation.

\* \* \*

**NATURAL RESOURCES**

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP):** Mr. Speaker, the government's feeble response to the unfair black liquor subsidy for U.S. pulp and paper was too little, too late.

Now a U.S. internal revenue service memo says that U.S. producers will be able to qualify for an amount equal to twice the amount of black liquor through a new loophole in the farm bill. That means a new \$25 billion super subsidy.

What will the government do now, before that new subsidy comes into effect, to protect Canadian mills and protect Canadian families and workers against these unfair and unjustifiable U.S. trade practices?

**Hon. Lisa Raitt (Minister of Natural Resources, CPC):** Mr. Speaker, the government did act quickly in response to concerns from industry with respect to the black liquor issue. We responded with a \$1 billion pulp and paper green transformation program.

We are keeping very close tabs on what is happening in the United States. I have had conversations with Secretary Chu on the matter and our officials are engaged with the United States at all levels.

\* \* \*

• (1505)

**POINTS OF ORDER**

## REPORT OF PARLIAMENTARY DELEGATION TO PALESTINE

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Mr. Speaker, I rise on a point of order regarding the legitimacy of a document circulated to members and referred to in a statement by the member for Vancouver East last Thursday in this chamber. The member was referring to a recent trip by her, the member for Gatineau and the member for Etobicoke Centre to the West Bank and Gaza. The document circulated has the words "House of Commons/Chambre des Communes" prominently at the top.



The members refer to themselves as a parliamentary delegation when in actuality only opposition members participated in the trip.

The members in the text of the document refer to themselves as the Canada-Palestine friendship group but it is only noted inside and not on the cover of the document.

The member for Vancouver East claimed in her statement to the House last Thursday that the report had been presented. This implies the approval of Parliament in gathering the data and that the report was tabled in Parliament. In fact, the report was neither sanctioned nor reported officially to Parliament, nor indeed can it be. In fact, it was circulated to all members from the office of the member for Gatineau.

Mr. Speaker, I would ask you to review the facts and find that the members for Vancouver East, Gatineau and Etobicoke Centre have misrepresented the mandate of their group and the approval of Parliament of their report and findings.

Mr. Speaker, I would ask you to find that the members have violated the order of the House in the misrepresenting of their report to the House. There is no indication of whether the report actually represents the Canada-Palestine friendship group. The group is not identified as the source of the document. The three members refer to themselves as “a parliamentary delegation” which also implies they were commissioned by Parliament. They refer to their Canada-Palestine friendship group as the Canada-Palestine Parliamentary Association.

Members of the House would know there are several parliamentary associations. Identification as a parliamentary association is approved on application to the Board of Internal Economy and provides access to parliamentary budget funding for travel and support.

Parliamentary friendship groups do not have such access or privilege. In fact, buried in the report is the admission that the members travelled on their own to the Middle East and paid for their own trip.

Parliamentary associations can and do report on their activities to the House by tabling reports but parliamentary friendship groups do not.

I further ask the Speaker to instruct these members to strike the words “House of Commons/Chambre des Communes” and “Parliamentary Delegation” from the cover of their document and to clearly identify themselves as the Canada-Palestine friendship group as the source of this very biased report.

I thank you for hearing my point of order, Mr. Speaker.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am rising on the same point of order.

First of all, I am very disappointed that the member would raise this point of order because I think it really is a point of censure that he is trying to put forward.

I have always understood that members of Parliament belong to different parliamentary associations. I certainly respect that the member may not agree with what is in the report and he may not

agree with the views that we hold. That is perfectly acceptable and we can debate that at any time.

However, I take great exception that he is taking issue with the fact that members of the Canada-Palestine Parliamentary Association decided to undertake a trip to the Middle East at our own expense and upon returning to the House decided as members of Parliament to communicate this to our colleagues and to the community.

I believe that that is entirely in order. We have not misused any resources of the House. As I pointed out, we travelled to the Middle East completely on our own at our own expense. We have obviously reported to our own association.

Yes, I did make the statement in the House and I was very proud to make a statement. I very carefully chose the word that our report was presented. It was not tabled because we are not a full parliamentary committee and I understand that distinction.

Mr. Speaker, I have to say I have great disappointment that the member would raise this point of order to try to criticize members of Parliament who believe sincerely in what they are doing in the mission they carried out to visit Gaza and the West Bank to bring back their experience to members.

This is something that at last should be considered by members, not shut down and not censored, as I believe the member is intending to do with his point of order today.

• (1510)

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, as one who frequently goes on this kind of trip, I always make it very clear that it is not a parliamentary delegation. I do not think there is any question, at least I did not hear any question by my colleague, of the content of what the member spoke about or any inference that he wanted to censor what she was talking about. However, I do believe there may be an issue here, as raised by my colleague, of the representation that she and a Liberal colleague made as being some kind of an official delegation.

We have a very rare privilege as members of Parliament of representing Canada. It is absolutely critical when each one of us does it that it be done in a very precise way. Indeed, if she represented herself as being part of a parliamentary delegation, I would join my colleague in his censure of what she did.

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, Standing Order 34(1) states:

Within twenty sitting days of the return to Canada of an officially recognized interparliamentary delegation composed, in any part, of Members of the House, the head of the delegation, or a Member acting on behalf of him or her, shall present a report to the House on the activities of the delegation.

I sit on the Joint Interparliamentary Council that oversees officially recognized delegations and parliamentary associations, of which there are 12. I can say that the Canada-Palestine friendship group is not an officially recognized association.

*Points of Order*

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC):** Mr. Speaker, as you deliberate on this, I would ask you to also examine from times past, when I was one of the House officers, a case raised by the former member for Winnipeg—Transcona, Mr. Bill Blaikie, when someone in the then Liberal government arbitrarily created a parliamentary association by the stroke of a pen without going through the proper procedure. At that time it was raised in the House of Commons and had to be withdrawn. It was a parliamentary association with China. It was done very inappropriately.

Members of the House rightfully guard the creation of parliamentary associations as something that is done by the House in conjunction with the Board of Internal Economy. Mr. Speaker, to represent it as something else, I think you will find in previous decisions is considered a serious transgression. I would urge you to take that into consideration as you make your ruling.

**Ms. Libby Davies:** Mr. Speaker, I rise again because I think the debate is taking a turn, where there is a clear intent by the Conservative members to try to shut down this parliamentary association based on the comments that were just made by the minister.

I believe that all members are aware there are many parliamentary associations, whether or not they meet the official threshold for recognition. Some groups meet the official threshold for recognition by the interparliamentary group. There are many associations that have gone through the process as outlined by the House and, indeed, that is what happened in my parliamentary group. We went through the process in terms of notification. All members are familiar with this process. There is nothing wrong being done.

The point of order is nothing more than an attempt politically through a procedural issue to try to shut down this delegation and the report that was made. I take great exception to that.

I believe all members of the House should be allowed to bring forward their experience. If they have been on a mission or have been part of a delegation, they should be able to bring that experience back to their colleagues in the House, which is exactly what we did.

• (1515)

**Mr. James Lunney:** Mr. Speaker, I go back to where I commenced. Prominently displayed on the cover page of the document is “House of Commons/Chambre des communes”, which implies that the House has approved the report or that it has official status. In fact, it represents only the opinion of three opposition members. I am not sure it even represents the views of all of the parties; that is not clear. It certainly does not indicate the source of the document, other than “parliamentary delegation”. I would ask the Speaker to rule on those points.

**The Speaker:** I thank the hon. member for raising the matter. I will look into it. I have a copy of the report. It has not been tabled in the House—I stress that—but I have a copy of it.

I have a copy of the statement made by the hon. member for Vancouver East that the member complained of when the report was referred to.

I have heard the submissions of various hon. members on that, including that of the Minister of Indian Affairs, who reminded me of past transgressions in this connection. I will look into past transgressions and see if they have any application to the case before us, and if necessary, I will come back to the House with a ruling on the matter in due course.

The hon. member for Mount Royal is rising on another point of order.

STATEMENT RELATING TO SUBJECT MATTER OF PRIMA FACIE BREACH OF PRIVILEGE

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, I rise on a point of order in relation to a statement made by the member for Portage—Lisgar, which in turn related to your ruling on finding a prima facie breach of privilege with respect to the misleading flyer that had been sent to my constituency and others, and which statement made in question period warrants a correction for the parliamentary record and the facts.

The member for Portage—Lisgar said that the Liberal Party and the member for Mount Royal misled this House in stating that the Israeli government had asked the Canadian government to stay in Durban. The member for Portage—Lisgar went on to quote Alan Baker, whom she claimed headed the Israeli delegation in Durban, and that he had asked the Canadian government to leave.

For the record, the facts are as follows:

First, Mr. Baker did not head the Israeli delegation at Durban. The person who headed the delegation was Rabbi Michael Melchior, then a deputy foreign minister of Israel, who publicly commended the Canadian government for staying in Durban to combat the anti-Semitism there. That is a matter of public record and that can be verified.

Second, the member for Vancouver Centre, who headed the Canadian delegation, has said that she was never contacted by Mr. Baker and never was asked to leave Durban.

Third, the final thing and the important point here is that the Canadian delegation at Durban, of which I was a member, made its own independent decision to stay and not to leave for the following reasons.

We did not willingly participate, as the member for Portage—Lisgar implied today, in the anti-Semitic Durban. We stayed willingly to combat the anti-Semitism in Durban. This was publicly commended by the Israeli government.

I also want to add again for the record, as I stated in my submissions, because it keeps getting misrepresented, we were not only asked by the Israeli government to remain, but we were asked by other governments and NGOs to remain, including Canadian NGOs at Durban.

Therefore, I would ask the member for Portage—Lisgar to publicly apologize to the House—

*Points of Order*

• (1520)

**The Speaker:** Order. I hear a dispute as to facts has come before the House once more. It may be a continuation of a dispute as to facts but it is not something that the Chair can rule on. The matter is now before committee. The facts can all be exposed in the committee in full. I am sure the hon. member for Mount Royal will want to do that there, but I do not think he has a point of order because it has nothing to do with procedure.

Members may make statements that are incorrect. It is not for the Chair to decide that the statements are incorrect or not. That is not the Chair's responsibility. There are arguments that arise in this House about what is true and what is not, and it is not for the Chair to make a decision on the truth or falsehoods. I am sorry, but that is the end of it as far as the Chair is concerned.

As I said, this matter is before a committee. The committee can report findings and can make a report saying what it feels the truth is. That is up to the committee if it wants to do that, but that is strictly a committee decision. It is not for the Chair to make these decisions on what is true and what is not, so I suggest that is a debate and not a point of order.

The hon. member is rising on a question to the Chair. I will hear the hon. member.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, once the Speaker has ruled that there is a prima facie breach of privilege and the House votes on a motion deeming that there is in fact a breach of privilege that has taken place and has referred it to the procedure and House affairs committee, for a member to subsequently rise and dispute the facts which were laid before the House and voted on in the House, would that not be a continuation of the breach of privilege?

**The Speaker:** The privilege that was breached was not the fact that statements were made that were true or untrue. Normally, that does not involve a matter of privilege. The privilege here was that a member's ability to do his or her job was interfered with by sending this material into his or her constituency. In this case, it was the member for Mount Royal's constituency.

The material was not accurate and caused problems for the member in doing his job as a member of Parliament. That was the subject of the question of privilege, not whether a statement was true or not in the House.

Hon. members know that members raising questions of privilege are not normally trying to settle whether a statement is true or not. It is a matter of whether their privileges as members have been breached. It is a different issue. That is the answer to the hon. member's question.

**Hon. Irwin Cotler:** With all due respect, Mr. Speaker, the member repeats the—

**The Speaker:** The hon. member knows that it is not for the Chair to decide on the truth. I have stated this and I have made no such decision in respect to the matter of privilege that the member raised. The matter has been referred to the committee.

Sometimes statements are made in the House that are not accurate, but I have no views on that matter. It is not for the Chair to make

rulings in respect of that matter. I do not feel that it is a question of privilege at this point in time. That is the reason for my ruling.

The hon. member for Eglinton—Lawrence is rising another point.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I am rising on a similar point, just for clarification. Once the Speaker has made a decision on a prima facie case that addresses the ability of members to conduct their work as parliamentarians, I would think it behooves all members of Parliament to show respect for the Chair's ruling by refraining from making the kinds of statements that lead to such questions of privilege again and again.

Mr. Speaker, I think that is the issue. I think that is something you might want to reflect upon again.

**The Speaker:** I stress that it was not the statements that the Speaker referred to as breaches of privilege. It was material that was sent out. It is a different kettle of fish.

Members have freedom of speech in the House. They enjoy freedom of speech in the House. We have debates in this place and there are arguments about facts that happen in the House. However, they are not normally questions of privilege or points of order. What we had here was a matter of a mailing to the member's constituency that was found to be a breach of his privileges.

It is not necessarily the truth or falsehood of all the statements in it. It is the collective pile of stuff that was sent that was found to be, in my view, a breach of privilege. However, it is not a matter of individual statements. Members are going to make statements in the House on various subjects, some of which are going to be disagreed with. That does not make them privilege issues.

The hon. member for Notre-Dame-de-Grâce—Lachine.

• (1525)

**Hon. Marlene Jennings:** Mr. Speaker, I really am struggling to understand this. You found a prima facie case, but it was up to the House to determine whether or not there was in fact a breach of privilege. The House did find a breach of privilege based on the content of the mailings. It was not just that they were mailed. It was the content of the mailings.

Therefore, if the contents of the mailings are being repeated in the House, could that again constitute a prima facie case of privilege?

**The Speaker:** I do not think that there are many cases where breaches of privilege have occurred in the House because of one what member says about another hon. member. Members are free to express their views in this place and it is not for the Chair to make rulings on the propriety of their statements unless the language used is unparliamentary.

That is the only time the Chair intervenes. It is not a matter of engaging in discussions about debate in the House if the Chair is involved. That is my view of the matter. I will look at practice, but I do not believe it is normal for the Chair to say that one member's statement is an abuse of some other member's privileges. We all enjoy the privilege of freedom of speech in the House and can make those statements.

*Points of Order*

What was in the package is one thing because it was sent into the member's constituency. What is said in the House, in my view, is another matter and it is not normally the subject of questions of privilege.

I think that most hon. members who have sat here for any number of years will notice that there are not questions of privilege normally arising out of what an hon. member says is a disagreement as to facts. Disagreement may occur and there may be an apology because of the disagreement, but that is up to the members who are involved in that dispute.

The hon. Parliamentary Secretary to the Leader of the Government in the House of Commons is rising on a point of order.

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on the same point in support of your explanation. Members opposite and all members of the House know that a Speaker's ruling cannot be challenged. It cannot be debated. Yet, that is exactly what members opposite are attempting to do. Mr. Speaker, I would urge all members of the House to respect your original ruling on this matter and let the matter be closed.

BILL C-470

**Hon. Albina Guarnieri (Mississauga East—Cooksville, Lib.):** Mr. Speaker, earlier today the parliamentary secretary to the government House leader raised a point of order asking that Bill C-470 be ruled out of order.

Bill C-470 addresses exorbitant salaries at charities that abuse the generosity of millions of Canadian donors. At present, the revocation of a charity that violates requirements of the Income Tax Act is at the discretion of the minister.

Bill C-470 does not reduce that ministerial discretion. It simply adds to the existing grounds available to the minister. That being the case, the minister would act in the same way as before, and there is no certainty of a change in tax exempt status regardless of the behaviour of a particular charity.

The bill provides an effective date of 2011, which adds to the context and the purpose of the bill which clearly is not to increase taxation or government revenues.

Mr. Speaker, let me draw to your attention to one key word in subsection 149.1 of the Income Tax Act. That word is "may". It says:

The Minister may, in the manner described in section 168, revoke the registration of a charitable organization for any reason described in subsection 168(1) or where the organization

- (a) carries on a business that is not a related business of that charity; or
- (b) fails to expend in any taxation year, on charitable activities carried on by it and by way of gifts made by it to qualified donees, amounts the total of which is at least equal to the organization's disbursement quota for that year.

If Bill C-470 becomes law:

- (c) pays to a single executive or employee annual compensation exceeding \$250,000.

So in addition to five requirements in section 168 and two requirements in section 149, Bill C-470 adds one more. But what it does not do is change the word "may" to "shall". So it remains in the discretion of the minister as to whether to allow funds to be legally skimmed from charities into private fortunes.

There is no change to the tax rate or tax payable of any charity affected by this bill. It simply provides the minister with expanded grounds under which he may choose to act in the interest of Canadians.

The parliamentary secretary made reference to a case in 2007 where the chair ruled Bill C-418 out of order as it would impose a change in the tax deductibility of remuneration beyond a certain level.

Bill C-470 operates in a materially different way. It expands the requirements that a charity must comply with or be exposed to the discretion of the minister. It cannot be reasonably expected that any charity will choose not to comply and face de-registration, and it cannot be certain that the minister will revoke the status of an organization that fails to comply.

Bill C-470 does not impose a tax or other charge on the taxpayer. It does not require the imposition of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, an extension of the incidence of a tax so as to include persons not already payers, nor an increased or accelerated tax burden on any class of taxpayers.

As such, it does not violate any of the principles set out by Marleau and Montpetit or Beauchesne.

Bill C-470 does impose responsibility on the minister. It is a responsibility to the millions of Canadians who donate billions of dollars to charity every year.

• (1530)

If the provisions of Bill C-470 were in place and they continue to see their donations going toward million-dollar payments to CEOs, money intended for the sick or starving going into luxury lifestyles, they would know that the minister had the power to stop it and chose not to.

Bill C-470 would give charities a powerful incentive to maintain the trust of their donors and would give the minister the responsibility, capacity and discretion to respond to breaches of that trust.

If the government does not want greater capacity to protect millions of Canadians who donate to charity, it can choose to vote against this bill. However, the facts remain clear. There is no certainty, or even likelihood, of any change to taxation that would require a ways and means motion.

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, one of the things that I think that we should be taking a look at, bearing in mind that of course we are governed by the documents that are currently on the Table, is the issue of the additional expenditures that would be required by a given department from time to time, as a result of private members' legislation.

*Points of Order*

Let me give an example. We presently have Bill C-300 before us at committee. If we were to take a look at the documents on the Table of this House, there may be some question as to whether that bill, should it succeed to come back to the chamber, would require a royal recommendation. Perhaps within the documents on the Table, there are a number of questions about that.

There is no question, however, with respect to that bill, and perhaps with respect to my Liberal friend's bill, that there will be either a complete reordering of finances within a given department in order to take care of the requirements of being able to enact a piece of legislation that again is not specifically covered by the documents with which we govern ourselves.

Mr. Speaker, I know that you are a very knowledgeable traditionalist, in terms of taking a look at what has gone before and what the rules of the House are. I invite you to take a look at the additional aspect with respect to a royal recommendation where, for example, if I may use the example of Bill C-300, we received testimony just this morning from the Department of Foreign Affairs and International Trade, that in order for that bill to be enacted, it would require many millions of dollars of expenditure by the department.

In other words, Mr. Speaker, that is not covered by the specific rules that you have on the Table in front of you, and perhaps the advice that you would normally receive by the Table.

However, the fact of the matter, nonetheless, is that there will be a further expenditure, either that or a starving of current programs that are run by DFAIT or run by my minister, the Minister of International Cooperation.

So, Mr. Speaker, when you are looking at this intervention by my Liberal friend, I do invite you to take a look at it in the broader picture. Because there are other private members' bills that are going to be coming back to this chamber, which may or may not be successful. However, in the event that they are successful, you are going to be challenged with the fact that, in spite of the specific wording within the given bill that comes back, nonetheless, the government's hands will be tied and the President of the Treasury Board and the government will have to make other financial considerations other than what is currently contained on the Table.

• (1535)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, I rise in support of the point of order just raised by my colleague from Mississauga East—Cooksville regarding the point of order brought forward earlier today by the Parliamentary Secretary to the Leader of the Government in the House of Commons with respect to the bill being withdrawn.

In my opinion Bill C-470 does not require a ways and means motion as the bill simply broadens ministerial discretion. I firmly believe that the bill should move forward through the necessary steps in order to ensure that there be a thorough discussion on the issue in the House of Commons.

I think that we have seen, over the years, how the amounts of money being siphoned off in some of these organizations certainly do need to be addressed and I think that this is the proper venue to do

that. So, again, Mr. Speaker, I ask for your consideration on this issue.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I heard the representations by my colleague opposite in protest of my colleague from Mississauga East—Cooksville. I just find them to be, to use very common language, mind-boggling. When a bill says that the minister may act in a particular fashion and essentially calls upon the minister to become aware of some of the abuses that are taking place in this particular sector and if the government's response is no, it does not want to hear about it and that we should rule this out of order, putting all of the onus on the Speaker's chair, it would seem to me a great dereliction of duty.

As the member for Mississauga East—Cooksville said, if the government does not like to take responsibility, if it refuses to take a look at the abuses that are prevailing and refuses to address the issues that are raised by members of the opposition, it has a very easy tool to implement that refusal, and that is to vote against the bill. However, the tool is definitely not to ask the Chair to rule everything that members of Parliament in the opposition benches bring forward as private members' bills. I think that is disrespectful of Parliament and certainly is an abuse of the procedural tools that we enjoy here.

• (1540)

**Mr. Andrew Kania (Brampton West, Lib.):** Mr. Speaker, I will be very brief because the argument has already been put forward. I do not understand how it could possibly be a ways and means motion in circumstances where what is attempted is simply the limiting of income that can be paid to such an executive, period. I do not even understand the logic of this proposal the government has made and I implore you to act on that.

**The Speaker:** I will take the matter under advisement. I have not had a chance to examine the arguments raised this morning by the parliamentary secretary.

I thank the hon. member for Mississauga East—Cooksville for her submissions on this matter and the other hon. members who participated.

I will have a look at the bill, at the arguments and come back to the House in due course with a ruling in respect to this matter.

The hon. Minister of Public Safety is rising on a point of order.

*Business of Supply***PRIVILEGE**

INFORMATION RELATED TO THE STUDY OF BILL C-36

**Hon. Peter Van Loan (Minister of Public Safety, CPC):** Mr. Speaker, I am rising in response to a point of privilege that was raised by the member for Windsor—Tecumseh related to information that he sought at parliamentary committee from the head of the Correctional Service of Canada, Mr. Don Head. This information was to be conveyed by Mr. Head on a timely basis for consideration before the matter was dealt with in Parliament. It was provided to my office. It was conveyed to the hon. member and to others. However, that was not done on the timely basis it should have been done. There is in fact no good reason why it was not done on a timely basis, and for that reason I come before you to apologize unreservedly to the member for Windsor—Tecumseh and to the House for the failure to provide those documents. While he did have them early enough, they were not conveyed in the proper fashion and it should have been done properly and I apologize for that.

**The Speaker:** I thank the hon. minister.

The hon. member for Scarborough—Rouge River is rising on a point of order.

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**POINTS OF ORDER**

PROVISION OF INFORMATION TO STANDING COMMITTEE ON NATIONAL DEFENCE

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I rise on a point of order that relates to the privileges of the House.

During question period today the Minister of National Defence indicated to the House that the Canada Evidence Act obstructed or impaired the ability of the government to provide information to the Standing Committee on National Defence in connection with a matter it is studying now.

As members know, the House has the power to send for persons, papers and records. That power delegated to committees is unimpaired by any statute, unless the statute explicitly mentions the parliamentary power, and the Canada Evidence Act does not in this case.

In this particular case, the general view is that it is contemptuous to mislead or obstruct the House in relation to its privileges, and it is quite possible that the minister has inadvertently or advertently misled the House with respect to this matter of privilege.

Therefore, I would invite the minister to come back to clarify this. If he is suggesting that the Canada Evidence Act prevents the government from disclosing documents, it is my view that it obstructs the House and is wrong in law, and that the matter must be taken up as a matter of privilege.

The reason I am somewhat familiar with this is that eight years ago it almost happened. The House was considering amendments to the Canada Evidence Act, and through inadvertence a lawyer somewhere in the Department of Justice actually inserted a reference to Parliament. Those words were removed before the amendment was made, with the specific objective of ensuring that Parliament's

powers in relation to persons, papers and records remained unimpaired and unencumbered.

The minister's answer today left me with no other conclusion than that the government was using this section to avoid making disclosure and that he may have inadvertently misinformed the House and the public. If he has done so advertently, then it is clear to me that it is a matter of privilege and I would be prepared to take it up forthwith.

However, I think we should allow the minister an opportunity to clarify this and he could do so directly with members in the House or he could give me a phone call. In my view, it should be done.

I am putting the House on notice now that I do see a potential serious matter of privilege here.

**GOVERNMENT ORDERS**

• (1545)  
[English]

**BUSINESS OF SUPPLY**

OPPOSITION MOTION—TRANSFER OF AFGHAN DETAINEES

The House resumed consideration of the motion.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I understand I have seven minutes left.

Before the House moved to question period and routine proceedings, I had an opportunity to review some of the comments that were made to the House during debate by the Minister of Foreign Affairs that I think bear repeating. He specifically made the point that the 2005 agreement relating to the release of Afghan detainees was inadequate.

I am trying to understand why we had to change it in 2007 if, in the Conservatives' view, there was no torture, there was no evidence, there were no allegations and nobody knew of any torture. Why would he characterize it as having been inadequate unless there was in fact a problem? It is almost contradictory for him to describe it as inadequate. I only raise that as a point of interest.

During debate this morning, the Minister of National Defence also addressed the House. He started off by saying that the motion to call for a public inquiry into this matter before us on the alleged torture of Afghan detainees was partisan driven. He said that an inquiry is not necessary, and we pretty well went downhill from there. He also made arguments that we have had a few other processes go on. He referred to the fact there was not one single specific allegation of torture, even though we have allegations of torture from a number of sources.

In the special committee, which he described as having a fair and open process, we know that no documents have been provided to the members of the committee. However, the witnesses who came before the committee all had access to the documents. I wonder how a committee member could possibly be able to ask informed questions if information were being provided by witnesses based on certain documents that the committee members themselves did not have. It just does not compute.

It has also been confirmed that there have been others, including journalists, who have had this information. Amnesty International has had the documents, but committee members have not had the documents. Yet it has been said many times during the debate today that the committee is controlled by the opposition and that it can do anything it wants. That apparently is not the case, since the committee itself has not been able to have access to these documents. We have heard excuses such as they had to be translated and, of course, they had to be redacted.

Today we just had the point of order from the member for Scarborough—Rouge River pursuant to a quote that so many have used, including the Minister of National Defence, that they can only give us the documents they are legally able to give us. For the first time today in question period there was a specific reference to legislation, pursuant to which he would make that statement, and that was the Canada Evidence Act.

Based on the knowledge of the member for Scarborough—Rouge River, who was involved in an amendment to that particular act, that act does not supercede the powers of Parliament and its committees to call for a person's papers or records. Thus it could very well be that the Minister of National Defence has misled the House. It could be inadvertent.

Right now, as it stands, the committee will only be entitled to redacted documents. This is a problem that must be resolved.

When the Minister of National Defence spoke about this, he said that our priority should be the detainees. That was one of his lead-ins, but then he said that there have been a number of proceedings that have dealt with this before. The one that he used as an example was the April 2006 Canadian Forces inquiry, which concluded that members of the Canadian Forces had treated detainees in a professional fashion.

I do not know what that has to do with the matter before us, because the question is not how Canadian Forces treated detainees, but how the Afghan authorities treated detainees who were turned over to them by Canadian Forces. There is a difference. I do not understand why the Minister of National Defence would even go there. It just does not make sense.

• (1550)

With regard to whether there is other evidence, I do not know what the rules of the game are with regard to embedded journalist. However, I want to put on the record that I have received information, and I will not give any names because I think there is censorship on embedded journalists before and after they are there. There films and records of, in this case, one Canadian soldier with a detainee on the phone who is advised that the Afghan authorities want to execute the detainee. The order from military command was to release him.

I have a feeling what is happening, as the government continues to stonewall and deny the fact that there have been substantive and credible allegations, is it is starting come out, and it may very well come out. The government needs to be aware of that.

We need to answer these questions. What did the military command know and when? Who knew of the allegations of torture

other than Mr. Colvin? What other evidence exists and how widespread the matter was?

We need an inquiry. We need a process to get to the facts, to get to the truth, to get out of this partisan environment that the government has created and has frustrated the operations of the committee. There are clear disagreements on facts. This is worth resolving and therefore it would restore our reputation.

For those reasons, we need to support a public inquiry.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, one of the things the member has pointed out is the problem we have in this place on access to documents. In some cases there are documents. As the member mentioned, certain people have had access to documents. In fact, in the committee we have had witnesses who have had full access to documents. Yet the committee has been unable to access them. We have had a debate on this side and a debate on the other side in the House. That is what we saw this morning.

We do not have a fair process. We have not had access to documents that the witnesses have had. We have had the government at every step of the way censor documents, tell witnesses that if they speak, there will be consequences. The government has gone to the extent to go after Mr. Colvin two days prior to his testimony before the committee. Through the justice department, he was told that he did not have access to the documents that he would have needed for his presentation.

What does the member think the government is doing right now? On the one hand it tells us not to believe what the other guys say. On the other hand, today we hear it does not even want to have an independent lens on this. Why is the government stonewalling on not only the documents and witnesses, but on the whole idea of having a public inquiry?

**Mr. Paul Szabo:** Mr. Speaker, there is not enough time to answer the question fully but I understand it.

I do not want to speculate on what the government's motivation is. However, I know, after the time I have been in this place, what the powers of committees are and the delegated authority from the House to committees. The issue has to do with those documents, without which the committee members could not possibly ask the very best questions they would be capable of if they had access to them.

The question is the accessibility of documents. I believe there are two ways to deal with it.

The first is to get the ruling from the Speaker with regard to the minister's statement in this place that he has been relying on the Canada Evidence Act to say that is why only redacted documents are going to be available to the committee. Let us assume there is a legal reason why the committee in its public forum could only get redacted documents.

*Business of Supply*

Another opportunity for the committee would be to have those members of the committee who are not already privy councillors to be sworn into the Privy Council and then to meet in camera to examine the documents to satisfy themselves that the representations made by the government, that there are no torture references, et cetera, could be resolved at least for the benefit of all the committee.

We have the tools. Let us use them.

• (1555)

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I am pleased the member for Mississauga South went in the direction he did, which is tools are available to the House and the committee, tools that the government is ignoring.

The Minister of National Defence has said that the government will give information to witnesses because there is a question of national security and they have passed all security clearances. I humbly remind everybody, as the member for Mississauga South has done, that I received all those high clearances as well and so did several of members of my party who sit on this side of the House.

We could use those members who are privy councillors and have received the highest security clearances to receive information and to be introduced on the committee in order to make the appropriate determination as to what the government has done with information respecting detainees who were turned over or not for torture. The issue is whether the government will allow us to do that.

**Mr. Paul Szabo:** Mr. Speaker, the government is on the defensive and has tried to switch the channel time and time again. I do not want to get into a pissing match, as it were, with the government, but I want to encourage the committee members to push the envelope with regard to the powers available to committees.

The committee has already said that if it can get those documents, witnesses such as Colvin, Hillier and the other two generals could be called back. I believe that once they have had the opportunity to examine the documents, those witnesses should be called back before committee. We should demonstrate to Canadians that we can do this.

However, if it is frustrated again by the government stonewalling, clearly the case would have been made for the necessity of a public inquiry. Having to call for one, simply is an admission that Parliament cannot do its job if this is not successful. If the government does not call a public inquiry, I hope the committee will dig in its heels and exercise the full authority it has to get the truth.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am pleased to have the opportunity to participate in the debate this afternoon. I want you to know that I am sharing my time with the member for Hamilton Mountain.

This afternoon we are debating an NDP opposition day motion and I going to read it again because it has been a while probably since we have heard it. The motion was moved by the member for Ottawa Centre and it states:

That, in the opinion of the House, the government should, in accordance with Part I of the Inquiries Act, call a Public Inquiry into the transfer of detainees in Canadian custody to Afghan authorities from 2001 to 2009.

It is a very important motion and I am glad we have the opportunity to focus on it this afternoon, given not only the concerns

that have been raised in recent weeks, but over many years, on the issue of the transfer of detainees during the war in Afghanistan.

As my starting point, I want to be very clear that I oppose Canada's participation in the war in Afghanistan. I firmly believe and am firmly convinced that this is the wrong mission for Canada. If there were some way of bringing the troops home immediately, I would support that endeavour. I look forward to when Canada's troops do come home from Afghanistan in February 2011.

The conduct of war is a very serious issue, and everyone in the House would agree with that. It is essentially what we are discussing today, one aspect of the conduct of the war in Afghanistan. I am very disappointed and often angered by the approach of the Conservative government, that its members would slag honourable public servants who are doing their jobs, like Mr. Colvin, who remain dedicated public servants in senior positions, in intelligence positions in the Canadian Embassy in Washington. I am disappointed that they would slag someone like him who has served our country admirably and that they would insult opposition MPs who ask serious and important questions.

The record of the Minister of National Defence is particular abysmal in that regard. It seems he cannot respond to a question without somehow insulting the person who has put the question in the House. The other is to suggest that Canadian public servants and opposition MPs who raise questions about the matter of the transfer of detainees in Afghanistan are somehow dupes of the Taliban. That is particularly objectionable.

I believe the government is hiding behind the false notion that to raise questions about the conduct of the war in Afghanistan is to somehow not support the men and women of the Canadian armed forces. It is exactly the opposite. It is our job to ensure that they are in this war in exactly the appropriate circumstances. We hold their political masters, the government, accountable for its actions in sending the Canadian armed forces into that theatre of battle, into that war. The motion is about that. The attempts of the standing committee in recent weeks have been about that.

It is hugely disrespectful to parliamentarians and to the Canadian public to characterize the questioning and the attempt to hold the government accountable for its decisions on the war in Afghanistan in the light. I would hope Conservatives change course on that immediately.

The fact we have been unable to use the mechanisms of Parliament so far to hold the government accountable on the question of the transfer of detainees is exactly why we need a public inquiry. We have to ask this question. How does the House and how do MPs do the job of accountability, particularly when the government refuses to release the appropriate documents that would allow people to have the information they need to make appropriate decisions on these issues? If those documents are not provided, it is impossible for members of Parliament to do the job. Again, that is why we need to go to a full public inquiry.



The issue of the detention of detainees and the transfer of them has been raised by New Democrat members of the House for many years. I participated in a take note debate in the House in November 2005 in which we discussed Canada's participation in the war in Afghanistan. The matter of the transfer of detainees was raised at that time. In other circumstances I have also tried to get information about the transfer of detainees. I even put a question on the order paper in the House in June 2006. I tried to get information on exactly what was being done in terms of transfers.

• (1600)

I want to read the question I asked and the answer that was given on June 7:

With regard to the Canadian armed forces presence in Afghanistan: (a) how many persons taken prisoner or detained by the Canadian armed forces in Afghanistan have been turned over to (i) Afghan officials, (ii) American officials, (iii) officials of other countries or organizations; and (b) how many of these persons remain in custody?

The answer I received from the minister of national defence at that time was:

Mr. Speaker, due to operational requirements and taking into account section 15 (1) of the Access to Information Act, information regarding the current status of detainees apprehended by Canadian Forces elements in Afghanistan, as well as to which authorities these individuals were transferred, is not releasable to the public.

I was stonewalled back at that time in getting any information about the transfer of prisoners.

I note that just last week the *Globe and Mail* seemed to get information about prisoner detainees and reported that in the first 14 months of combat operations in Kandahar province, 130 prisoners were turned over to Afghan authorities. That was according to a government source. There is again an inconsistent policy about what information can be provided to parliamentarians who are trying to make appropriate decisions about this issue with regard to the war in Afghanistan.

Back in that debate in November 2005, which I mentioned earlier, the NDP defence critic at that time, the hon. Bill Blaikie, also raised the issue of the transfer of detainees. Members may remember that the context was slightly different at that time. The context was a concern that Canada's JTF2 was turning over prisoners taken to the United States. At that time there were very serious questions about the United States' record on prisoner detention coming out of its operations in Iraq but also in Afghanistan.

Mr. Blaikie raised those issues with the minister of defence at the time. He also raised the issue of Canada abiding by the convention on torture, particularly article 3 of that convention, which states:

No State Party shall expel, return...or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Mr. Blaikie raised that in connection with the concerns that we had back in 2005 with regard to the transfer of Afghan prisoners taken by the Canadian armed forces. Mr. Blaikie also then quoted Professor Michael Byers of the University of British Columbia on the issue of turning over detained prisoners to the Americans and the American involvement in torture.

Dialogue was happening in Canada and in our Parliament at that time about the transfer of detainees to American and Afghan authorities.

### *Privilege*

We have raised over a long period of time our concerns about the limitations of the transfer agreements that Canada had in place and the fact that they did not seem to meet Canadian values or the standards of similar agreements negotiated by other countries.

In that regard, the work of the most recent NDP critic for defence, Dawn Black, was also very important. On her first day in the House as NDP defence critic, after she was elected to the House in the 2006 election, her first question in question period was about Canadian values and how they were exhibited in Canada's policy of turning over detained prisoners to the Afghans.

We need to remember that in that period Ms. Black was often up in the House asking questions about Canadian prisoners, including what measures were in place to ensure they were not being tortured. The minister of defence of the day, time and time again, said that the Red Cross was in charge of doing that and, eventually, after the Red Cross reported that it was not mandated to report on that, he had to withdraw that statement.

We know from sources, like the U.S. state department and the Afghanistan Independent Human Rights Commission, that torture is practised in Afghan prisons. The Afghanistan Independent Human Rights Commission has said that 98.5% of prisoners held in Afghanistan are subject to torture. We cannot believe that the 1.5% who have not experienced that are the ones that Canada has turned over to Afghan authorities.

• (1605)

We know that groups, like Amnesty International and Human Rights Watch, have made very strong statements about the need for a public inquiry given the unanswered questions and given the impossibility of getting the correct information that has not been completely redacted and has been rendered almost useless as a result.

We know the importance of having this public inquiry. It is so Canadians can have the details and parliamentarians can have the details to make appropriate decisions about the war in Afghanistan.

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### PRIVILEGE

INFORMATION RELATED TO THE STUDY OF BILL C-36

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I rise on a point of order. A debate was going on concerning the movement to concur in a committee report regarding breach of privilege that was moved by my colleague from Windsor—Tecumseh. At that time, I rose with a desire to speak but we were informed by, I believe, the Parliamentary Secretary to the Leader of the Government in the House of Commons that the minister concerned by this motion for breach of privilege should be allowed the opportunity to speak. Therefore, at that time, I requested that I be allowed to reserve the right to speak once the minister had risen and spoken to this particular issue.

It is my understanding that the minister has spoken, has offered his full and unreserved apology and, as such, I will waive my right to speak to the issue so as not to hold up the Speaker's ruling on this.

*Business of Supply*

I also wish to underline for the Speaker that when I rose earlier for clarification on a statement made in this House by a member which mirrored the contents of a document that the House had already deemed to be a breach of privilege of a member's privileges, I was not in any way challenging the Speaker's ruling that he had made earlier. I would not wish him to take it as a challenge of his ruling, as I respect the Speaker entirely. I was simply seeking a question of clarification with regard to a decision taken by this House yesterday evening. However, if the Speaker took that to be a challenge of his ruling, I apologize unreservedly and wholeheartedly to him.

● (1610)

**The Deputy Speaker:** I appreciate the remarks from the hon. member for Notre-Dame-de-Grâce—Lachine.

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**BUSINESS OF SUPPLY**

TRANSFER OF AFGHAN DETAINEES

The House resumed consideration of the motion.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, one of the concerns people have had around the debate and, in particular, at committee has been trying to sort out the different evidence provided by witnesses to committee.

I will just read into the record the question I asked of the three generals at the Afghan committee. I asked, “was there...visits to NDS prison or to Sarposa prison during 2005, 2006 by Canadian officials to follow-up...[on] the detainees...?”

The following answers were provided. General Hillier said, “That was not part of our mandate in the agreement”. Lieutenant-General Gauthier said, “Exactly right and I made reference to that in my comments, that our soldiers weren't trained human rights monitors”. General Fraser said, “That wasn't part of our mandate to go and inspect prisons”.

I just say that to ask my colleague the following questions.

The generals were very clear that they did not have a role in monitoring what was going on in the jails. Mr. Colvin was raising concerns about monitoring what was going on in the jails. Mr. Mulroney said that we were doing no follow up until he came in to try to fix things, leaving a whole 15 to 16 months where detainees were being transferred and there was no monitoring of what was happening in the prison.

Does my colleague from B.C. not think it is about time we find out exactly what was going on in order to sort out the stories? The generals said that it was not their job, and I agree with them. We have Mr. Mulroney who said that it was not his job. We have Mr. Colvin who said that he found out what was going on, that he told people but that no one responded.

Do we not need an inquiry to figure out what is going on?

**Mr. Bill Siksay:** Mr. Speaker, it is very disconcerting to hear that there was no process in place for following up on those complaints. We heard that from the generals in their statements that nobody was doing that work and that nobody had the mandate to do that work. The one person who has come forward to say that he was trying to do that work was ignored and, worse than that, is slagged by

government members every time he tries to bring this to our attention. I think it is really inappropriate.

Beyond that, it is very important to listen to what other human rights workers, the people who do that kind of work, have said. One of them is Joanne Mariner from Human Rights Watch who puts into question the whole value of the paper agreements that are in place. She stated:

We have seen in other contexts, like Maher Arar's rendition to Syria, that these paper guarantees do nothing to protect prisoners against torture and ill-treatment. Too often they just serve as a fig leaf, to give the appearance of trying to prevent abuse.

There is somebody who follows this issue, who is well-respected, who is known around the world for this work and talks about the agreements only giving a fig leaf of respectability to the abuse and the torture that goes on in Afghan prisons.

I think we absolutely need a public inquiry.

**Mr. Paul Dewar:** Mr. Speaker, I want to loop back in my comments to what Mr. Colvin said. As I just read into the records, we have established from committee what the three generals said. They said very clearly that they were not responsible for following up on what was happening in the jails.

We know that at the time Mr. Colvin was raising this issue he was concerned about there being absolutely no process. We had no idea what was happening to those detainees when they were passed over, and the generals supported that when they said that was not their job and that they were not responsible for that.

It leaves us with a question. If the generals are saying that they were not responsible for the monitoring and follow up of the detainees, if Mr. Mulroney is saying that there was no process, and Mr. Colvin is saying that this was his concern and the reason that he wrote the reports, why does the member think the government has decided to go after Mr. Colvin when he was the one doing his job?

● (1615)

**Mr. Bill Siksay:** Mr. Speaker, it seems like a clear case of shooting the messenger, the only person who was trying to do the appropriate thing and trying to do his job appropriately in these very difficult circumstances.

It always seems to me like the full implications of being in a combat role and being in war in a combat role have eluded our governments. One of the clear examples of that has been the fact that there has not been clear policy from the very beginning about what to do with prisoners taken by the Canadian Forces.

It seems very clear that from the very beginning there has been nothing but confusion on that point. I would say that this is one place where our government has failed us. It has failed to make sure that the appropriate policies were in place. We need the inquiry.

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I am delighted to participate in the debate on our NDP opposition day motion calling for a public inquiry into prisoner torture in Afghanistan.

Judging by some of the emails my office has received after commenting on this issue on CTV's *Power Play*, there are some Canadians who think it is a waste of time to try to get to the bottom of this issue. I am happy to note, by the way, that none of those emails came from constituents in my riding of Hamilton Mountain.

One man referred to the detainees as "scumbags", another as "local bandidos". The inference is that what happens to Afghan detainees does not much matter because they are, to put it mildly, unsympathetic characters.

Less obliquely, government members and indeed the Prime Minister shamefully suggest that if I stand up to oppose the torture of Afghan prisoners, I am siding with the enemy instead of supporting the brave men and women in our own armed services.

Let me start by making one thing absolutely clear. The reason we need to get to the bottom of the allegations that Canadian officials were complicit in the torture of prisoners in Afghanistan is because we put our diplomats and soldiers on the ground at risk. Canadian troops serve our country with valour and honour, and they do so by engaging in accordance with the law.

This issue is not just about morality and altruism. It is about the law. Canada ratified the United Nations Convention Against Torture and it wrote it into Canadian law by passing both section 269.1 of the Criminal Code and Canada's Crimes Against Humanity and War Crimes Act. There is no ambiguity. It is illegal to hand over prisoners of war when torture is a known possibility. Turning a blind eye to torture is not supporting our troops.

Our troops are in Afghanistan to stop human rights violations, not to be complicit in them. Our armed forces need to know that when they are following orders, they are not being asked to commit crimes against humanity. The cover-up is endangering our soldiers and hurting our mission by turning Afghans against us. It is precisely because I support our troops that I support this call for a public inquiry into the allegations of prisoner abuse.

Frankly, I would be happy if we could get to the bottom of this matter without the drawn-out process of a public inquiry, but the Conservative government has consistently covered-up its role in the Afghan scandal and Canadians deserve unconditioned and complete answers.

Let me remind members of the House that this issue did not just surface with Richard Colvin's testimony two weeks ago. In fact, the NDP's former defence critic, Dawn Black, was the first to raise the treatment of Afghan detainees in the House as far back as April of 2006.

The government stonewalled in its replies. Legitimate attempts by Amnesty International and the B.C. Civil Liberties Association to find out what was going on were similarly delayed. The Conservatives used every available dodge, including Canada's anti-terrorism laws, to shut down a lawful inquiry by its own Military Police Complaints Commission.

The government does not want Canadians to learn the truth. As *Toronto Star* columnist Thomas Walkom rightly points out, that is why:

### *Business of Supply*

—in its usual brutal fashion, the government is attempting to turn this affair into a referendum on the Taliban.

Essentially, it is arguing that anyone who complains about torturing Afghan prisoners is either a traitor or a Taliban dupe.

The Conservatives know that the best defence is a good offence as they are scrambling to save their ministers from having to resign because they most likely have misled both Parliament and Canadians. However, for once, let us leave politics out of this.

In reality, the prisoner transfer protocols that may have contributed to the problem were the work of the former Liberal government, not the Conservatives. The original agreements were already in place when the Conservatives took office in 2006, but that is not the point. The point is that Canadians deserve answers. Who knew that the detainees who were handed over to Afghan authorities were routinely tortured? When did they know about it and what did they do about it?

Let me lay out part of the chronology that is now part of the public record.

On April 5, 2006, NDP defence critic Dawn Black called on the Conservatives to ensure Canada's prisoner transfer agreement reflected "our values as Canadians". The then defence minister and member of Parliament for Carleton—Mississippi Mills declined. He said, "We have no intention of redrafting the agreement...there is no need to make any change in the agreement".

On May 26, 2006, Richard Colvin, political director of the provincial reconstruction team, filed his first "serious, imminent and alarming" action message on Afghan detainees.

On March 19, 2007, the then defence minister and member of Parliament for Carleton—Mississippi Mills apologized for telling the House of Commons that the Red Cross would share information with Ottawa about alleged abuses of detainees after Canadian troops handed them over to Afghan authorities.

● (1620)

On April 20, 2007, Colvin filed an action message with 71 addresses in foreign affairs and national defence, including the provost marshal.

On April 23, 2007, Graeme Smith wrote in the *Globe and Mail*:

Afghans detained by Canadian soldiers and sent to Kandahar's notorious jails say they were beaten, whipped, starved, frozen, choked and subjected to electric shocks during interrogation.

On April 24, 2007, Colvin sent an action message on detainees as chargé d'affaires of the diplomatic mission in Afghanistan, and a response to the diplomatic contingency plan drafted by national security adviser to the Prime Minister.

Again, on April 24, 2007, the NDP leader and MP for Toronto—Danforth called on the Prime Minister to fire the defence minister. The Prime Minister denies reports of abuse and blames the Taliban. He said:

Allegations to the effect that we are not living up to our responsibilities are only being made by the Taliban.

On April 25, 2007, a *Globe and Mail* article read:

The Harper government knew from its own officials that prisoners held by Afghan security—

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**The Deputy Speaker:** Order. I would just remind the hon. member for Hamilton Mountain that we cannot use proper names, even if we are quoting a document or a news source. We still have to make reference by riding or title.

**Ms. Chris Charlton:** Mr. Speaker, I will certainly change the wording of the exact quote. It read:

[The Prime Minister's] government knew from its own officials that prisoners held by Afghan security forces faced the possibility of torture, abuse and extrajudicial killing.

On April 25, 2007, Colvin filed four reports on detainees, including two formal ones sent to senior officials in Ottawa, including the head of the Afghanistan task force.

On April 29, 2007, Conservatives continued to deny detainee abuse, by saying:

We have yet to see one specific allegation of torture. If they have a specific name, we'd be happy to have it investigated and chased down,

That was the current Minister of Public Safety on CTV's *Question Period*.

On October 28, 2009, the NDP foreign affairs critic and member for Ottawa Centre tabled a motion that read:

That the Committee hold hearings regarding the transfer of Afghan detainees from the Canadian Forces to Afghan authorities.

The motion was adopted by the Special Committee on the Canadian Mission in Afghanistan. It was in front of that committee that Richard Colvin gave his explosive testimony. Colvin, who was stationed in Afghanistan in 2006, testified that torture was standard operating procedure and that it was likely all Afghan prisoners handed over by Canadian Forces were subjected to torture.

Colvin filed multiple reports on prisoner treatment, sending them to more than 70 senior military and government officials. No government action was taken in response to the reports, and he and others were told by senior Canadian government officials to stop putting their concerns in writing.

The current defence minister responded by characterizing Colvin's testimony as "not credible or as unproven allegations based on lies by Taliban prisoners".

Emails obtained by the media show that the Prime Minister's Office was warned in 2006 of the abuse concerns. A former government official has said that it was virtually impossible that the minister would not have at least been briefed about the torture concerns.

In fact, despite the defence minister's contention last week that not a single Taliban prisoner turned over by Canadian Forces can be proven to have been abused, the transfer of detainees to Afghans was stopped twice in 2007.

I thought the editorial in last week's, *Globe and Mail* made the point, spot on:

The federal government's dissembling on abuse Afghan detainees suffered after they left the hands of Canadian Forces is now transparent. The government must be held to account...If Canada knew about torture, and allowed it to continue, the government needs to say so, and say why. Instead of more attacks on public servants, Canadians deserve unconditioned and complete answers.

The only way Canadians are going to get those answers is through a full public inquiry. The inquiry must have access to all government documents relevant to the torture of Afghan detainees.

If the government has been truthful with Canadians, then it has nothing to fear from the inquiry, but Canadians have a lot to gain and they have a right to know. The treatment of Afghan detainees is about human rights and it is about justice.

As Martin Luther King, Jr. would remind us, "Injustice anywhere is a threat to justice everywhere".

● (1625)

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, I am rather interested in this whole debate primarily because, as the member said, Mr. Colvin's testimony was somewhat incredulous. I was there and I asked him if it was true what he said in his testimony, that the people he interviewed, who he said had shown signs of torture, were people who had been turned over by the Canadians. He said no and that he was not really sure. I suggested that that was maybe rather important.

He also suggested that when they were walking back to their cells as he drove off, he happened to notice that they were holding hands with their guards and laughing as they walked back to their cells. I suggested to him that maybe there was some question as to whether they had been tortured, considering that they were laughing and walking gleefully back to their cells with the people who were holding them.

It went on and on. People can take a look at the testimony. I cannot really understand the request for a public inquiry. As I pointed out, Colvin is one of 5,000 Canadians who had gone through the theatre in that period of time. He made some very interesting observations and came to some really crazy conclusions.

According to this member, she wants to have a public inquiry. At what cost? Would it cost \$1 million, \$2 million, \$5 million, \$10 million, or \$15 million of Canadian taxpayers' money? Would that money not be better to continue the polio eradication program that we are conducting—

**The Deputy Speaker:** Order. I am going to have to stop the member there to give the member for Hamilton Mountain enough time to respond.

**Ms. Chris Charlton:** Mr. Speaker, I cannot believe that I have just been asked to put a price on human rights. I cannot believe that the member is asking me what the value of human rights is in dollar terms. The reality here is that we do not know what has been happening to Afghan detainees.

The member asks how else the government could spend money. Let me give him some really concrete examples. The reality is that, as much as it spouts the rhetoric of supporting our troops, when our troops come home after having served our country, they receive almost no support from the government. I wonder if members in the House actually know that troops coming home out of the theatre of war are entitled to 10 hours of counselling for post-traumatic stress.

*Business of Supply*

The member started off by saying that Mr. Colvin's testimony raised some questions for him. Other testimonies have raised questions for other members in the House. That is precisely the point of having an inquiry. We do not have all of the answers. What we do know for sure is that some of the generals who testified before the committee said that they had not actually been able to do site inspections.

Let me give three quotations. General Hillier said, "That was not part of our mandate in the agreement". Lieutenant-General Michel Gauthier said, "Exactly right and I made reference to that in my comments, that our soldiers weren't trained human rights monitors—"

**The Deputy Speaker:** Order. I am going to stop the member there. I am trying to portion the time equally. We will go to the member for Mississauga South on questions.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the member will know that one of the more fundamental issues through this whole debate and in the call for the inquiry has to do with the accessibility of documents. There are some questions about why they were redacted and whether or not the Canada Evidence Act is sufficient justification for not making those available.

However, the issue really is that the government has withheld this information for some time. It is clear from those documents that have been obtained from public sources that it was virtually impossible to fully understand the import of these documents. There appears to be a reason why the government wants to hide something, simply because it is saying that the generals have indicated that there is nothing in these letters that mention torture or indicate any allegations of torture.

If that is the case, why would the government not take all reasonable steps to ensure that the committee members were apprised and had access to that to verify that there is what the generals say there is not?

• (1630)

**The Deputy Speaker:** There are 30 seconds left for the member for Hamilton Mountain.

**Ms. Chris Charlton:** Mr. Speaker, that is a superb question. It really goes to the heart of why the Afghan committee has had such a difficult time with getting answers. I will give examples of three documents that we have been asking for.

We want to see the memos and responses from Richard Colvin. This is the man who is constantly under attack by government members. Let us see what those memos are. We also want to see records of site visits to Afghan prisons. We want to see the records requested by the Military Police Complaints Commission. In order for members to do the work that they have been sent here to do on behalf of their constituents, we need access to those documents.

**The Deputy Speaker:** It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Mississauga South, Natural Resources; the hon. member for Windsor West, Nortel; the hon. member for Winnipeg South Centre, Aboriginal Affairs.

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I will be sharing my time with the member for Calgary East.

The motion tabled by the member for Ottawa Centre is one that we simply cannot support. This government clearly takes the issue of detainee transfers as well as respect for the rule of law very seriously. Our proper conduct has been instrumental in establishing the strong reputation that Canada enjoys today. Indeed, that reputation has been strengthened by the quality of the work we have been doing in Afghanistan. Providing a good example to our allies and to Afghans is a fundamental part of our mission there, particularly when it comes to promotion and protection of human rights.

The motion before us today gives us an opportunity to step back and take stock of Canada's involvement in Afghanistan and the good work done there by Canadian Forces.

In 2001, as part of Operation Enduring Freedom, Canada sent a small number of special operation forces to assist in the ousting of the Taliban regime and to disrupt terrorist activities. This initial contribution was supplemented by a more substantial force of conventional forces in early 2002. They participated with distinction in combat alongside Americans and other allies during Operation Anaconda, a significant allied victory against the Taliban.

Once the Taliban had been overthrown, our troops returned to Afghanistan and helped foster safety and stability in and around Kabul.

Our military presence in the capital, known as Op Athena, laid the groundwork for reconstruction and for the establishment of the democratic process.

In the winter of 2005-06, our forces shifted to Kandahar province in southern Afghanistan. Within a very short time of their arrival, they encountered fierce resistance and a deadly insurgency. Throughout, they have fought and worked extremely hard under very difficult conditions to help the people of Afghanistan.

We are there today to help usher in the return of peace and stability, after more than 30 years of strife, to protect civilians, to tend for a fledgling democracy, to help entrench the rule of law and to assist in the enshrining of human rights for men and women, boys and girls.

Admittedly there have been setbacks. There has been frustration. Progress has sometimes been slower than we would like, but there has been progress.

We sometimes forget that all but a few of Afghanistan's 34 provinces enjoy relative peace and security. Areas under the watchful care of our NATO allies are seeing prosperity. After years, in fact decades of strife and fear, Afghans are beginning to go about their business.

Canada is in Kandahar so that southern Afghanistan will be able to enjoy the same security as other parts of the country. We are there to reinforce the legitimacy of the government of Afghanistan. We are there to help the Afghan military and institutions take root and grow so they can take care of themselves. It is a great responsibility and very tough job.

*Business of Supply*

However, we are there in the south, in the crux, in the place where the battle will be won or lost because Canadian troops are among the best trained, best equipped and most able in the world. They understand why we are there. They understand what is at stake for them, for Canada and, most important, for Afghans and for Afghanistan.

I have been privileged to shake their hands as they board the plane on their way there and I have shaken their hands when they returned home. I have been able to visit them in theatre a number of times. I have spoken with them and seen both their devotion and the results of their work.

Nearly two years ago, I spoke to the House about a young girl I met while in Afghanistan. She was able to drink clean water and go to school. She had access to health care and had prospects of a brighter future, all this because Canada's presence in her country made it so. I cannot forget her and others like her.

Nor do our men and women in uniform forget. They care deeply about Afghans and Afghanistan. They are able to see the progress. They see it every day, the hope in individual's lives. That progress, that hope is possible because of the dedication and professionalism of the Canadian Forces.

I want to speak to that professionalism. Canada has a first rate military. That is no secret. The Chief of the Defence Staff, General Walt Natynczyk, has worked closely with officers from many countries, including the United States and Great Britain and still he is found of saying, "The CF doesn't take a back seat to anybody". He knows of what he speaks and so do our NATO allies that recognize the quality of our armed forces.

Our officers are university educated. Our forces are thoroughly trained. Part of that training, especially pre-deployment training, covers international humanitarian law as well as the proper handling and treatment of detainees. The CF has done its job well in this regard too.

The Judge Advocate General, Brigadier-General Watkin, testified recently before the Special Committee on Afghanistan and spoke of the rigorous legal foundation upon which detainee transfers to Afghan authorities was based. Allow me to quote him. He said:

—members of the Canadian Forces have demonstrated tremendous professionalism in their handling and treatment of detainees. Respect for the rule of law is an essential aspect of Canadian Forces operations. Fostering respect for the rule of law is a key reason why we are in Afghanistan.

The Canadian Forces are being held to a high standard of conduct with regard to those they detain. They are meeting that standard.

•(1635)

In May of 2006, a Canadian Forces board of inquiry found our military's conduct with regard to detainees to be above reproach. Nevertheless, allegations have arisen which claim our soldiers acted irresponsibly in transferring those they detained.

In the last month, several high-ranking officials have testified before committees, asserting that detainee transfers were paused when their continuation threatened to breach international humanitarian law.

Claims have recently emerged alleging inappropriate Canadian action or inaction with regard to detainee transfers. The Government of Canada believes these allegations to be groundless, however, because of our belief in due process, these allegations are indeed being investigated.

The government is co-operating with the Military Police Complaints Commission. We have made available hundreds of documents to help the MPCC in its work, and have only taken issue with the MPCC when it has attempted to operate outside its jurisdiction. The Federal Court recently ruled that the MPCC was indeed going beyond its mandate in respect to some aspects of its public hearing.

The government is also co-operating with the special committee on the Canadian mission in Afghanistan.

Calls for a public inquiry are unreasonable. Not one but two separate investigations are currently ongoing in the form of the MPCC, once it reconvenes at the chair's discretion, and a special committee on our mission in Afghanistan. A public inquiry would lead to a triplication of effort and a tremendous waste of taxpayer dollars. Calls for such an inquiry also show a lack of trust in the work done to date by our forces, other government departments and international organizations, which are currently looking at the allegations surrounding detainee transfers.

For these reasons, we cannot support the motion.

I want to go on to talk a bit more about the mission.

For about four years, from 2001-02 until 2006, it was under the leadership of the Liberal Party. For the last four years, it has been under the leadership of the Conservative government. Both governments, I know we have and I know the Liberals did, operated in good faith as well.

The fact is we transitioned into government in early 2006 as we transitioned the mission to the south in early 2006, from Kabul to Kandahar. It was a very different kettle of fish. We got into the middle of Operation Medusa in the fall of 2006. It was a very heavy-duty operation. We lost 12 Canadian soldiers in that operation. Our priorities at that time were clearly to protect Canadian soldiers, while they were getting the job done, to protect Afghan civilians, and to ensure proper treatment of Afghan prisoners.

The arrangement we had in place at the time was being followed in good faith. In fact, the member for Vancouver South, on April 10, 2006, in a take note debate, said that he had the opportunity to look at the agreement. He agreed that it was an important agreement and one that was quite good in many respects.

The involvement of the International Committee of the Red Cross as an independent third party is very important. It can then follow the prisoners and ensure they are treated well, et cetera. In that event, we found out later that even though we were operating in good faith under that agreement, which it entered into and I am sure in good faith, that this was not the case.

*Business of Supply*

Mr. Colvin now enters the picture with some memos in 2006, which I have not seen. People have been waving them around, getting them from wherever, I do not know, but, as has been testified by others, those memos were about process, not about allegations of torture or abuse.

There was a flurry of documents from Mr. Colvin in 2007, about the same time as the *Globe and Mail* article came out by Graeme Smith, so he was not saying anything new at that point. In fact, we were already acting, because it was not only Mr. Colvin, who was alone for a long time, but we were also getting corroborating concerns from other sources, principally the military and others.

His allegations that all detainees were tortured has been clearly refuted. It is simply not true. That they were capturing innocents is simply not true. General Hillier, whom the Liberal opposition has characterized as morally weak and legally flimsy, along with General Gauthier, who was also accused of being a war criminal, have made it very clear that Canadians have been abiding by our responsibilities to the letter. We have been following procedures. We brought in a new arrangement that made it a lot more effective. That arrangement continues today.

We have made tremendous progress in developing the Afghan prison system and the judicial system, in training them, equipping them and in bettering their infrastructure. Simply put, we are not at the point where it is “he said, she said” any more. We are at the point where it is “he said and everybody else says”.

I do not question Mr. Colvin's sincerity. I do not question his honesty. We do question his evidence because it is clearly refuted by many others. A public inquiry would be a complete waste of time and money. There are investigations going on now.

Maybe, just maybe, there is no blame to be laid on anybody for anything. Maybe, just maybe, everybody, Liberals, Conservatives after them and certainly the military were doing the very best they could under very difficult circumstances, and doing a hell of a job.

It is easy to look back four years and twelve thousand kilometres away and pick nits, and that is what we are doing.

•(1640)

**Hon. Shawn Murphy (Charlottetown, Lib.):** Mr. Speaker, I thank the member across for his comments, but there is one aspect of this whole issue that disturbs me greatly. It is the refusal of the government to provide the committee with the requested documents. In my view that is a cornerstone of parliamentary democracy and that is the right of Parliament, which delegates the committees to send for persons, papers and records.

We have the spectacle in Ottawa now that the present and retired generals, present and retired civil servants, the media, it seems everyone has these documents except members of Parliament and this is a fundamental right that is being violated as we speak. There seems to be a trend with the Minister of Public Safety, Minister of Public Works, the Department of Public Works and it goes on in every committee. I find it disturbing and we are all lessened because of that.

Is the member across not as disturbed as I am with this inability, or the refusal of the government to provide documents to which the

committee is legally entitled? Do not say that the Evidence Act, the Privacy Act or some statute has precedence over Parliament because that is not the case. Is he not as disturbed as I am and why—

**The Deputy Speaker:** Order, please. I will have to stop the member there to give the parliamentary secretary a chance to respond.

**Mr. Laurie Hawn:** Mr. Speaker, the committee asked for the documents around 5 p.m. on Wednesday. It asked for them to be provided by December 2. At 8 p.m. that evening, the documents were requested, almost immediately. December 2 is not here yet; it is tomorrow. I know I can assure the hon. member that the documents will be available tomorrow.

Yes, they are going to be redacted. We have asked for as little redaction as possible, but the simple fact is Canada relies on information from a wide variety of organizations around the world. They have very confidential sources and they have confidential methods of operating from time to time to protect their sources, to protect their ability to provide us with the information that we need to get the job done. We need to protect Canadians doing the job and we need to protect the people who Canadians are trying to help.

We are providing the documentation as the committee has requested.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I listened with acute interest to the comments of my colleague across the way, the parliamentary secretary. One thing that has been an issue is who does what and who has responsibilities. Earlier I read into the record testimony from the three generals who established it was not their job to monitor; it was the job of Mr. Colvin. When Mr. Colvin comes forward, the Conservatives say that he cannot be trusted. I want to ask the member a question as to why they have done this.

First, Mr. Colvin is told that he cannot really have access to legal counsel. The Conservatives are making it very difficult for him. Second, DFAIT and Department of Justice officials blocked access to the documents which he wrote just days before he was to testify. Third, the day of his testimony he received an email from the government that told him to look out, that when he testified in front of the committee, he had better watch what he said. That is in total contravention from what Mr. Walsh told the committee.

Why is the person who is responsible for doing the job of monitoring and investigating and using the only source he has had available to him, and the generals clearly said that it was not their job, Hillier, Gauthier and Fraser, why are they taking—

•(1645)

**The Deputy Speaker:** Order, please. I will have to stop the member there to give the parliamentary secretary a chance to respond.

**Mr. Laurie Hawn:** Mr. Speaker, what the member is quoting from the generals is the situation in 2006 when we were operating under an agreement with the government of Afghanistan that relied on the International Committee of the Red Cross and the Afghan Independent Human Rights Commission to do the monitoring for us. What the generals said was absolutely correct. We were abiding by the arrangement that was in place at the time, that we were following in good faith, that the Liberals had entered into in good faith. It is as simple as that.

*Business of Supply*

With respect to Mr. Colvin coming to the committee, all he was being reminded of was the fact that he would need to stick within the law, that he could not break the law in testifying before a committee in public. It was as simple as that.

With respect to the documents, I will remind him again that the members are getting the documents precisely as they have requested. On December 2, they will be there. They should stand by for the actual date.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I am happy to hear the Liberals clapping. I hope I will give them enough information that he will change his mind about supporting this motion.

Today before the House I address a motion proposed by the member for Ottawa Centre that the Government of Canada call a public inquiry into the transfer of Taliban prisoners in Canadian custody to Afghan authorities from 2001 to 2009. This motion is about partisan politics and is a waste of taxpayer dollars. This is a motion that I cannot support.

Canada has always been and remains committed to ensuring that Taliban prisoners are handled and transferred in accordance with our obligations under international law. There has never been a proven allegation of abuse involving Taliban prisoners transferred by Canadian Forces.

Calls for such an inquiry show complete distrust in the work done to date by our forces, our diplomats and the international organizations that are currently looking into the allegations surrounding detainee transfers.

Losing sight of Canada's engagement in Afghanistan is easy and focusing on the negative seems all too common. At this point, I would like to remind all of my colleagues who are listening that both the Bloc and the NDP did not support this mission in Afghanistan. Let us get that very clear. No wonder they are playing partisan politics.

In the last four years, our government has focused on the promotion of the rule of law. We take this commitment seriously. Casting aspersions of unproven allegations surrounding torture on our brave men and women only undermines the work that they are doing.

A key focus of Canada's mission in Afghanistan and of the combined international effort is to augment Afghans' trust in their own national authority. Canada is committed to helping Afghanistan get the necessary training to assume even greater responsibilities for its own security.

Our conduct in this matter has been instrumental in establishing the strong reputation that our brave Canadian men and women have today. When our military and diplomats have been presented with credible, substantiated evidence, they have taken appropriate action and yet the opposition refuses to believe that. It keeps refusing to believe our generals and the diplomats who have stated quite clearly that when they had credible evidence they took action.

Ongoing and persistent insurgencies against the national government there presents very real risks to Canadians, as well as to Afghan personnel and civilians, and the implementation of capacity building

projects. This situation is particularly acute in Kandahar province. These risks weigh significantly on Canada's programming but have been overcome with planning through risk management and determination.

Taliban prisoners are detained by Canadian Forces and then they are turned over to Afghan authorities because they have attacked or killed Canadian soldiers or there is credible information to suggest they intend to do that.

At this time I want to make one point very clear. The Liberal opposition critic stood today and said that an Afghan detainee was not necessarily a Taliban, that he could be anybody else. Members of the NDP keeps saying that these detainees are not Taliban. They do not like it when we use the word Taliban but our Canadian soldiers are fighting the Taliban. They are not fighting anybody else. When they take people prisoners, they are people who want to kill Canadian soldiers. Let that be very clear. When we are talking about the Taliban, the NDP should not stand up in the House and say that they are not Taliban. They are Taliban because that is who we are fighting.

Afghanistan is one of the most dangerous and poorest countries in the world. Our whole government mission there is to support both the Government of Afghanistan and the people of Afghanistan so that they will have a safe environment. We need to be clear about the importance of having a safe environment.

Everyone knows the record of the Taliban government, which is why the international community, under a UN mandated mission, went to help Afghanistan get rid of all the people who were attacking everyone else. It is very important to understand who we are fighting and who these so-called detainees are. These are people who have been attacking us and will continue to attack us.

● (1650)

However, it is very important to understand, as the Parliamentary Secretary to the Minister of National Defence has stated, that once we know there is credible evidence, we will then take action. We have been working and our soldiers have been working according to international rules. Why can the opposition not understand that?

I will give one example of how the opposition tries to turn this whole thing into partisan politics. This morning, when the defence critic for the Bloc was standing up, a member of his party stood and said that his party had supported this mission in Afghanistan. Two motions came out supporting this mission and I can show from the record that the Bloc did not support the mission in Afghanistan. I found it amazing that a member of the Bloc would stand and say that his party supported the mission in Afghanistan.

When members of the NDP were making a statement, they talked about Amnesty International that went before the court and the B.C. Civil Liberties Association. What they refused to tell anybody else was that the Federal Court and the Supreme Court declined to listen to their case. Also, these detainee transfers have been subject to a Canadian Forces review, an RCMP review and a board of inquiry has been conducted. The Military Police Complaints Commission has also done its job on this subject.



*Business of Supply*

We have provided quarterly reports and, most important, are under way now based on what has been said. Even the Special Committee on Afghanistan is listening to this subject. The committee has had people before it who are involved in Afghanistan, such as the generals and the diplomats, and more are coming. They will let us know.

What I do not understand is why they need a public inquiry. For what and to do what? It is wasteful. They keep talking about not getting documents but, as the Parliamentary Secretary to the Minister of National Defence has said, documents will be provided. Of course they need to be redacted because of the need for security, but we need to be reasonable. They should get the information before they start going there.

The call for this public inquiry is nothing more than partisan politics by the opposition members. I would like to tell them that this is a very serious matter and they need to be very careful. They should not destroy the reputation of our Canadian soldiers internationally.

The Bloc member said that when the Prime Minister goes to China he should talk about human rights. What are we talking about? What human rights? Who has abused the human rights of the detainees? The people on the ground have stated that, as far as they are concerned, if credible evidence is provided, and they have given examples of when it was provided, they would stop the transfers.

Let us look at the good work Canadians, our officers and our diplomats have been doing in that country and let us stick to the great things this country is doing to help Afghanistan become a stable country.

● (1655)

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I do have a concern when he says that the documents will be handed over when they are vetted for reasons of national security. Is he not aware that section 38 of the Evidence Act makes it very clear that the Attorney General and/or the defence minister will go through documents if submitted by a person like Mr. Colvin for redaction, which, apparently, is what happened?

Is he also not equally clear that the Canada Evidence Act does not apply to hearings of committees of Parliament, that Parliament is supreme to the laws that it enacts, unless it mentions itself in those acts, which is the case here? The Canada Evidence Act, which good lawyers, like the member for Fundy Royal, use every day, is a law that is under the supremacy of Parliament.

Is he not aware that all productions to a parliamentary committee should not have any redaction whatsoever and, therefore, they are ready to be provided immediately?

I am not sure if he can tell the House, as he has a semi-cabinet responsibility, why there is such a delay in getting the documents.

**Mr. Deepak Obhrai:** Mr. Speaker, first, we need to understand the rules of Parliament. When a document is requested, it must be in two official languages. At this current time, those documents are being translated in two official languages, which is why it is taking longer. I am sure he would not want us to present documents that are not in two official languages.

Second, the motion calls for all documents to be provided. Since the Liberal Party was in government, it should know exactly what information can go out and what cannot go out because if it is important to national security it cannot go out.

What I am hearing from the member is, to hell with national security, to hell with everybody else, just give it to us. It is our right. No, it does not work that way. We need to have the integrity of the system respected by Parliament.

I also want to say that the Evidence Act is supported by Canada. It is the law in this country. I find it very strange when somebody says that we should break the law of this country.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I am trying to sort out the parliamentary secretary's intervention. He made a lot of points but some got tangled up into themselves.

I want to try to open up the question. He is the Parliamentary Secretary to the Minister of Foreign Affairs. Along with what we should do, which is support our troops, it would nice if just once we could hear him say what a great job our diplomats are doing. When they are overseas investigating things, it would be nice if just once he could get up and talk about our diplomats. I think that is something that is lacking.

I want to ask him a question in terms of process. Why is it that when we are asking for an independent inquiry, he seems to think that that will somehow put the government in a corner? It actually will put the truth in front of Canadians. We are asking for the politics to be taken out of it.

Why is it that the government will not agree to an inquiry when that is exactly what every newspaper in this country and a majority of Canadians have asked for? Where is he on this issue? Why will he not ask his government to support our motion?

● (1700)

**Mr. Deepak Obhrai:** Mr. Speaker, I thought I said it very clearly in my statement when I said that we very much support the diplomats and the people on the ground over there.

As the Parliamentary Secretary to the Minister of Foreign Affairs, I am very proud of our diplomats and all the work they have done. The point is that they should be the ones who should be listening to them and understanding them when they come in front of the committee.

He asked me why we cannot support the inquiry. An inquiry would be a total waste of time because there is no credible evidence behind it. It would just be a political fishing expedition by opposition members. They never supported the Afghanistan mission and neither did the Bloc, so it is understandable that the opposition is on a fishing expedition.

This government takes the work of its diplomats and its soldiers very seriously. We stand behind them. We know they comply with international rules.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, I am thankful for this opportunity and I want to thank the members of Parliament who brought this issue before the House.

*Business of Supply*

Few beliefs have wrought more international agreements between nations on earth and peoples than the simple truth that torture is never justified, that it is always and everywhere wrong. If we are to retain our essential character as a country and represent the values of Canadians, a country that stands for peace and justice, then we simply cannot and must not be complicit as Canadians in torture in any way, shape or form. At root, that is really what this debate is all about and it is why members of the New Democratic Party have brought it before the House for a vote today.

As I was preparing my remarks, I wanted to see what some of the New Democrats who have preceded us in the chamber have said when they raised alarm bells about this. I discovered that on November 4, 2005, a former member of this place, now a minister of the environment in Manitoba, Bill Blaikie, who was then the member for Elmwood—Transcona, first raised the detainee issue in the House.

On November 15, speaking again on the Afghan detainees, he stated:

We have a growing sense of unease about whether in our eagerness, which may well be justified, to combat terrorism we are sacrificing a Canadian tradition with respect to international law that we will rue being exposed to erosion in this way.

It is interesting that was raised four years ago by the member in a very wise and thoughtful way.

The then Liberal defence minister promised at that time there would be an agreement regarding the transfer of prisoners along the lines of the Danish model. The Danes had already established a model for the transfer of prisoners, which included rigorous monitoring of prisoners and access provisions, et cetera. It was considered to be a model.

We then found ourselves in an election in Canada and in the middle of the election, in December 2005, a fatally flawed agreement was signed with no Canadian inspection rights at all, breaking the promise that had been made by the then Liberal minister of defence to members of Parliament.

On April 5, 2006, the member at the time for New Westminster—Coquitlam, who is now a member of the legislature in British Columbia and who was then our defence critic in the House, rose and had this to say:

Once Canadians hand a prisoner over to the Afghan government we wash our hands of the entire matter. This is simply not good enough.

Will the minister ensure that Canadian government officials have the same rights as Dutch officials when it comes to tracking, interviewing and ensuring that no human rights violations or torture will take place?

Here is what the then minister of defence replied. He stated:

There is nothing in the agreement that prevents Canada from determining the fate of prisoners so there is no need to make any change in the agreement.

Of course, we then began to learn more as time passed. The House was told that the ICRC would ultimately inform Canada of any abuse, but this claim was then debunked and the minister was forced to apologize for what he had told the House, because it was in error.

Then, after journalist Graeme Smith exposed abuse in Afghan prisons, a new agreement was ultimately signed in May of 2007 containing many of the elements that New Democrats had

recommended should be part of such an agreement. That was over a year and a half after the NDP had raised the issue initially.

[*Translation*]

According to the alarming allegations by diplomat Richard Colvin, the government had been informed of the abuse of detainees well before 2007. Our foreign affairs and defence critics handled this file.

Today the member for Ottawa Centre, who is the foreign affairs critic for my party, has presented in detail the important issues.

• (1705)

The member for St. John's East and defence critic for my party spoke about the legal ramifications.

I invite the House to listen to their appeal and to vote for the motion this evening.

[*English*]

It is clear that many detainees were tortured and that senior officials knew and knowingly ordered soldiers to keep handing over detainees despite the threat and possibility of torture that they clearly knew existed.

It is not the conduct of our soldiers on the ground that is at question. Let me be very clear about that. Efforts by the government to change the channel and to suggest such things are simply profoundly wrong. It is the conduct of senior officials at the highest levels that is the concern.

A public inquiry is necessary because the government refuses to release the evidence that it possesses to Parliament. Were the government to be introducing the evidence that has been requested, an inquiry might well not be necessary at all. However, that is not what we are facing. We are facing a government that is stonewalling the truth.

Amnesty International, the B.C. Civil Liberties Association, Amnistie internationale Canada francophone, and Human Rights Watch have all called for a full public inquiry.

[*Translation*]

This is not a partisan battle. There are concerns about the fact that the government may have been complicit in torture and violated international law in addition to conducting a major cover-up which threatens our diplomats and our soldiers on the ground.

When we send our children into combat we want to be sure that the orders they are given are beyond reproach.

[*English*]

For that reason, the moral imperative to bring the truth to light is unquestionable. The men and women of the Canadian Forces deserve nothing less.

*Business of Supply*

I would urge the House, as we move toward the vote on this matter this afternoon, to consider what would best serve our troops on the ground, what would best serve our concern about human rights, what would best serve our values committed against torture in all circumstances, and our concern about our reputation on the world stage as a defender of human rights. I would urge that we put all of those concerns to the forefront and accept and vote for the creation of this inquiry so that the truth will be told and, perhaps most important from such an inquiry, that recommendations could be put in place so that we will know what to do in the future to avoid finding ourselves in the predicament we are today.

• (1710)

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, on the weekend I had an opportunity to speak to a soldier from Canadian Forces Base Petawawa who had served several rotations in Afghanistan. He urged me not to go forth with an inquiry on this issue. He said that every time the Afghan deployment is debated in Parliament, it puts the lives of our soldiers in theatre at greater risk. He recounted that when the motion to withdraw from Afghanistan or to end the combat mission in 2011 was before Parliament, they were in a operation where they heard the insurgents on the radio saying to each other that they should kill as many Canadian soldiers as possible because we were debating this in the House of Commons and that when Canadians saw the caskets of soldiers coming off the plane it increased public pressure. They wanted the MPs to vote to get out of Afghanistan as quickly as possible.

I asked him if they listened to Al Jazeera while they were fighting at the front, so to speak, and he said, “No, ma’am. We heard this chatter on our coms”. So they had heard Taliban talking to one another, urging each other to kill as many Canadian soldiers as possible. He credits the leader of the NDP directly for the death of his best friend as a consequence of that.

**Hon. Jack Layton:** Mr. Speaker, the hon. member suggests that every time the Afghan deployment is debated it puts soldiers at risk. However, I recall a conversation with the current Prime Minister who took the position, as I did and the whole House of Commons ultimately did, that before there could be any decision about troop deployments or any significant change to troop deployments, it was essential that it be debated and voted on by the elected representatives of the Canadian people.

One thing I know about our troops from having talked to a great many of them is that they not only understand the value of democracy and appreciate that we live in a democratic country where a debate and a vote can be held about what our brave troops are asked to do, but in many ways they also stand behind that democratic principle more than we are ever called upon to do, because they are willing to do it with their lives and that is why Canadians support them.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I would like to ask the leader of the NDP for his view on whether the privilege, paramountcy and supremacy of Parliament is important in this debate. It seems to me that we might know a lot more if we had all of the documents before the committee responsible for this question. There seems to be some inordinate delay and some admission that the full documents will never be produced in full to the committee itself.

Is it an abrogation by the government of the supremacy of Parliament not to forward those documents in total to the committee responsible so that Parliament can, at least before a royal commission is ordered, get to the bottom of what has been alleged, what the defences are, and what the truth is?

**Hon. Jack Layton:** Mr. Speaker, the member raises the issue of the supremacy of Parliament and, in particular, the supremacy of Parliament in obtaining information to allow it to make judgments about important matters such as the question of the transfer of detainees.

I think the issue of the supremacy of Parliament is going to turn out to be quite important in the hours and days that follow this debate. If I am estimating correctly, I believe that our call for an inquiry is likely to be adopted by the majority of elected members of the House of Commons. The question will then be: What are the Prime Minister and the government going to do when faced with a call for a public inquiry from a majority of elected members representing a majority of the Canadian people?

I recall that motions calling for public inquiries have passed before in the House, including at a time when the current Prime Minister and some of his colleagues were sitting on the opposition benches. I remember quite specifically that they called on the prime minister of the day to initiate an inquiry because Parliament had demanded it and Parliament should be supreme.

• (1715)

[*Translation*]

**The Deputy Speaker:** It being 5:15 p.m., it is my duty to interrupt the proceedings and put forthwith all questions necessary to dispose of the supply proceedings.

[*English*]

The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And five or more members having risen:*

**The Deputy Speaker:** Call in the members.

• (1740)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

*Business of Supply**(Division No. 139)***YEAS**

## Members

Allen (Welland)	Andrews
Angus	Ashton
Asselin	Atamanenko
Bachand	Bagnell
Bains	Beaudin
Bélangier	Bellavance
Bennett	Bevilacqua
Bevington	Bigras
Blais	Bonsant
Bouchard	Bourgeois
Brisson	Brunelle
Byrne	Cannis
Cardin	Charlton
Chow	Christopherson
Coady	Comartin
Cotler	Crombie
Crowder	Cullen
Cuzner	D'Amours
Davies (Vancouver Kingsway)	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Dhaliwal
Dhalla	Dion
Donnelly	Dorion
Dosanji	Dryden
Duceppe	Dufour
Duncan (Edmonton—Strathcona)	Easter
Eyking	Faillie
Folco	Foote
Freeman	Fry
Gagnon	Gaudet
Godin	Goodale
Gravelle	Guarnieri
Guay	Guimond (Rimouski-Neigette—Témiscouata—Les
Basques)	
Hall Findlay	Harris (St. John's East)
Holland	Hughes
Hyer	Ignatieff
Jennings	Julian
Kania	Kennedy
Laforest	Laframboise
Lalonde	Lavallée
Layton	LeBlanc
Lee	Lemay
Leslie	Lévesque
MacAulay	Malhi
Malo	Maloway
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Masse
Mathysen	McCallum
McGuinty	McKay (Scarborough—Guildwood)
McTeague	Ménard
Mendes	Minna
Mourani	Mulcair
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Nadeau
Neville	Ouellet
Pacetti	Paillé (Hochelaga)
Paillé (Louis-Hébert)	Paquette
Patry	Pearson
Plamondon	Pomerleau
Proulx	Rae
Rafferty	Ratansi
Regan	Rodriguez
Rota	Roy
Russell	Savoie
Scarpaleggia	Sgro
Siksay	Silva
Simms	Simson
St-Cyr	Szabo
Thi Lac	Thibeault
Tonks	Vincent
Wasylycia-Leis	Wilfert
Zarac— 145	

**NAYS**

## Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Anders
Anderson	Armstrong
Ashfield	Baird
Benoit	Bernier
Bezan	Blaney
Block	Boucher
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Calandra
Calkins	Cannan (Kelowna—Lake Country)
Carrie	Casson
Clarke	Clement
Cummins	Davidson
Del Mastro	Devolin
Dreeschen	Duncan (Vancouver Island North)
Dykstra	Fast
Finley	Flaherty
Fletcher	Galipeau
Gallant	Généreux
Glover	Goldring
Goodyear	Gourde
Grewal	Guergis
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoepfner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kerr
Komarnicki	Lake
Lauzon	Lebel
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Mark
Mayes	McColeman
McLeod	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Paradis	Payne
Petit	Poilievre
Prentice	Preston
Raitt	Rajotte
Rathgeber	Reid
Richards	Richardson
Rickford	Scheer
Schellenberger	Shea
Shipley	Shory
Smith	Sorenson
Stanton	Storseth
Strahl	Sweet
Tilson	Toews
Trost	Tweed
Uppal	Van Kesteren
Van Loan	Vellacott
Verner	Wallace
Warawa	Warkentin
Watson	Weston (Saint John)
Woodworth	Yelich
Young— 129	

**PAIRED**

## Members

André	Carrier
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Kramp (Prince Edward—Hastings)	
Lessard	Saxton
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Wong— 8	

**The Speaker:** I declare the motion carried.

[English]

**Mr. Dave MacKenzie:** Mr. Speaker, I rise on a point of order. The hon. member for Guelph was not in his seat when the vote was called.

**The Speaker:** I presume the hon. parliamentary secretary is suggesting that the hon. member for Guelph did in fact vote. I am told that may have been the case. He was not in his seat when the vote was called and the voting started.

Could the hon. member for Guelph clarify the situation?

**Mr. Francis Valeriote:** Mr. Speaker, as I recall, the vote was called. After it was called, I did stand up out of my seat and sat back down. I had misplaced my books and thought that they were here. I came right back to my seat.

**The Speaker:** The hon. member says “here”, he means in the chamber, that he had not left the chamber.

In those circumstances, I am inclined to suggest that perhaps there was no problem, but I will look at the matter further in case there is some precedent that I am unaware of on this matter.

\* \* \*

• (1745)

## RESUMPTION AND CONTINUATION OF RAILWAY OPERATIONS

### NOTICE OF CLOSURE MOTION

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I wish to give notice that with respect to the consideration of Government Business No. 7, which deals with the act to provide for the resumption and continuation of railway operations, at the next sitting of the House a minister of the Crown shall move, pursuant to Standing Order 57, that debate be not further adjourned.

**Hon. Joseph Volpe:** Mr. Speaker, I rise on a point of order. It seems that the government's obstructionist tendencies are spilling over into the other place and your colleague, the Speaker of the Senate, detained me and I could not be here for the vote, but if I had been here, I would have voted with my party.

**Mr. Borys Wrzesnewskyj:** Mr. Speaker, I rise on a point of order. As you well know, in the chambers of the Speaker of the Senate, unfortunately one does not hear the bells and the calm of the Senate side is not broken by the Commons bells. Unfortunately, I was not here for the vote, but I would have voted in favour.

**Hon. Jim Abbott:** Mr. Speaker, if you are looking for precedents about people being in the House, if you were to go to the very long Nisga'a vote, you would find that the Speaker of the day ruled that when a vote is called, the Speaker announces the contents of the vote, and a member must stay in his or her seat for the entire duration until the vote is actually called by the Clerk and reported to the Speaker.

**The Speaker:** Obviously, the hon. member for Kootenay—Columbia has a better memory than I. I am delighted to hear and receive his assistance on this matter. As I indicated, I will look into it as best I can and come back with an answer in due course.

### Private Members' Business

In any event one vote is not going to make a difference on the result that was announced, so in those circumstances, while one might argue that it is an academic issue, it is one that will affect the House and I will come back.

It being 5:47 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[Translation]

### QUEBEC BRIDGE

**Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ)** moved:

That, in the opinion of the House, the government should purchase the Pont de Québec for one dollar and commit to quickly finishing the repair work so as to respect its importance as a historical monument and vital transportation link for the Quebec City region.

He said: Mr. Speaker, today I am pleased to move Motion M-423 concerning the Quebec bridge. I will reread it to ensure that everyone understands it.

That, in the opinion of the House, the government should purchase the Pont de Québec for one dollar and commit to quickly finishing the repair work so as to respect its importance as a historical monument and vital transportation link for the Quebec City region.

The riding of Louis-Hébert is situated alongside the St. Lawrence River in the west end of Quebec City. It includes Sillery, Sainte-Foy and Cap-Rouge. The Quebec bridge is at the heart of the city. It is a main artery through the Quebec region and critical in terms of the economy, trade, tourism, history and heritage.

The Quebec bridge is the longest cantilever bridge in the world. Built in 1910 and 1917 by the Government of Canada to connect both banks of the St. Lawrence River, two major tragedies occurred during construction. Twice, in 1907 and 1916, part of the structure collapsed, killing dozens of workers.

With plenty of history behind it, the Quebec bridge was declared an international historic civil engineering monument in 1987. The only one of its kind in the world, this imposing structure designed by a disciple of Eiffel has attracted the admiration of many. The Quebec bridge was also designated as a national historic site by the Canadian Heritage minister in 1996. The government needs to acknowledge that it, and it alone, is responsible for ensuring the future of this heritage structure.

The Quebec bridge was built primarily for economic purposes, and it was used exclusively for rail transport for 12 years. In 1923, it was decided that Quebec could build a roadway across it. An agreement between the governments of Canada and Quebec regarding usage of the route took effect in 1928 and will expire in 2012. Under the agreement, Quebec leases the bridge for \$25,000 per year, in addition to maintenance expenses that come out of the Government of Quebec's pocket.

*Private Members' Business*

More than 110,000 people use the Quebec bridge every day. In 1993, the Government of Canada sold the Quebec bridge to Canadian National for the token amount of \$1, with bonus parcels of land estimated at \$104.2 million at the time of the sale. The government would not reveal the reasoning behind that decision, even when asked by the Auditor General.

Canadian National committed to funding a major maintenance program on the bridge and to installing and maintaining architectural lighting. But in 1995, the Government of Canada privatized Canadian National by issuing public shares. In 1997, a \$60 million deal was signed. Canadian National contributed \$36 million, the Government of Canada contributed \$6 million, and the Government of Quebec contributed its share of \$18 million. The objective was to complete the restoration of the bridge over a period of 10 years. The project promised a Quebec bridge that would draw the eye the way one might expect for the 400th anniversary celebrations in Quebec City in 2008. That of course was last year.

From a more practical perspective, the agreement obviously also aimed to ensure the long-term viability of the Quebec bridge structure. The first phase of the work went as planned, in terms of the costs and the repair schedule. The second phase, however, which included sanding, cleaning and painting, was stalled, mainly because of new environmental requirements that sent the completion costs skyrocketing.

Now, 12 years later—I repeat, 12 years later—only 40% of the work has been completed, and the project is at a standstill. For the 400th anniversary celebrations of Quebec City, the bridge was grey, green and rust coloured, and went unnoticed. Work stopped in 2005 because the money allocated had already been spent.

• (1750)

Since then, subsequent governments have run into trouble on this file which, having hit a dead end, was brought before the courts and swept under the rug to squelch further publicity.

The dispute between the Government of Canada and CN is mainly about the difference between the 1993 agreement and the 1997 agreement. The situation is rather complex and I will try to be as precise as possible in my explanations.

The conditions of the 1997 agreement have been respected. However, under the 1993 agreement, CN is responsible for the long-term viability of the Quebec bridge. The company maintains that the 1997 agreement voids the previous agreement. The government, naturally, is of the opposite view that the previous agreement remains in effect.

It has become habit to say that nothing more can be done about the Quebec bridge issue because it is currently before the courts.

Legal matters take a long time. It could take another five or ten years before this issue is resolved in court. We have to wait for the court to appoint stewards before any action can be taken.

In the meantime, last January, the Delcan report that I have here, ordered by the current Department of Transport, revealed that the condition of the Quebec bridge structure is good to fair.

I want to reassure those who are taking the Quebec bridge this evening or tomorrow morning that there is currently no risk in crossing it. However, if nothing is done, the situation could change.

The Delcan report also states that areas showing significant corrosion are deteriorating. The restoration technique that was chosen to save a few pennies, is already outdated. The problem is not only that the work has not been completed, but that the government is not taking its responsibilities.

As far as the protection of historical and cultural heritage is concerned, it is well known that that is the least of the government's concerns, but it is very much on the minds of the citizens.

And what about concern for the safety of those who use the bridge? I do not believe that the Quebec bridge is currently unsafe, but when it comes time to vote on the motion it is important that we take our responsibilities so that this bridge not only can maintain its stature as an historic monument, but is safe for those who use it.

What is preventing the government from regaining possession of the Quebec bridge, shouldering its responsibilities and looking after the bridge before it collapses a third time?

I have here a letter from CN, which is willing to transfer the bridge to the Government of Canada at any time. The government has to stop hiding its head in the sand, which is absurd. It has to take responsibility for this issue, which has been dragging on for too long, unfortunately.

That is why this motion proposes that the government purchase the bridge and refurbish it so as to respect its importance as a historical monument and vital transportation link for the economy of Quebec.

In the past part of my speech, I will go back over certain points.

The case pertaining to the Quebec bridge and involving the federal government and CN is before the courts. The motion I am introducing today has nothing to do with what is happening in court at present. As I said earlier, it may take five or even ten years to settle this matter.

We are asking the government to shoulder its responsibilities, regain possession of the Quebec bridge and finish the repair work as soon as possible.

If the court rules that CN is responsible for repairing the bridge, all the government will have to do is send CN the bill for the repair work in five years.

• (1755)

However, if the court rules that the government is responsible for repairing the bridge, the government will have saved money. Taxpayers will have paid less because the longer we wait the higher the costs due to inflation.

Furthermore, Canada and the whole world are currently in the throes of a recession. It would be even more advantageous to contribute to repairing the Quebec bridge, which would create jobs and stimulate the economy in the Quebec City region. As I have already mentioned, in the long run we would be saving money on repairing the bridge.

*Private Members' Business*

I will repeat that this matter has been dragging on for 12 years. The House now has the opportunity to shoulder its responsibilities in this matter. When we are elected as members, when people vote for us, they expect that we will make decisions and carry out our responsibilities. The Quebec bridge is the perfect example of elected members taking responsibility for settling a matter that has dragged on for a long time. When the court hands down its decision, the government can either send the bill to CN or just cover the cost knowing that it could have been higher had they not gone ahead.

When a situation like that of the Quebec bridge drags on like this and is not taken care of by the elected officials of this House, that is the perfect recipe for feeding people's cynicism. Every time people use the Quebec bridge in their travels, they see that the bridge is grey, it is rusty, it is green. People are losing confidence in their elected officials and wondering exactly what we are doing about this. That is why I am proposing a simple solution here today, namely, that the government buy back the Quebec bridge and complete the work that is needed as soon as possible, so that we may resolve this issue once and for all, instead of waiting for it to be settled in court.

I will close by saying that, at this time, the government is showing an appalling lack of leadership, when all its needs to do is show some political will. We will hear some questions about this matter in a few moments. I will be very surprised if the government supports my motion, but I would be delighted. I do hope that the Conservative members from Quebec will support this measure, especially the two members from the other side of the river, right across from my riding, where the Quebec bridge ends. I am referring to the ridings of Lévis—Bellechasse and Lotbinière—Chutes-de-la-Chaudière, which are home to part of the Quebec bridge. I really hope that the Conservative Party members from Quebec will support my motion, which should be put to the House in February.

In closing, some political will is all that is needed in this case. I hope that all members will support my motion so that some of its former glory can be returned to the Quebec bridge, an extraordinary bridge that deserves our respect.

• (1800)

[*English*]

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I am pleased to ask the member a question in relation to this issue.

I understand it is the longest cantilever bridge in the world. The member suggested that the bridge was built in 1923 or thereabouts. I was wondering if he could give us more information on the builder. He suggested that it was built by the same gentleman who built the Eiffel Tower. I wonder if he could talk a bit more about that.

[*Translation*]

**Mr. Pascal-Pierre Paillé:** Mr. Speaker, this is another attempt to divert attention. I did not say that the bridge was built by Mr. Eiffel; I said that it was built by a disciple of Eiffel. Naturally, many people helped build the Quebec bridge, including a number of aboriginals. I could give a history lesson today, but I do not think this is the appropriate place.

I encourage the member opposite to consult some history books. I can even suggest some if he wants some good references. It is pretty clear that the government's strategy is to divert attention yet again.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Speaker, I would like to ask my colleague, the member for Louis-Hébert, if he is familiar with the agreement signed between the federal government and CN in the early 1990s regarding the Victoria bridge in Montreal.

**Mr. Pascal-Pierre Paillé:** Mr. Speaker, I am not completely familiar with it. I know a little about the current agreement between CN and the federal government regarding the Victoria bridge.

I would like to remind my colleague that we are talking about the Quebec bridge. What matters to me is that the Quebec bridge issue be resolved as quickly as possible. Without trying to change the situation, regardless of the agreements concerning the Quebec bridge that have already been signed or that could be proposed, I think the main solution is for the bridge to be bought back so that the government can resume work.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, this certainly is a storied bridge. The bridge was begun in 1907 and, as a matter of fact, collapsed on two occasions and 80-some people died as a result.

I would like to note that the Delcan reports suggest that the current coating on the bridge is supposed to last for 30 years, but it is already judged as inadequate.

We have experience with the collapse of the I-35 bridge in Minneapolis. In my own riding a truck hit the bottom of a bridge and now a bridge which is only 50 years old has to be replaced at a cost of \$140 million. We can never assume that the bridges are not going to collapse on us very quickly.

We want to try to get this resolved as quickly as possible, but I would like to know where the Liberals were when this issue was being dealt with. Clearly, they were asleep at the switch. They allowed this bridge to leave the public domain, to be transferred over to CN, a crown corporation. That was the beginning of the problem. A private company now owns the bridge and it does not want to own up to its responsibility to do the repairs. The public is going to end up having to take the bridge back and do all of the repairs at the taxpayers' expense.

• (1805)

[*Translation*]

**Mr. Pascal-Pierre Paillé:** Mr. Speaker, I thank my colleague for his question. In fact, this is a very complex issue.

When the government sold the Quebec bridge for a dollar, CN had not been privatized. Ordinarily, the government should have taken possession of the bridge again when CN was privatized.

I agree completely with my colleague. The problem at present is that a private company owns the Quebec bridge and does not want to have anything to do with heritage maintenance. It looks after regular maintenance, but I believe that it is not responsible for heritage maintenance of the bridge.

*Private Members' Business*

[English]

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I am very happy to be here today to talk about this bridge. In fact, I had an opportunity to visit the riding of Lévis—Bellechasse with one of the Conservative MPs from the Quebec region, who worked very hard and diligently on this particular file for some years.

Indeed, I am pleased to rise today to tell Quebeckers and Canadians that this bridge is safe. It has been inspected recently. I want to make sure that the fear-mongering of the NDP is not brought into play with Canadians across the country, especially with regard to this particular bridge.

This motion, which proposes that the federal government acquire the Quebec bridge, is an interesting one. I understand that the member opposite and some other members of his caucus are interested in that. As a result of legal wranglings that are taking place right now, initiated by this government I might add, to bring closure to this file, I cannot comment completely on it and give too much information. Obviously it would not be appropriate as a result of the legal proceedings.

I will begin my comments by stating that members on this side of the House, especially the hard-working members of the Conservative caucus who live in Quebec, recognize the importance of the Quebec bridge as both a historic symbol and a vital transportation link that connects the communities in that area. As the longest cantilever bridge in the world, the Quebec bridge is a symbol of the knowhow and tenacity of Quebeckers and Canadians.

It has indeed been jointly declared as a historical monument by the Canadian and American societies of civil engineers. That is no small feat in itself. In 1996, it was also designated as a national historic site. The Quebec bridge provides a very vital link between the south and north shores of the Quebec City region.

It plays an important economic and social function in the daily lives of many people residing in the area. In fact, every single day, an average of 31,000 vehicles travel over the three-lane roadway and as many as 10 rail trains cross over its single rail line.

As the issue is before the courts, I have to limit my comments. However, I would like to provide some information with respect to CN's obligation as the owner of the bridge.

The federal government finished building the Quebec bridge in 1918. At that time, the bridge formed part of Canadian Government Railways. In 1923, the federal government conferred the management and operation of all Canadian government railway lands, including the Quebec bridge, to Canadian National, a new federal crown corporation at that time.

For all intents and purposes, CN has been responsible for the management and operation of the bridge for the past 85 years. In the 1980s and 1990s, the federal government began to implement a commercialization and divestiture policy with regard to transportation services. All Canadians recognize that and recognize that for the most part, it has been highly successful.

Accordingly, in 1993, Transport Canada entered into an agreement with Canadian National whereby the federal government committed

to transfer title to CN of all Canadian government railway lands for \$1. That is right. Across this great country of ours, all Canadian government railway lands were transferred to CN for \$1.

In return, CN assumed responsibility for several properties, including the Quebec bridge, and committed to implement a major bridge maintenance program that would restore the bridge and ensure its long-term viability for the people of Quebec and all Canadians. In accordance with this particular agreement, the transfer of ownership of the Quebec bridge to CN was completed in November 1995, immediately prior to CN becoming a fully privatized and publicly traded company.

To be clear, with this transfer, CN became the owner of the Quebec bridge with full responsibility for its operation, maintenance and restoration. If one can imagine the amount of lands that CN received, CN was well compensated for assuming this ownership and responsibility, as it had received very valuable property assets in 1993 in exchange for this commitment.

● (1810)

Despite generously compensating CN to assume responsibility to restore the Quebec bridge, the Government of Canada did even more to help CN live up to its obligation. In 1997 the Government of Canada and the Government of Quebec agreed to assist CN in meeting its responsibilities in respect of the bridge by contributing toward a 10 year, \$60 million restoration program for this particular property.

This 1997 agreement ended in 2006, but some of the infrastructure work was simply not completed, as the member opposite brought attention to. As I said, many of the members of the Conservative caucus who live in Quebec have brought it to my attention and to the minister's attention many times. We have been trying to work toward some sort of settlement of this.

Let us be clear. This is CN's obligation. About 60% of the bridge surface has not yet been painted, but it is CN's obligation. We believe that CN has an obligation to finish this work. It committed to do the work, and the Government of Canada and the Government of Quebec provided financial assistance to help undertake the work.

The Government of Canada has made numerous attempts to work with CN to ensure the restoration of the bridge, but currently to no avail. Our government continues to be heavily engaged in this matter in order to protect the interests of Canadian taxpayers and of Quebec taxpayers.

All across the country people recognize that we are in a time of global economic crisis, which the gentleman on the other side mentioned. It is true that we have the obligation to protect Canadian taxpayers' dollars and to make sure that those people who are responsible for certain contracts fulfill the terms of those contracts.

CN has a contractual obligation to complete the restoration work on the bridge. This government, under the leadership of the Prime Minister, took action to ensure those obligations were met and will be met.



*Private Members' Business*

In February 2007 the Attorney General of Canada filed a motion with the Superior Court of Quebec requesting, among other things, that CN be ordered to complete the restoration of the bridge. This judicial proceeding is well under way. It is aimed at bringing about completion of the restoration work on the Quebec bridge. Quite frankly, it would be inappropriate to further comment on that particular aspect.

In conclusion, the federal government seriously recognizes the importance of maintaining the Quebec bridge in good safe and working condition as it is today. Our government has taken several steps to help CN fulfill its obligations, to ensure that it restores the bridge. The government has made numerous efforts to negotiate a deal to see the restoration work completed.

While we are talking about important infrastructure investments, I would also like to take this opportunity to remind the member and all members of the House about the significant infrastructure investments across the province of Quebec and in the Quebec City region. They are very important investments which go straight to the quality of life of Quebecers and all Canadians.

For example, the Prime Minister and the Minister of Intergovernmental Affairs and Minister for La Francophonie, who is also responsible for the Quebec City area, announced last August an investment of \$4.5 million for the Université Laval in the riding of Louis Hébert for the improvement of its football stadium in preparation for the Vanier Cup, which was held on that campus last weekend, a great event indeed.

Because of this investment made under Canada's economic action plan, Université Laval will be able to host this important national sports event again in 2010. This again will benefit the people of Quebec City and all Canadians, and the quality of life of Quebecers especially, having regard to how important this is for them.

Our government also recently announced over \$7 million for the Monique Corriveau library, which is also located in the riding of the member opposite, who spoke just before me.

These investments will help stimulate the economy and ensure that all Canadians, all Quebecers will benefit from strong, modern, world-class public infrastructure.

As with all files of the government, we are calling to action the people responsible for this, and we will continue to do so.

• (1815)

[*Translation*]

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Speaker, I am pleased to speak today to the motion by the member for Louis-Hébert. I want to thank him for bringing this issue to the attention of the House.

When I saw this motion on the order paper, I was immediately intrigued by its purpose and potential interest. I can understand perfectly why the hon. member wants this issue to be addressed in the House. The bridge is in his riding, and his constituents are directly affected by this major artery in the Quebec City area.

Not only is the Quebec bridge an important transportation link, but it is a historical monument that identifies greater Quebec City. It is a historical bridge, not only for Quebec, but for Canada as well,

and it must be maintained. The federal government is responsible for the safety of the people who use this bridge, regardless of who owns it at present.

You will not be surprised to learn that there is also a bridge in my riding: the Champlain bridge. The Champlain bridge is clearly in no way a historical monument, but it does have the largest volume of traffic in Canada. Like the member for Louis-Hébert, I am concerned about the safety of my constituents and all the people who use the Champlain bridge.

Since I was elected, I have repeatedly called on the government to show real leadership in maintaining and improving this vital link with Montreal's south shore. And yes, I know that the members opposite will mention the \$212 million that was allocated in the last budget, but that money is spread over 10 years and is nothing but a band-aid solution to a real, imminent problem.

[*English*]

I could talk about the challenges of the Champlain bridge all day, but what I would like to talk about is another bridge just down the river from my riding and one that is a big brother to the Pont de Québec. I am talking about Victoria Bridge.

Victoria Bridge, the oldest in the Montreal area, originally opened as a federal rail bridge in 1859 and Canadian National Railway inherited it from its predecessor, Grand Trunk Railway, in 1918.

Transport Canada entered into an agreement with CN, then a crown corporation, in 1962, taking responsibility for the costs of maintenance and repair of the brackets and the roadway surface, as well as other operating expenses. Transport Canada also began compensating CN for all lost toll revenues in the amount of \$664,000 per annum under this agreement. According to a departmental press release in 1997, \$150 million had been transferred to CN between 1962 and 1997 under this agreement.

[*Translation*]

Between 1997 and 2008, Transport Canada transferred approximately \$54 million to Canadian National Railway—privatized in 1995—under this agreement.

Let us compare this to the Pont de Québec. The bridge was built as part of the National Transcontinental Railway, which later merged with the Canadian National Railway, CN. The federal government retained ownership of CN until 1993. The federal government transferred ownership of the Pont de Québec to CN for \$1 in 1993.

There is currently no agreement—and therein lies the problem—between the federal government and CN with respect to federal contributions to the cost of maintaining the automobile section of this bridge even though CN did enter into such an agreement with the Province of Quebec. In 1997 the federal government agreed to contribute, together with the Province of Quebec and CN, to bridge repairs costing \$60 million. The federal government allocated \$6 million—\$600,000 per year over 10 years—to the project.

CN and the federal government are currently in court over this project. The federal government claims that the project includes painting the bridge but CN decided that it would not paint the bridge because of the additional cost of environmental mitigation.

*Private Members' Business*

That is the situation today. The member for Louis-Hébert is concerned about the outcome of the dispute between CN and the federal government and has proposed a solution whereby the federal government would assume complete responsibility for the bridge to ensure that all necessary work is completed.

Unfortunately, I believe that CN will not agree to sell the bridge to the federal government for \$1. However, I believe that immediate assistance is required to protect the safety of everyone using the bridge as well to preserve this important historic structure.

I would therefore like to suggest to my colleague that a proposal to government might be modelled after the Victoria Bridge approach. However, we support his motion in principle, provided there will be with discussions about mutually beneficial amendments.

• (1820)

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, I am in the habit of trying to begin my remarks in this House in French. However, I will be making many of my remarks in English this evening because I think this is an issue that deserves to be understood by all Canadians.

• (1825)

[English]

For anyone who has ever visited Quebec City, the bridge we are talking about is the very old cantilever bridge, the heavy steel structure that goes over the St. Lawrence. It is quite an interesting relic of a bygone era. It is the longest cantilever bridge in the world.

Coming across from the south shore into Quebec City, there is a very modern suspension bridge that bears the name of Pierre Laporte, who was a Quebec politician murdered in the early 1970s.

This is the older structure that is to the right heading into Quebec City. Anybody who has ever visited Quebec City has seen it. It was originally just a railway bridge for obvious reasons. It has accommodated carriage way and now has three lanes of road. Depending on rush hour traffic, it can be adapted for that.

It is also a very interesting example of engineering persistence. Anyone who takes the time to look up the history of the Quebec bridge will discover that it fell twice in the long period of its construction, but when they finally got it up, it has managed to stay there ever since.

That is what this is about tonight. We are discussing, as incredible as it might seem, what has to be done to properly maintain an essential piece of infrastructure, not only for the Quebec City area and for the province of Quebec but for all of Canada. The railway network that we built over the past century and a half is still something that is very important for us economically and it ties us together.

I listened intently when the representative from the Conservative government went through the history of it. Almost all the facts he gave are right, but what he has failed to mention, and anyone who has ever lived in Quebec City as I did for many years can tell us, is this subject has been in the news almost constantly for 30 years. It would have been interesting to be able to hear the observations of the member for Portneuf who has had a lot to say about this, going back decades.

Right now, we are discussing a Bloc Québécois motion to essentially take back ownership of the bridge from CN and to ensure that CN properly pays for what it has not done. Do not forget this. The government just explained that there was a court case going on. The words chosen were “judicial proceeding is well underway”. As an attorney what that means is the only people who will be happy with this file are the lawyers. Something like this will go on for decades, again. In the meantime, the bridge is going to continue to rot.

CN had a firm undertaking to spend \$60 million and to complete the work on the bridge. It did not respect that undertaking. That land, those infrastructures, those works and things were given over to CN, and it had obligations that it has not met.

The House has powers, and this motion is about this: that the House of Commons, for and on behalf of all Canadians, assume its responsibilities with regard to this essential piece of Canadian infrastructure. The Bloc is to be congratulated for getting it to the floor of the House, because it is an absolute national scandal. I do not think enough people outside of the Quebec City area are aware of this.

I also listened to the Conservative representative give an assurance. It was categorical that the bridge was safe. I invite him to come and see it with me any time he would like. Let him come and see that the bridge is falling apart because it has been neglected for decades. That is on the public record.

I sincerely hope we proceed with the work that has to be done to secure the bridge, to provide the repairs and the maintenance that has to be done. He is never proven wrong as I think he would be if we do not proceed to that maintenance work.

We do not have a culture in our country of maintaining infrastructure. Indeed, we have always had a tendency to try to build the next thing we can cut a ribbon for rather than maintain, on a rationale schedule, what was already there. In Europe infrastructure lasts a lot longer, but the maintenance costs and the consistent maintenance is a way of life. That is sustainability and it is built in.

In his speech, the Conservative member managed to mention that Laval University had received money for its football stadium to hold the Vanier Cup, as if to say that the government gave it something. It is a total non sequitur. One has literally nothing to do with the other.

To drive home his point, he talked about money for a library at Laval University. What does that have to do with maintaining the Quebec bridge? To ask the question is to answer it. It has nothing to do with maintaining the Quebec bridge.

[Translation]

This infrastructure has been suffering from poor maintenance for decades. The Quebec bridge represents a real danger to the public and to navigation in the St. Lawrence River if it is not properly repaired and maintained. CN had a firm undertaking and it did not respect that undertaking.

We are speaking with one voice now. I listened to the Liberals, who usually leave room for manoeuvring. Their speeches were very short and, if I understood correctly, like the NDP, they are voting in favour of the Bloc motion because it is a good initiative. That is the right thing to do. It is in the interest of the nation to take back ownership of this bridge and make the necessary repairs to it, even if we have to decide through legislation how much money CN has to pay Canadians in compensation.

It is unbelievable. CN got infrastructure and projects worth billions of dollars in exchange for one dollar and it had a few undertakings, including maintaining and repairing the Quebec bridge, which it did not do. It now has the nerve to drag this matter through the courts. We will resolve this very quickly. We cannot put the lives of people and the prosperity of Quebec City in danger because CN is dragging its feet. It is not right.

Thus, this proposal aims to overcome this deficiency and ensure that the work is done properly. The bridge does not need to be completely re-engineered. We are talking about repairing it and reinforcing its steel components in order to make it safe. There are ways to do this. One only need visit the Eiffel Tower, which was built in about the same era of industrialization, to see that structures like these can be preserved. Something could have been done a long time ago. Rust began appearing decades ago and has been eating away at this structure, which would cost billions of dollars to replace.

It is absolutely inconceivable that successive governments have been so negligent. However, just because the Liberals, who signed the agreement with CN, were negligent, it does not give the Conservatives an excuse to continue doing nothing. I listened carefully to what the Conservatives said earlier. They are dragging this before the courts. This whole mess is going to go on for at least another decade if it stays in court. In the meantime, the structure in question, despite its importance to transportation in Canada, will continue to suffer from rust, decay and deterioration.

It is appalling and unacceptable that the Quebec bridge has fallen into its current state of disrepair. Anyone who lives in the Quebec City area is fully aware of the problem and has heard the public debates on it, which have been going on for years. People just keep passing the buck. Yet this issue was supposed to be resolved with the sale to CN.

Everyone gathered here in the House of Commons can say that we tried. That is the problem with this kind of privatization. We in the NDP have always warned that we cannot trust private enterprise and give it control over assets that once belonged to the Crown, because it will not do the work needed. What happened? We were wrong to trust private enterprise and this should never have been privatized. This another perfect example of how privatization runs counter to the public interest.

I commend this Bloc Québécois initiative. The NDP will support the motion, because it is what is best for the public interest and public safety, and for the economy of the Quebec City region.

● (1830)

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, before I begin my remarks, I would like to congratulate my colleague, the member for Louis-Hébert, who made it possible for us to debate the

### *Private Members' Business*

urgency for the Conservatives to take action regarding the future of the Quebec bridge. Were it not for a Bloc Québécois member, this debate would not be taking place today.

With the support of the opposition, I would like to clarify a few things the member for Outremont said. I have been here since 1993. The Liberals have been in power at times since then. I remember the questions I asked in the House about the future of the Quebec bridge, about its safety, and about maintaining an important structure recognized as being significant to world heritage.

At the time, we asked the Liberals to pay all of the costs associated with repairing and maintaining the Quebec bridge. At the time, we were told that there was a formal demand. The former member for Outremont, who was replaced by the current member for Outremont, told us that there was a formal demand, that they could not answer the question, and that we had to wait. Now the Conservatives are in power, and they say that the matter is before the courts.

I completely agree with the new member for Outremont that the government is putting things off. Earlier, we all heard the parliamentary secretary acknowledge the virtues of this architectural masterpiece. He described how it was designed and built, all of the obstacles encountered during construction, and the collapse of the cantilever bridge that claimed many lives.

Acknowledging that is all well and good, but that is one thing, and taking action is another. There can be no doubt that today's motion is critical. Why? Because the necessary restoration work is expected to cost many millions of dollars.

I would like to point out that there are five Conservative members from the Quebec City region, in my region, in the area around my riding. The government gave \$440 million to restore the Champlain, Victoria and Jacques-Cartier bridges—which is great and fine by me—but Conservatives from the Quebec City region should also have put pressure on the government to ensure that some money was allocated to the Quebec bridge.

We know very well that their way of avoiding the problem is to say that the issue is before the court. But we also know very well, as my colleague and the member for Outremont said, that this legal agreement would not prevent the Superior Court from ruling on this case.

We are not asking the Conservatives to show sensitivity, but to show some respect for what the Quebec bridge represents to the people of Louis-Hébert and to all people in the Quebec City region. It is not only an important vehicle for economic development, but it is also, as was mentioned earlier, a recognized heritage structure. If we want to keep it in that state, we must not wait until it is too late.

Even the Auditor General wrote in 2005 that Transport Canada needed to act to ensure the long-term viability of the Quebec bridge.

I believe that the Conservatives are not acting in good faith. We had a question from the parliamentary secretary asking us about the history, and what engineers had helped build the bridge. Come on.

*Private Members' Business*

This bridge is deteriorating. Delcan has produced a report. The Conservatives have a copy of this report. The report talks about the state of the bridge. The bridge is deteriorating. There is a lot of rust and it is spreading.

• (1835)

Even if we wait 10 years, the bridge will still be in terrible shape. By then, we may no longer be able to consider it a historic monument and heritage structure. It will not do us any good to know when it was recognized as such. But that is not what we are talking about today.

The bridge is showing its age, and it is rusting more and more quickly. As Mr. Beaulieu, the former director of Laval University's civil engineering department, said, the time to act is now. What we need is a political decision.

The Quebec bridge and heritage preservation in general are not exactly the Conservatives' cup of tea. Quebec's military heritage is also falling into ruin. Drastic measures are necessary. But once again, the Conservatives are nowhere to be found.

The budget included a \$100 million envelope, but it disappeared and nobody seems to know where it is. When we ask elected Conservative representatives questions in the House, instead of reassurance, we get pronouncements on other subjects and no assurance that millions of dollars will be allocated in the next budget.

Today, we want the government to feel the heat and wake up. They have to drop their *laissez-faire* approach to heritage preservation.

The saga around the armoury is another example of the Conservatives' *laissez-faire* approach to heritage preservation. More than a year and a half after the fire, the government is still investigating and asking people to assess parts of the building. The contract for this work was awarded to a Toronto firm instead of a Quebec City firm. That shows how interested the Conservatives are in heritage.

We can see why the Conservatives cannot meet Quebecers' expectations.

The Liberal Party has shown openness to the motion, and we will see what happens in the coming days, when the time comes to vote. This is a votable motion. The Bloc is counting on the support of the NDP and the Liberal Party.

I hope that the vote will force the Conservative Party to act and that it will set aside money in the next budget. The government can no longer hide behind the argument it trots out every time we ask questions in the House because the issue is before the courts.

Today, it is the member for Louis-Hébert who has brought this debate before the House. This debate was brought before the House a second time because a Bloc member represented the riding of Louis-Hébert. Then the riding was represented by a Conservative, who did not bother to raise this issue in the House.

I hope we can take advantage of the openness that exists so that the members from the Quebec City area can finally respond to the demands coming from the community. A coalition was formed, but it no longer exists.

One thing I know about the Conservative Party is that it lets issues drag on. It was the same thing in the case of Shannon. Coalitions are forming and trying to put pressure on the Conservatives. The Shannon case is before the courts, and the government has changed attorneys to fight the class action suit.

The other day, the Minister of National Defence said that the Conservatives would do everything they could to prevent this class action suit from going to court. If the government told us it did not want a class action suit because it wanted to settle the matter, that would be a different story. But that is not what is happening.

We hope that the opposition parties will force the government to finally shoulder its heritage responsibilities.

• (1840)

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, I am pleased to take part in this evening's debate, not only as the MP for the communities of Lévis, Bellechasse and Les Etchemins, but also as a civil engineer. It is often said that engineers in Canada wear a ring made from pieces of the bridge that fell during the tragic accidents that took place while the Quebec bridge was being constructed, to remind us that to err is human and that engineers must always be very careful in their design.

A clear consensus is emerging here this evening, which is to recognize the historical importance of the Quebec bridge as well as the importance of this vital link connecting Lévis to Quebec City, as well as the Chaudière-Appalaches region—which celebrated its 20th anniversary this year—to the Quebec City area. However, not everyone agrees on how to go about preserving the integrity and sustainability of the Quebec bridge. We saw the Liberals really improvising here this evening, with erroneous facts in their speeches, particularly about the agreement signed by the Quebec government and the use of the Quebec bridge. Of course we saw the NDP wanting to squander public funds without any guarantees, and we saw the Bloc dithering.

Before entering into the political debate as such, I would like to commend the remarkable work of a person who has contributed to keeping the importance of the Quebec bridge alive in the collective consciousness. Author Michel Lébreux has written two remarkable books on the history of the Quebec bridge, books that serve as benchmarks on the subject. He gives lectures on a regular basis. It is people like him who contribute to keeping the importance and vitality of the Quebec bridge on everyone's minds. I encourage him to keep it up because there is still a great deal of work to do to preserve the memory and future of the Quebec bridge.

I can say this evening that I am convinced the Quebec bridge will play a fundamental role in clearing up the problems of traffic congestion. I am talking about the problems encountered daily by thousands of my constituents. I was talking to one of my constituents this evening. It took him an hour and a quarter to cross from Quebec City to Lévis. The connection between the two shores needs to be improved and I think the railroad is the answer and the Quebec bridge is the key to it all.

Getting back to the matter at hand, I want to point out that the Bloc Québécois' recent change of heart on this issue is somewhat disconcerting. Allow me to explain. A little less than a year ago, the Bloc leader stated that the solution was to have Ottawa take charge of the work, pay for it, and send the bill to CN. If Ottawa lost, it would have to take responsibility and cover the costs. In other words, the Bloc Québécois leader was brazenly asking taxpayers and the federal government to do two contradictory things, while completely ignoring the serious and complex issues that are currently the subject of a court case.

On the one hand, they wanted the federal government to unilaterally take charge of work on a bridge that does not belong to it, and to cover the cost of that work, while on the other, they wanted the federal government to take CN to court for reimbursement. That is not logical, and it is damaging to the federal government's position in the current approach to achieving long-term resolution to the problem.

A year later, the Bloc Québécois has changed its mind and now—as we can see from the motion brought forward by the member for Louis-Hébert—it thinks that the government should buy the Quebec bridge for \$1 and commit to completing the work as soon as possible.

In view of the incoherent change in the Bloc Québécois position on the Quebec City bridge, can we really take this motion seriously given that the Bloc may change its mind in six months? We even wonder if it is going to support its own motion when the time comes to vote. We will always support long-term solutions to the problem.

We realize that the Bloc Québécois will never be in power and therefore that this political party could change its mind depending on which way the wind is blowing. While the Bloc has been altering its position, changing its mind and tossing out ideas, our government has already taken tangible and responsible action to ensure that the bridge is repaired and remains safe. In this regard, our government recognizes the importance of maintaining the bridge in good repair and it is taking steps to ensure that this objective is attained.

It is not—

• (1845)

**The Acting Speaker (Mr. Barry Devolin):** Order, please. The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

### NATURAL RESOURCES

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, on October 5 I posed a question to the government regarding the ethical conduct of the Minister of Natural Resources.

### Adjournment Proceedings

In response to my question on October 5, the Minister of Transport said:

We have brought in the toughest accountability rules in the history of this great country. We are committed to running a clean, open and transparent government....

However, this is obviously not the case, as the Ethics Commissioner has now called for a full inquiry into the ethical conduct of the minister, based on the evidence obtained by her in a preliminary inquiry.

There are a number of questions to be asked and the government continues to stonewall by saying it wants to wait until the Ethics Commissioner finishes her job.

However, the fact remains that under subsection 41(1) of the Canada Marine Act, the Minister of Transport, who is responsible for the port authority, has the authority to ask for a special review. It is his own authority and it can happen as often as he wishes.

There are questions to ask of the port authority board. The central questions include the following. Why was so much money spent on luxurious meals? Some \$50,000 was spent by the Minister of Natural Resources in her role as the president and CEO of the Toronto Port Authority at the time and by other senior managers at the plush Harbour Sixty Steakhouse located downstairs in their office building over the eight months of 2008. That was \$50,000, including one \$9,000 lunch for 50 people on one particular day. Just exactly what costs so much? Who was present? What was discussed? What port authority business was conducted at those meals to possibly justify those expenses? What was the expense approval policy in force at the time? What evidence is there that the policy was honoured?

Why did the chair of the board of directors, Mr. McQueen, cast the deciding vote in January 2009 to suppress an inquiry into another \$65,000 spent by the Toronto Port Authority to give legal advice to him and to the Minister of Natural Resources in her prior role as president and CEO of the port authority? The inquiry was supposed to determine whether the advice was personal to them and, therefore, improperly paid for by the Toronto Port Authority, or to the benefit of the port authority and, therefore, properly disclosed to the port authority board.

Finally, there also is the question of why were the board minutes doctored by the chairman, Mr. Mark McQueen, last December, six months after they had been approved by the then board of directors when he was not even the chair? I am pretty sure approved minutes should not be altered. It appears that it is meant to cover up political interference and improprieties, and the government is co-operating.

If the government does not call a special review, which the Minister of Transport is authorized to do, notwithstanding the conclusions of the Commissioner of Ethics, clearly the government is not part of the solution but part of the problem and is participating in a cover-up.

*Adjournment Proceedings*

• (1850)

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, allow me to begin by thanking the hon. member for Mississauga South for posing the question and for being here at this late hour to contribute to the debate.

Our government takes these allegations very seriously. This government prides itself on accountability and transparency. That is why we strengthened the powers and responsibilities of those arm's-length agencies that are charged with investigating such matters.

The Minister of Natural Resources continues to co-operate fully with the Ethics Commissioner. The minister is following, and will follow, the commissioner's ruling and guidance.

The issue is still being examined by the Ethics Commissioner and therefore it would be inappropriate for me to comment.

**Mr. Paul Szabo:** Mr. Speaker, the issue here is that the minister has responsibility for the Toronto Port Authority separate and apart from the issues related to the Minister of Natural Resources.

When there are allegations of wrongdoing, when there is improper use of government-funded resources for political fundraising, when there are doctored board minutes, when there is lavish spending on steak dinners for 50 people at a cost of \$9,000, the board has an obligation to protect the assets and to act responsibly. Clearly, this is not the case.

This is now a matter between the Minister of Transport and the board of directors of the Toronto Port Authority. He has that responsibility. He must look into it. If he does not, then he is doing so wilfully to cover-up.

**Mr. Pierre Poilievre:** Mr. Speaker, as I said earlier, the Minister of Natural Resources continues to co-operate fully with the Ethics Commissioner. The minister is following and will follow the commissioner's rulings and guidance. The issue is still being examined by the Ethics Commissioner and therefore, it would be inappropriate to comment.

## NORTEL

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, I rise to follow-up on a question with regard to the sale of Nortel industries to Ericsson. At the time we advocated that Nortel be examined under the Investment Canada Act and that the Investment Canada Act should be triggered for a couple of reasons. One of those was the national security clause that is now part of the Investment Canada Act.

It is important that I note that the Investment Canada Act was recently changed in a government budget bill. What that meant is it did not have the full due diligence normal legislation has when it is updated in the House of Commons. It did not go to committee. We did not have witnesses. It was part of a budgetary allocation. Hence, the new model is exposed in many ways. It is weakened and has actually caused part of the problems.

The Investment Canada Act has a new provision called the national security clause, as I have noted. It is important in this case because the type of information and the type of department that was sold by Nortel to Ericsson was sold for over \$1 billion. Then shortly

thereafter, the argument came from the company, because of the way that the new legislation is written, that it could write it off as being less than \$300 million, and hence not subject to the financial arm of the Investment Canada Act. However, that does not take it away from being under the national security clause.

There was good solid testimony provided at the committee hearings by the military and also the security aspects of Nortel in this LTE technology, which is fourth generation streaming capability for the service provision of communications.

I am going to read a submission from RIM which is an expert with regard to this type of technology and its applications, and where it believes the security aspect is involved. It states:

Military: Communications, mapping, GPS, telematics and advanced applications such as military commanders viewing real-time video of military and peacekeeping operations across Canada (including the strategic Canadian Arctic) and internationally.

Security (Police/Fire/Ambulance): Tracking, police/fire/medical vehicles and assisting with real-time route-planning to avoid high traffic flow areas and emergencies. Real-time downloading of suspect details (pictures, evidence on file, etc.) to assist with police investigations. Assisting with controlling points of entry (airports) and security critical facilities. In the U.S. many homeland security programs, including counterterrorism and border security initiatives, rely heavily on wireless infrastructure.

That is why we believe that this review should have taken place by the minister under national security clauses. Even in the United States, it has greater scrutiny than we do.

I would point to the really interesting situation of Certicom which was purchased by RIM. This was a Canadian company that was purchased by another Canadian firm, but that actual transaction had to have hearings in the United States, a foreign government, before the actual sale went across.

That is what is ironic. The due diligence is done in the United States related to its national security even for companies that are not even national companies in the United States and do not even have facilities in the United States, but here in Canada we just wash our hands from it and see it go out the door.

• (1855)

**Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, I am pleased to rise in the House to respond to the concerns expressed by the hon. member for Windsor West about the acquisition of certain Nortel assets by Ericsson, a Swedish-based telecommunications company.

In the economic action plan, Advantage Canada, and in budget 2007, the federal government committed to undertake a review of Canada's competition policies and its framework for foreign investment policy. To deliver on these commitments, in July 2007 the government created an expert panel chaired by Mr. Lynton Ronald Wilson.

*Adjournment Proceedings*

The panel conducted extensive consultations. In June 2008 it released its final report and recommendations aimed at raising Canada's overall economic performance through greater competition to provide Canadians with a higher standard of living.

One of the panel's key recommendations was that we narrow the scope for intervention on economic grounds under the Investment Canada Act. The panel also found that it would be in Canada's best interest in a post-9/11 world to incorporate a national security test into the act.

We moved very quickly to address these and other key recommendations in the report.

Last winter, the Budget Implementation Act, 2009 brought about reforms to the Investment Canada Act, including a national security review mechanism. Before this legislation, Canada was the only major developed country that did not have the authority to review foreign investments on the basis of national security concerns. Now we do.

It is important to understand the process undertaken to conduct a national security review. I would like to take a minute to explain this process.

Under the new national security provisions of the Investment Canada Act, a foreign investment, regardless of its dollar amount, may be subject to review. An investment is reviewable if, after consultation with the Minister of Public Safety, the Minister of Industry considers that the investment could be injurious to national security. He refers the investment to cabinet and it makes an order to review the investment. If cabinet orders a review, the Minister of Industry is responsible for leading it, in consultation with the Minister of Public Safety.

At the end of the review period, if there are grounds for further action, the minister would submit a report with recommendations to cabinet. Cabinet has the authority to take any measures in respect of the investment that it considers advisable to protect national security.

With respect to the acquisition of Nortel's CDMA and LTE assets by Ericsson, the government did examine the national security implications of this transaction. The Minister of Industry consulted with the Minister of Public Safety and the Minister of Foreign Affairs. Based on all of the information presented to the Minister of Industry, there are no grounds to believe that this transaction could be injurious to Canada's national security.

In closing, foreign investment is an important driver of economic success. It stimulates job creation, technological development and economic growth. It is therefore critical that we send the strongest possible signal to investors around the world that Canada is a safe and stable place to do business.

● (1900)

**Mr. Brian Masse:** Mr. Speaker, the issue with regard to national security is something that I actually raised back in 2002. It was objected to by the Conservatives and the Alliance. It was about China Minmetals Corporation. I have long pushed for that review in this chamber.

Unfortunately, we did not have the due diligence of it going to committee and it has created many loopholes and weaknesses in that legislation and the review. That is the reason it was put in a budget bill, because it was not worth the paper it was printed on.

It is interesting with regard to the national security file, because there was an investigation of Vodafone in Greece. Its networks were corrupted and it actually saw the loss of information from its military, its police and its elected officials. An investigation disclosed that unauthorized interception software had been installed on Ericsson switches used by Vodafone in Greece. We have a specific case here related to Ericsson where its systems were manipulated and changed. That is why we need to have this full review and accountability.

**Mr. Mike Lake:** Mr. Speaker, after a careful examination of the Nortel-Ericsson transaction, the minister determined that based on provisions of the act, the sale of Nortel's CDMA and LTE assets to Ericsson is not subject to a net benefit review under the Investment Canada Act because it does not meet the economic threshold for review under the act.

In terms of national security, the Investment Canada Act stipulates that a foreign investment, regardless of its dollar amount, can be reviewed.

As I have said, the Minister of Industry, after consultation with the Minister of Public Safety and the Minister of Foreign Affairs, concluded that there is no basis for review of the Nortel-Ericsson deal for national security concerns.

We must ensure that Canada is open for investment and for new jobs and new opportunities. We must ensure that around the world, Canada continues to be seen as the best place in the world to do business.

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Winnipeg South Centre not being present to raise the matter for which adjournment notice has been given, the notice is deemed withdrawn.

The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:03 p.m.)





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