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Chair

The Honourable Jason Kenney

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• (1050)

[English]

The Chair (Hon. Jason Kenney (Calgary Southeast, CPC)): First of all, I'll need a motion to approve an expenditure of \$900.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: We will now move to the notice of motion by Mr. Silva.

Mr. Silva.

I've asked, by the way, that the pertinent sections of the Criminal Code be distributed in both languages for anybody who's asking questions about it.

Mr. Mario Silva (Davenport, Lib.): Can I move to adopt?

The Chair: You can move that. You have moved it. So Mr. Silva has called the question.

Mr. Sorenson.

Mr. Kevin Sorenson (Crowfoot, CPC): Yes. In principle I think we can accept this motion, but there are still some Justice concerns. I would like to in some ways hear back from the Department of Justice as to the concerns they have with regard to this.

I don't know if we have any Justice people here now. I don't think so. Do we?

The Chair: Can I suggest we hear from the immediate past Minister of Justice on this?

Hon. Irwin Cotler (Mount Royal, Lib.): The government in fact already took a position with regard to Mr. Mortazavi in terms of seeking an arrest warrant during his presence at the UN Human Rights Council in Geneva. This is just a follow-up with respect to the exercise of jurisdiction that we have under the Criminal Code to have a purpose to launch a criminal investigation.

The Chair: Can you imagine any conceivable reason why justice department lawyers would object to this?

Hon. Irwin Cotler: Well, I think lawyers will always find reasons if they wish to object to something. I think this is really making a statement, what we consider to be a policy option that is well founded in law. There may be others who will say, well, you know, the person's not in our jurisdiction, etc., but the code provides for the initiation of an investigation, and that's all this motion is seeking.

The Chair: Any further debate?

Madame St-Hilaire.

[Translation]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Like my colleague, Mr. Sorenson, I would have liked to have had a legal opinion. I am told that it would not be easy for the government of Canada to conduct a criminal investigation on this. On the other hand, I would not like to see us pass a motion that is inconsequential. We may feel good about doing this, if absolutely nothing concrete comes out of it... I have to admit that I don't have enough information to ascertain whether it is feasible or not. That is what I am wondering.

[English]

The Chair: Mr. Silva.

Mr. Mario Silva: I just think, Mr. Chair, that to do nothing would be worse. This motion is moving the issue forward. As one colleague just mentioned about the fact that we had issued an INTERPOL arrest for Mr. Saeed Mortazavi, there have already been actions. This is now putting some teeth to that action.

There are those who question what we can do, since these are foreign countries, foreign officials. I always think of that brave and incredible forward-looking judge in Spain who put an international arrest warrant for Pinochet. That had huge consequence. That was just not an insignificant action. Here we have a situation where a Canadian was killed. A Canadian was killed, and we know who the individual is; we have evidence. We should do everything possible to bring this person to justice.

Really, it would be important specifically for this human rights committee if we were to be the ones who were in fact forward-thinking, just like that judge was in Spain when he moved forward his motion.

The Chair: Mr. Khan, Mr. Marston, please be brief.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Very briefly, my colleague from the Bloc Québécois is not saying that we should not or we are opposed to. We all want the same thing. All she's asking is that, to put teeth in it, there's no harm in hearing from the justice department to do exactly what you want.

The Chair: Okay.

Mr. Marston.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): I have no problem with this motion whatsoever. I think that Canada has to speak out at a time like this. As we've heard and I think many are aware, Iran's record on human rights abuses is amongst the worst in the world.

The other side of this is that any motion we pass here goes to full committee. Between this time and that time, if there are justice issues that could be brought forward, why hold them here now?

The Chair: There has been a suggestion that we hold back, but Mr. Silva has called the question, so unless there's a motion to table, I will call the question.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: The next motion is a notice of motion by Mr. Cotler.

Hon. Irwin Cotler: Mr. Chairman, I initially gave a much longer notice of motion back in December. The committee considered at the time that they would like to hear witness testimony to that effect. We had witness testimony.

This motion really incorporates recommendations made in the witness testimony, and I put it forward in the light of the background that was in the initial notice of motion, which set forth all the particulars that I did not include in this particular notice of motion on the grounds that we already had the witness testimony, and we had that initial background.

So I would move the motion.

•(1055)

The Chair: But which witness testimony are you referring to, Mr. Cotler?

Hon. Irwin Cotler: I'm referring to the witness testimony of Mr. Jared Genser, who made specific recommendations to this effect. I'm incorporating almost directly the language in his witness testimony. That was concurred in by Payam Akhavan. That is what I understood initially—that the committee wanted to hear expert testimony before moving on my original notice of motion.

The Chair: Okay, is there any debate?

Mr. Khan.

Mr. Wajid Khan: With due respect to Mr. Cotler, I've just received all this information, which is very valuable information. I haven't had time to go through this.

I had some concerns, which I discussed on the side with my colleague, and I had some questions about the United Nations Security Council referral of the situation to the International Criminal Court, as to whether Ahmadinejad could be tried. He has explained some of those things to me, but I'd like to go through the documentation that he has provided so at least we can make a decision.

The Chair: Mr. Sorenson.

Mr. Kevin Sorenson: I too would like to go through this a little bit more in principle. There are some technical parts of this with which there are concerns.

Certainly everyone acknowledges that the intent Mr. Cotler has is a good one, to recognize an authoritarian who is saying things and doing things and preparing to do things that are totally unacceptable.

However, I just need a little more time to sit down and look through this again before we move on this.

Hon. Irwin Cotler: Mr. Chairman, that was the initial objection that was raised in December, that more time was needed. I concurred at the time, and we're now talking about four months later. It is not as if no notice was given, nor was supporting documentation not provided at the time.

Mr. Khan may not have been a member at the time and did not have that information, which I have provided to him now. But as I said, that was circulated then.

I took the position then that I concurred with the views of this committee that they wanted more time to address it and that they wanted to hear witness testimony. So I think that four months later we have had time to consider and we have had the witness testimony.

The Chair: Ms. St-Hilaire, and then Mr. Silva.

Please be brief, because we have to finish on time.

[*Translation*]

Ms. Caroline St-Hilaire: This is not a trivial motion.

Canada initiate a state-to-state complaint under the Genocide Convention against Iran in the International Court of Justice for its incitement of genocide.

Mr. Cotler, I understand that you would very much like to see this motion passed but, for me, passing this kind of motion is not a trivial matter. We heard from three witnesses in the Sub-Committee, and now you are asking us to take a position. I have to say that I am very uncomfortable with the idea of our being asked to pass such a motion after hearing from only three witnesses. I understand your intent and I consider it to be extremely commendable. However, the Security Council is currently reviewing this matter. Why should the Sub-Committee take a position today on this? Quite honestly, I do not see this as being a trivial matter and I am somewhat concerned. I would have preferred that we table this, rather than having to vote against it this morning.

The Chair: “Tablette”? That's a new word for me.

Ms. Caroline St-Hilaire: Oh, really? Well, that's it

[*English*]

Mr. Kevin Sorenson: Mr. Chair, given that it's 11 o'clock now and that our main committee is meeting—it's a televised committee—I move that we table this until the next meeting.

The Chair: There's no debate on a motion to table.

(Motion agreed to)

Hon. Irwin Cotler: Mr. Chairman, I just want to say that in light of the discussion, I'm going to somewhat revise this motion to put in more particulars and give another notice of motion, because if it passes and goes to the full foreign affairs committee, they might not realize the discussion we had here by way of background.

•(1100)

The Chair: Thank you, all. It's been a very good meeting. Thanks, everyone, for your cooperation.

Mr. Kevin Sorenson: That's good.

This meeting is adjourned.

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