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—
Chair

The Honourable Jason Kenney

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• (1105)

[Translation]

The Chair (Hon. Jason Kenney (Calgary Southeast, CPC)):
Good morning, ladies and gentlemen.

I call this meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development to order. We are pursuing our study on human rights in Cuba. Last year, some representatives of the Christian Labour Association of Canada and the Forum of the Americas came to testify on this issue.

Today, our witnesses represent the Cuban Canadian Foundation, the Social Democrat Party of Cuba, Cuba-Nouvelles, the Table de concertation de solidarité Québec-Cuba and the Caravane d'amitié Québec-Cuba.

[English]

We welcome all of our witnesses. Because we have so many on our panel today, I'll ask you to be relatively brief in your opening statements. That will give opportunities for the members of the subcommittee to pose questions. Our normal practice is to listen to the witnesses in the order in which you are listed on the agenda.

[Translation]

I invite the representatives of the Cuban Canadian Foundation to begin.

[English]

Mr. Taylor Sol or Mr. Sablon.

Mr. Nelson Taylor Sol (Director, Ottawa Delegation, Cuban Canadian Foundation): Good morning.

Canada's foreign policy in Cuba is based on constructive engagement. According to the Canadian International Development Agency, Cuba's social policies set it apart from many other developing countries. Public investments in education and health, for example, have resulted in social development indicators that meet and even surpass those in some developed countries—that is according to CIDA.

Historically, the Cuban regime has counted on the support of many sectors of the international community. For the world to understand what has been going on in Cuba for over 48 years, certain definitions must be clarified.

Firstly, a government with a totalitarian control on society and individuals is unaccountable by nature.

Secondly, the assumption that human rights are tailored on a cultural basis has served dictators in getting away with human rights violations that are otherwise inadmissible in the so-called western world.

Thirdly, and no less important, is the fact that anti-Americanism has been conveniently exploited by dictators like Fidel Castro, who has capitalized on this sentiment, therefore paralyzing opinion makers and political parties, on the doctrine that whatever goes against the United States has to be automatically supported. Sadly enough, some movements have found an identity based on anti-Americanism, making it difficult for them to empathize with the suffering of countries like Cuba.

Some comparisons between present-day Cuba and that of 50 years ago may be useful in order to clarify certain prejudices. During the Batista dictatorship, there were 11 prisons in Cuba; now there are over 300.

According to a report presented on May 11, 2004, by the illegal Cuban Commission for Human Rights and National Reconciliation, starting in 1956, the total number of prisoners in Cuba was less than 4,000, or around 0.06% of the country's population.

Please note that in May 1955, former dictator Batista signed the general amnesty for political prisoners, including those serving time for killing soldiers, in clear reference to Fidel Castro and his group during the attack of the Moncada Barracks in Santiago de Cuba.

Now it is estimated that there are over 100,000 prisoners in Cuba, by far the highest in the world in terms of percentage, with around 1% of the total population of 11 million. This figure has been neither accepted nor denied by Cuban authorities, who forbid cooperation with the International Red Cross.

According to Dr. Armando Lago, board vice-president of the Free Society Project and Cuba Archive research director, Ph.D., and master in economics from Harvard University, to date over 8,200 cases have been documented of executions, assassinations, and disappearances by the Castro regime. Total deaths from exit attempts by sea, called *balseiros*, are estimated at around 78,000. Within the documented cases are 94 children's deaths, including 22 by firing squad executions, 32 extrajudicial assassinations, and 24 assassinated in exit attempts. There are similar cases of female deaths, totalling 216.

The following are some of the myths about Cuba, which have become deeply rooted in public opinion.

Myth number one, there is a U.S. blockade on Cuba.

In reality, between 2001 and March 2004, under the United States Trade Sanctions Reform and Export Enhancements Act, the value of authorized agricultural food products exported to Cuba was \$518,216,553. It is estimated that Cubans in the U.S. send \$1 billion U.S. a year in remittances to Cuba. According to the U.S. Department of Commerce, one-third of the island's food and one-third of the island's medicine originates in the United States. The 2006 exports to Cuba totalled \$347.8 million U.S.

Myth number two, living conditions of the Cuban populace prior to Castro's arrival to power were appalling.

In reality, Cuba is one of the countries of Latin America where the standard of living of the masses was particularly high; this is according to a Cuban communist leader called Anibal Escalante, in the July 30, 1961, issue of *Verde Oliva Magazine*.

In health, Cuba's mortality rate was 5.8 people per 1,000 inhabitants, making it among the lowest in the world, while its infant mortality rate of 36.6 per 1,000 was similarly the lowest in Latin America, far ahead of the second-ranked country.

• (1110)

Cuba ranked second in Latin America in the percentage of its labour force covered by social security insurance against old age, disability, and death, with 62.6% of the workforce insured.

The Cuban republic prior to Castro's revolution provided an eight-hour work day, the right to strike, university autonomy, and had a public space with large numbers of newspapers and radio stations with diverse political and ideological viewpoints.

Today the average salary is \$15 Canadian a month, 70% of the population have never known any leader other than Fidel Castro, and 20% of the Cubans live in exile.

Myth number three, illiteracy was extremely high in Cuba until the arrival of Fidel Castro.

In reality, according to a 1953 Cuban census, out of 4,376,529 inhabitants aged 10 years or older, 23.6% were illiterate, a percentage lower than all other Latin American countries except Argentina, Chile, and Costa Rica. Factoring only the population 15 years of age or older, the rate has lowered to 22%.

Myth number seven, Cuba's health care system is universal and egalitarian for all Cubans.

In reality, according to the Pan American Health Organization, the Cuban government currently devotes a smaller percentage of its budget to health care than such regional countries as Nicaragua, Argentina, Venezuela, Chile, and Costa Rica. The Pan American Health Organization finds that Cuba, in terms of per capita expenditures on health care, is behind such regional countries as Argentina, Bahamas, Puerto Rico, Venezuela, Chile, Costa Rica, and Jamaica.

Turning to health care in Cuba, medical apartheid, and health tourism, Cuba's growing health care tourism effort has roused bitter

reproach from the nation's critics, who accuse the regime of Fidel Castro of creating an apartheid system of health care in which foreigners and the Cuban party elite get top-class service while average Cubans must make it with dilapidated facilities, outdated equipment, and meagrely stocked pharmacies. These greatly contrast with Cuban elite hospitals promoted by such health tourism enterprises as SERVIMED.

Hilda Molina, one of Cuba's most noted scientists, founder and former director of Havana's International Center for Neurological Restoration, broke with the regime and resigned from her high-level position, and also as a member of Cuba's National Assembly, to protest the system of medical apartheid.

The Chair: Mr. Taylor Sol, could you start wrapping up? We have many witnesses we want to hear.

Mr. Nelson Taylor Sol: Okay. I will end up with my impressions.

The Chair: You'll have a chance to address other issues in questions, but go ahead and just wrap up.

Mr. Nelson Taylor Sol: Canada's economic relations with Fidel Castro's regime have served to perpetuate the repressive apparatus. The unaccountable nature of the system allows Fidel Castro's inner circle to amass millions of dollars while Cubans are subjected to slavery. Canadian companies like Sherritt International profit from nickel and oil prospects, paying payroll costs in hard currency directly to the Cuban government, which in exchange pays a fraction equivalent to less than 5% in Cuban pesos to those workers.

The Cuban regime, Sherritt International, and the like are the sole winners of so-called constructive engagement, at times disguised as the best way of helping Cubans access advanced technology and fringe benefits. The truth is that as long as this continues, Cuban authorities will see no reason to grant the liberties Cubans deserve. On the contrary, it delivers the message that human rights are a joke and matter solely for propagandistic purposes, and that not even legitimate democracies care about the dissidents' lonely and courageous struggle for freedom.

• (1115)

The Chair: Thank you very much.

Committee members, several of the written presentations came in too late for translation, including Mr. Taylor Sol's. The clerk will have them translated and distributed.

All of your testimony and your written submission will be available to members, Mr. Taylor Sol.

[Translation]

I now give the floor to Mr. Asdrubal Caner-Camejo of the Social Democrat Party of Cuba.

[English]

Mr. Asdrubal Caner Camejo (Social Democrat Party of Cuba): Thank you.

I hope everybody has my report, the list of the political prisoners, and the list of the prisoners of conscience. I have the reproduction of the condition of the cell for Dr. Biscet here. And here is the list of the prisoners of conscience who have acute and great problems of health; these are the conditions. It was reproduced for the wife of Dr. Biscet.

It's impossible for me to—

The Chair: I wanted to be sure, but we do have the written material.

Mr. Asdrubal Caner Camejo: Yes.

I cannot read all the report because it is long, but I will focus on some aspects that I would like the subcommittee to know.

You have all the information. I will speak in Spanish and this gentleman will translate the points I will touch upon.

The Chair: Please proceed.

Mr. Asdrubal Caner Camejo (Interpretation): Dear members of this subcommittee, I would like to thank you very much for having me here as a guest to testify. I'm a representative of the Cuban Social Democratic Party, and I have a letter of credentials signed by Mr. Vladimiro Roca.

My party is the party of Vladimiro Roca, who was a well-known prisoner of conscience at one time. As a matter of fact, he was a member of the Group of Four. In relation to this, Prime Minister Jean Chrétien in 1998 requested that he be released. Unfortunately, Fidel Castro did nothing about it until the bitter end.

As social democrats, we would like to work with all Canadian parties in a democratic and peaceful manner. I would like to address four issues concerning Cuba in relation to human rights and the violation of human rights. Following that, I will give you my assessment of the situation.

I will first talk about the day-to-day situation of inmates, and in particular the situation or plight of the prisoners of conscience.

Second, I'll talk about the 29 Cuban journalists who have been imprisoned for no reason whatsoever.

Third, I'll talk about the re-emergence of racial discrimination in Cuba, particularly in relation to the 90,000 black Cubans who are currently imprisoned.

Finally, I'll talk about the health status of 57 prisoners of conscience.

So you have a list. It includes the names of the inmates, the sentences they received, the names of the prisons, and where the prisons are located. All in all, there are 300 prisoners.

• (1120)

The Chair: Could I interrupt? Mr. Caner Camejo, are you essentially reading in Spanish this written submission?

Mr. Asdrubal Caner Camejo: Yes. I will make some points.

The Chair: I was just thinking that with the translation, you're taking twice as much time. I'd like to accommodate that, to some extent, but perhaps your translator could read this in English or

French on your behalf, to reduce the time. That way we can get more of your testimony in before I have to cut you off. Is that all right?

Mr. Asdrubal Caner Camejo: Yes, that's all right.

The Chair: If you hear something you want to add, we'll let you jump in.

Is that all right with the translator? Why don't you go ahead?

Statement by Mr. Asdrubal Caner Camejo: In relation to point number one, Cuba's political prisoners, I have here a list of names, sentences, prisoners, and the prisons where our Cuban political prisoners are located. Regrettably, they are subjected to all manner of mistreatment in prison. This includes being beaten up, punished, harassed, or even killed. The political prisoners I speak of are prevented from receiving food and medical care; denied contact and visits from their family; forced to be naked in front of the general prison population; denied access to medicine, even if brought by the families; kept away from the sun for prolonged periods of time, as much as one month at a time; and they're also locked in punishment cells and generally held in cells that are overpopulated by common criminals.

This mistreatment drives some prisoners of conscience to attempt suicide. Some succeed by hanging themselves or cutting their veins. As the political prisoners are in cells with common criminals, they face continuous acts of violence among inmates generally and against them also. This is a humiliating situation for them because the Cuban government does not recognize their political affiliation and treats them as common criminals. The material and sanitary conditions within the 300 prisons are abominable and would be abhorrent for any human being. I have brought you a replica of a punishment cell. The authorities keep political prisoners for between 6 to 12 months in this kind of cell, with the purpose of destroying their will and demoralizing them.

This degrading mistreatment is not only for men. There are 79 women's prisons in the country, where the same injustices are done to female political prisoners. For example, the political prisoner Maria de los Angeles Borrego, who is serving a four-year sentence in the Manto Negro women's prison in Havana, claims that prison authorities have neglected her repeated cries for medical attention. Female political prisoners are beaten by common criminals in women's prisons and humiliated by prison authorities.

I want to draw your attention to the 78 prisoners of conscience, and particularly to senior citizens who have spent several years in prisons and have grave, serious health problems. I have attached to my report a partial list of these prisoners. Among those whom I wish to draw your attention to are Nelson Aguiar Ramirez, 61 years of age; Pedro Pablo Alvarez Ramos, 59; Julio Cesar Galvez, 62; Francisco Chaviano Gonzalez; Arnaldo Ramos Lauzerique, who is 65; Omar Pernet Hernandez, 61; and Omar Moises Ruiz, 59. All of these people have been sentenced to between 13 to 26 years in prison. They have acute health problems that have been exacerbated by the Cuban authorities and by spending several years under wretched prison conditions.

•(1125)

The Chair: Again, I'm sorry, but there's a time pressure. I know you have three other sections to cover. Perhaps you could just take one key paragraph from each of those sections and then go to the conclusion.

Mr. Ronald Silvester (Interpreter, As an Individual): Maybe I should ask Mr. Caner Camejo which would be the key—

The Chair: I'm just trying to be fair.

Statement by Mr. Asdrubal Caner-Camejo: Point number two would be that 29 Cuban journalists are incarcerated for no reason.

Cuba continues to be one of the world's leading jailers of journalists, second only to China, with 29 independent journalists currently in prison. Of these, 22 were jailed in a crackdown in March of 2003. Some also have had severe health problems. I bring with me a list of these journalists, whose only crime, so to speak, was to inform the public about the real situation in Cuba.

The repression is not only against journalists but their families as well. The wife of an independent journalist was fired from her job after being declared "politically unreliable". Yolanda Álvarez, the wife of independent journalist Alejandro Tur, worked as an attendant in the bathrooms of "El Rápido" shopping centre in Cienfuegos. The shopping centre is owned and operated by the government under its corporate name CIMEX.

Now we go on to the Internet, still in point number two.

With less than 2% of its population online, Cuba is one of the most backward countries with respect to the Internet. An investigation carried out by Reporters without Borders in October revealed that the Cuban government uses several techniques to ensure that this medium is not used in a "counter-revolutionary" way.

We'll go on to point number three now, the re-emergence of racial discrimination in Cuba and the 90,000 black Cubans presently in jail.

The Republican era was very difficult for black people in Cuba. Following the infamous American intervention of 1898, a racial discrimination model was established that deeply affects that segment of our population. But this segment of the population continues to be the least prepared and the most vulnerable in Cuba.

In exchange for improving their lives, Fidel Castro wants absolute fidelity and submission from black Cubans. They were the main force of the Cuban army deployed in Angola, Ethiopia, Somalia, Congo, and other parts of Africa. Thousands of black Cubans died in countless wars around the world. They remain the main force of the Cuban army and police force. The regime is using black people in the quick-response brigades against other parts of the population.

The authorities sent hundreds of members of the black police force to Havana to contain the popular people protests in the capital. They are using extreme force against protesters, black and white, including repression against young black people from Havana.

The Chair: Excuse me. Can we just go to the conclusion and wrap up?

Mr. Asdrubal Caner Camejo: Cuba needs Canada in the future. We're extremely vulnerable to the United States and other super-

powers. We want free trade with the entire world and not only with one market. Our sovereignty is the most important issue for us. We are in extreme need of a balance.

I know some Canadians believe that close ties between the United States and Cuba will end the economic, commercial, and political ties between Canada and Cuba. This is incorrect. I hope, as do all Cubans, that fair trade may exist with Spain, Canada, China, Brazil, Germany, Holland, Mexico, Italy, and the United States, as well as other countries. That would be in the best interests of a free and democratic Cuban society.

Thank you very much. I'm grateful to you for having listened to me regarding these matters.

•(1130)

The Chair: Thank you.

I apologize to both Mr. Caner Camejo and his translator.

Mr. Asdrubal Caner Camejo: It's no problem.

The Chair: Thank you for thinking fast. We try to accommodate the language issue, but we also need to move along, which we will now do by passing the floor to Monsieur Philippe Leroux, *de Cuba-Nouvelles*.

[*Translation*]

Mr. Philippe Leroux (Cuba-Nouvelles): Good morning. First of all, I would like to thank the members of the committee for having invited me to take stock of the human rights situation in Cuba.

First, if I may Mr. Chairman, I would like to inform committee members about the witness who preceded us, Mr. Nelson Taylor Sol of the Cuban Canadian Foundation. Their magazine, which came out last week, published an ad that I will translate for you as follows: "Reward. If you know any Cuban who asked for refuge or who is here as an independent immigrant and is collaborating against the regime of Fidel Castro, please communicate with us. This information is strictly confidential. National Security Agency."

This represents a monetary reward for the denunciation of Cubans having political opinions contrary to those of the Cuban-Canadian Foundation. This is illegal under Canadian legislation and it is the kind of abuse of human rights that we seek to expose. If the Cuban government were to publish those kinds of ads in Cuban newspapers, I would not be here to testify.

The three sections of the Universal Declaration of Human Rights open up too broad a field for me to try and provide an overview in the few minutes I have been given, particularly as we are talking about one of the most serious of subjects. This should never be taken lightly. Men and women have sacrificed their lives for these rights. Moreover, this is the case for 650,000 Iraqis, thousands of Afghans and thousands of American, European and Canadian soldiers.

Given that today is the 1st of May, International Workers Day, I thought it would be appropriate to focus my comments on the situation of labour law in Cuba. In the Universal Declaration of Human Rights, labour law is dealt with in Article 23 and its four clauses. The first of these subsections reads as follows:

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

The *Journal de Montréal* recently informed us that a Cuban doctor living in Quebec had to drive a taxi because he did not have the right to practice his profession, even though it is highly in demand in our province, a situation that is unfortunately not uncommon and which clearly violates the first subsection of this article. In Cuba, there are also doctors driving taxis but they do so because they prefer the higher wage compared to what they would earn as doctors. They have made the choice, which they have the right to do. Their colleagues practice their profession without difficulty and that is the case for all Cuban workers. No Cuban will be refused access to a position in his own profession on the island.

The crisis in the Cuban sugar industry over the last few years has occurred without a single worker being thrown out on the street or becoming unemployed. On the contrary, every worker has been able to choose between early retirement or paid-retraining in the up and coming sector of their choice, with a job related to their training including a salary that is equal or superior to their original position. This is a social approach to industrial transformation that would be the envy of the wood and asbestos industries or of the manufacturing sectors that are in crisis in Canada.

Eliminating unemployment is one of the fundamental challenges of Cuban employment policies. At the end of 2005, Cuba reached a 1.9% unemployment rate, which means one can say that Cuba is a country with full employment. At the same time, the skilled worker shortage in Canada is increasing at the same rate as tuition fees, guaranteeing the most disadvantaged families sustainable unemployment. In the countries that are geographically and economically closest to Cuba, workers are facing recurring unemployment rates of 20 to 60%.

The second subsection of Article 23 stipulates the following: Everyone, without any discrimination, has the right to equal pay for equal work.

Cuba is the country that has the highest ratio of elected professional women and female managers. Sixty per cent of students registered in graduate programs are women. The last census before the Cuban Revolution in 1953 showed that only 17% of workers were women; one-third were domestic workers, 6% were technicians or professionals and only 2% were in management.

During the 2000 census, Cuban women represented 43.2% of workers, and two-thirds—66.4% precisely—were in professional and technical positions. Over 30% of Cuban politicians are women. The Cuban government includes six female ministers and almost 40 female deputy ministers, while 46% of the most important government corporations are managed by women. According to Canada's parliamentary website, women represent only 20% of elected officials, at the federal, provincial or territorial levels, a percentage that Cuba went beyond in 1993. As far as pay equity is concerned, this is only a recent achievement in Quebec, after years and years of unending union, political and legal battles, and it remains the subject of difficult struggles in many Canadian businesses.

• (1135)

The third subsection of article 23 reads as follows:

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Cuba considers that productive work with appropriate income is an essential condition for equity and social justice. Between the months of May and December 2005, Cuba granted substantial increases in allowances for recipients of welfare and social assistance, going as far as tripling benefits in some cases.

In 2005, they also began a process to increase the salaries of over two million workers. This measure includes the implementation of new wage scales, the improvement of interchange and function indicators, and it allows for the setting up of an additional payments instrument as recognition of the qualifications and quality of work.

The implementation of this suite of measures has increased the average salary by 282 Cuban pesos from the beginning of 2005, to 399 in June 2006; that is a 40% increase of the average wage over two years, which resulted in an 8% revaluation of the Cuban currency and the purchasing power of this currency.

In addition to these efforts made to improve wages, mention must be made of the subsidies on goods and services which make them available to Cubans for a fraction of their value. Mr. Taylor Sol was speaking earlier on about the fact that the average Cuban wage is \$16, but the cost of living is not the same over there. In this way, the kilowatt hour of electricity costs 20 Cuban centavos, that is less than one Canadian cent. The weekly grocery shopping for a family of six, including fish, meat, fruits and vegetables costs two to three Canadian dollars. Also, a single average Cuban salary of 399 pesos will suffice to pay the electrical, telephone, gas and food bills for a family of six people. As for housing, 85% of Cubans are homeowners and therefore have absolutely nothing to pay in this regard. For the others, rent represents less than 10% of incomes. These are privileges Canadian minimum-wage workers would like to have.

I am sure the subcommittee will also be studying the cases of many Latin-American countries where the minimum wage is equal to or less than the Cuban wage, but where goods and services are not subsidized, which sentences a significant portion of the population to extreme poverty.

In her report on human rights in Cuba, the special representative of the United Nations High Commissioner, Christine Chanet, identified the US blockade as the primary holdup of economic social and cultural rights of the Cuban population, but also of civil and political rights.

The Chair: Mr. Leroux, could you move on to your conclusion? Thank you.

Mr. Philippe Leroux: I have nearly finished.

But the United States is not satisfied with this illegal blockade, which has been almost universally condemned by the international community. The achievements of Cuban workers, retired persons and those on social assistance are threatened.

The president, Mr. George W. Bush, has had a de facto plan to annex Cuba approved, which includes in its first version of May 2004, a chapter entitled: Meeting basic human needs in the areas of health, education, housing and human services. It insists on eliminating the Cuban social security system. According to this plan, the Cuban economy and the government's budget after the transition will not be able to maintain the level and the applications for eligibility that the Communist system allowed for. In fact, this would be purely and simply to abolish the socio-economic rights of Cubans.

This brings me to the fourth and final subsection:

Everyone has the right to form and to join trade unions for the protection of his interests.

The right to free unionization is fully protected under Cuban legislation. All Cuban workers have the right to freely join unions and to set up trade union organizations without any preliminary permission being required. Neither the Labour Code in effecting Cuba nor its complimentary legislation establish any restrictions on the creation of unions. The Labour Code states, in its section 14, that Cuban workers have the right to meet, to discuss and to freely express their opinions on all issues and subjects adversely affecting them.

In Cuba, there are 19 national sectoral unions with communal and provincial structures in 169 communities and the 14 provinces of the country. There are over 80,000 union offices or basic unions, through which over half a million union leaders have been elected by secret and direct ballot. The national unions are part of a central union umbrella group, Central Workers Union of Cuba, founded in 1939, that is to say 20 years before the triumph of the Cuban revolution, through the joint wishes of Cuban workers.

Some would argue that these unions are controlled by the government and have no real power. I have been able to personally observe that this is not the case. Two years ago, the Minister of Cuban Tourism, Manuel Marrero Cruz, presented a code of ethics for employees in the tourism sector who were in contact with foreigners.

This code was an attempt to respond to a pressing demand by the Cuban population, exasperated at seeing the corruption that was developing because of the excessive purchasing power of the dollar in a subsidized economy. As soon as it was unveiled, this code of ethics was distributed and discussed by all workers in the tourist sector in their union meetings. It quickly became apparent that the draft code was considered to be too radical by many workers who agreed with the principles of the code, but not with the provisions and with their inflexibility. The unions reported these discussions to the department, the code was immediately suspended and the minister even apologized to the workers through a video that was broadcast by all the unions.

I personally experienced these events thanks to friends working in this area who allowed me to follow the story. Canadian workers would certainly be very happy if their unions were as powerful as the Cuban unions.

• (1140)

The Chair: You should wind up your remarks.

Mr. Philippe Leroux: Part of Bush's plan on Cuba is to provide significant financial resources to encourage individuals to support

the U.S. anti-Cuba policy, and to hire dissidents to support this policy, some of whom are disguised as so-called independent union representatives. They are not representatives. They were never designated or elected by Cuban workers. Furthermore, they are not in favour of unions, because they refuse to work; they prefer to take the 100-times-higher income guaranteed by the U.S. government. This means they are totally subject to the orders of this government, which considers itself at war with their country and which is starving their families and their neighbours. That is the truth about their so-called independence.

I would like to thank you for listening.

The Chair: Thank you, sir.

I will now give the floor to Ms. Colette Lavergne from the Table de concertation de solidarité Québec-Cuba.

Ms. Colette Lavergne (Table de concertation de solidarité Québec-Cuba): Good morning, and thank you for inviting me to appear before the committee.

What I'm going to be talking to you about today I learned on the ground. I have been working in Cuba for 14 years, and I work with an organization whose objective is to educate people about peace through friendship based on mutual respect and understanding. It said that if we can build friendship with people from a country that is completely different from our own, world peace is possible. We must establish a dialogue and try to understand each other.

I'm going to try to explain the mindset of the people of Cuba by telling you what I have learned. I will start with a little history and will talk about José Martí, Cuba's national hero, the father of independence, the founder of the Cuban revolutionary party, whose objective was to achieve Cuba's independence and to establish the foundations for a future republic.

He used to say: "I want the first law of our Republic to be respect by the people of Cuba for the absolute dignity of human beings." He united the pro-independent forces to achieve victory against Spain in 1898 and he taught Cubans that success lay in a unified nation.

The young Fidel Castro was very marked by José Martí's thinking and he achieved genuine independence for the country through the triumph of the revolution in 1959. This revolution was carried out by, with and for the people. Since Cuban independence in 1898, the island had been run from Washington, and it belonged to American companies. Today, all of Cuban society is based on the principles of José Martí.

Before the triumph of the revolution, there were a number of parties, but no solution. The Cubans established a single party, one which brought solutions to their problems. There was one party, with one education system, one health care system—all for one people. There is justice and equality for all.

The people of Cuba are rebellious. They have not been ground down. Che Guevara used to say that it was better to die standing than to live on one's knees. In Havana, you can see and read the following: "Mr. Bush, you can kill every last one of us, but you will never bring to us to our knees, the way we were before".

The Cuban people are worthy, courageous and determined to defend to achievements of the revolution, despite the inhuman blockade that has lasted over 48 years, the longest in human history. They are revolutionaries, a people of the 1959 revolution who, after the battle of ideas, brought about a revolution in education. As José Martí said: "trenches of stone. At the moment, they are involved in the energy revolution.

Let me turn now to human rights.

The right to life. The infant mortality rate in Cuba is 5.2 per 1,000 live births, which is similar to the rate in Canada. Pregnant women are given special care. The health care system is based on prevention: Cuban children get 13 vaccinations in their first year of life. The life expectancy is 76 for men and 78 for women. Those are the up-to-date figures.

Health care. The health care system is free and universal. It is subsidized by tourism. Tourism is the main industry of Cuba, and it is what makes it possible to achieve these results, together with the political will to do this.

The right to education. About 4% of the population is illiterate and will never be able to learn, because they are not capable of learning. At primary school, there is one teacher for every 20 pupils. One child equals one teacher and one school. Wherever the children live, in the mountains or elsewhere, teachers travel to them, by mule if necessary, but every day children have access to a teacher with their school, solar panel, television set, video and computer.

In high schools, there is one teacher for every 15 students, so that teenagers get more attention and are less likely to drop out. That is enviable, is it not? There is also distance education by television and video so that students get the same education whether they live in the mountains or in the capital. Children who have to move to go to high school receive housing, food, transportation, uniforms and school supplies. Everything is free-of-charge.

Property rights. Agrarian reform was the first reform introduced by Fidel Castro. Property rights for farmers mean that the people who farm the land own it. In Cuba, 80% of the land is owned by farmers, who may or may not be part of cooperatives of various types.

As my colleague was saying, 85% of people own property. The houses are built by the government and are paid for at the rate of a few pesos a month. After 25 years, the people own their house. No one rents their houses.

• (1145)

As regards the right of association, I am going to list a number of associations: the Committees for the Defence of the Revolution, the Federation of Cuban Women, the National Association of Small Agricultural Producers, the José Martí organization of pioneers, for children aged 9 to 14, the Federation of High School Students, for all teenagers up to university age, the Federation of University Students, the Union of Young Communists, the Association of Cuban Workers and the National Union of Writers and Artists of Cuba.

In terms of democratic rights, there are free elections every two and a half years at the municipal level, and every five years at the provincial and national level. With respect to freedom of expression,

there are open-line shows on the radio and in provincial and national newspapers. Anything can be called into question, except the socialist nature of the revolution, because that was a decision by the people that was ratified in a referendum in 2002.

When Mr. Carter asked that the Constitution be reopened, 10,000 signatures were tabled in Parliament. Even though they were not notarized or approved by a lawyer, and therefore not legal, the Constitution was reopened; there was a referendum in which over 98% of people over 16 took part. Over 92% of the people said they agreed not only with maintaining the Constitution, but also with the irrevocable nature of socialism in the Constitution. So the socialist nature of the revolution is irrevocable: that decision was made by the people.

As far as freedom of religion goes, there are Catholic and Protestant churches, Santeros, which is the Afro-Cuban religion, Santería, and even some Jehovah's Witnesses. They are all entitled to all services, as are all Cubans, even if they do not take part in any public activity.

As our colleague said, with respect to the right to work, the unemployment rate is below 2%.

I have presented a brief sketch, but it does give you some idea about contemporary Cuba, and I have seen it for myself in all parts of the country. I have lived with farmers working on coffee, tobacco and sugar cane cooperatives, I've worked with fishers.

The Chair: Thank you, Ms. Lavergne.

We will now go to our next witness, Mr. Sean O'Donoghue, from the Caravane d'amitié Québec-Cuba.

• (1150)

Mr. Sean O'Donoghue (Caravane d'amitié Québec-Cuba): Good morning.

I would like to thank you for giving me this opportunity to testify before the committee.

The Caravane d'amitié Québec-Cuba has been in place since 1994 and it is well established within Quebec society. We have friends from all walks of life. There are some volunteers who work for us. Our friends include some Quebec parliamentarians. We also work with organizations such as the U.S. Pastors for Peace and similar organizations in all cities throughout Canada.

Our objective is to develop friendship with Cuba and to respect its sovereignty. We are all opposed to outside intervention in Cuba. This country is entitled to develop its own social system and its own society.

Obviously, my presentation deals with the electoral process and the way Cubans choose their government.

The ability to choose one's government is a human right. I affirm that this important right is respected in Cuba. There is a very full participatory electoral process in place, one which is guaranteed by the Constitution.

There was a referendum on the Constitution establishing the political structure on February 15, 1976, following a massive public consultation process that had begun one year earlier. At this referendum, 99.3% of eligible voters aged 16 and up took part in the referendum, and 98% of them voted for the proposal.

As Colette said earlier, elections are held every five years. The deputies and delegates at the National Assembly are chosen by general secret ballot. Municipal elections are held every two and a half years.

People nominate and select candidates at public meetings held in local constituencies of voters. In over 14,000 constituencies broken down into districts and zones, there are some 25,000 electoral colleges where the voters lists are posted, together with the biography and photo of all the candidates.

Members of the municipal and provincial assemblies are elected from among the constituency delegates, who are put forward and elected by the people in the district. Candidates must get 50% plus one in order to be elected, if not, there is a second round.

The deputies of the National Assembly or Parliament are selected from among members of the provincial assemblies and work with representatives of the scientific and administrative sectors, associations of farmers and intellectuals and public organizations. In Parliament, there are lots of seats set aside for the general public from the municipalities and the districts, but also for representative sectors of the country, such as the unions and others. These institutions are entitled to a certain number of deputies.

Parliament elects the members of the Council State from among its representatives. The Council State elects the President, who is Fidel Castro. The elected officials, including the constituency delegates, members of municipal and provincial assemblies and deputies of the National Assembly all perform their duties without any remuneration. However, those in the most demanding positions as representatives are paid. Generally, people who had professions other than that of politicians earn the same salary they were earning before they became politicians.

Periodically, elected officials must report on their work and their mandate can be revoked by the people who elected them. Consequently, they must appear before those who elected them, and if these people are not satisfied with their work, they can lose their job.

The voting age in Cuba is 16. The names of new voters are automatically added to the electoral register when they reach this age, because it's done using the civil registry, which gives the names of all citizens. Voting is a voluntary, free and secret process. There is no law requiring voters to vote.

In each election held to date, over 90% of eligible voters voted. The votes are counted publicly at the end of the voting period by electoral officials in the presence of voters who volunteered to come in to ensure the transparency of the electoral process. In Cuba, the ballot boxes are watched by children, and no ballot box has ever been stolen.

That completes my presentation.

Thank you.

•(1155)

The Chair: Thank you.

[English]

You get extra points, Mr. O'Donoghue, for respecting our time limits here. Thank you very much.

I will now move to questions.

There's one issue that is without precedent in my experience here. Mr. Leroux made some allegations of illegal conduct on the part of Mr. Taylor Sol's organization.

If he wants to, I think it would be appropriate to give Mr. Taylor Sol a brief right to reply to the allegation that he published some kind of illegal ad or something.

If you want to answer, I can give you 30 seconds to respond.

Mr. Nelson Taylor Sol: I didn't hear what the allegation was. It was not clear for me what the allegation was.

The Chair: All right, we'll let that lie. I just thought it would be fair to let you respond.

We'll pass to Mr. Cotler to ask the first question.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

We have heard extensive testimony today about the plight of political prisoners, the conditions of detention for Cuban journalists, racial discrimination, and the particular plight of elderly prisoners of conscience with health problems.

This question is for any of the witnesses who wish to respond, although Mr. Caner Camejo's speech touched particularly on these points. What has been the effect of Canadian policy with respect to Cuba? Has it helped to protect the situation of human rights in Cuba? If not, what do you think the Canadian government could be doing to assist in the question of those human rights violations in respect of which these allegations have been made?

The Chair: Do you wish to direct it to any particular witnesses, Mr. Cotler?

Hon. Irwin Cotler: As I say, the particular allegations that were made regarding these questions were made by Mr. Caner Camejo in his presentation.

The Chair: Okay, go ahead.

We'll start with Mr. Caner Camejo. Then if they want to comment....

Mr. Asdrubal Caner Camejo: I have a site on the Internet, and I wrote several articles about the situation involving constructive engagement of Canada with Cuba. For me it's a total failure—except for Canada, except for the workers in Canada and the government in Canada. For the Cuban people there is nothing. There is nothing, really.

My friends say the salary paid from the Canadian company to the Cubans simply does not match the worth of the work they do. There is a bad situation there.

Also, Canada knows there is a regulation of the International Labour Organization that doesn't allow the company to pay the government; they need to pay the worker. In Cuba the workers receive 5% of the salary that the Canadian company pays to the government.

For me, I repeat, constructive engagement is a big mistake—not only for the Liberal Party but also for the other party that continues this policy on Cuba.

We need Canada in the future, and this policy will give the opposite result, a result that Cuba doesn't want. We need Canada in the future, but there is an increased sentiment among the Cuban people that Canada only looks at its own interests and the interests of the Fidel Castro regime. For that reason I believe there is nothing in this policy that helps the people in Cuba.

Hon. Irwin Cotler: I appreciate that this is your second intervention before this committee, as you have said, and you've characterized Canadian policy, to use your words, as being a total failure—

• (1200)

Mr. Asdrubal Caner Camejo: Yes.

Hon. Irwin Cotler: —and in particular the constructive engagement policy as being a total failure, saying that since your last appearance no action has been taken by the Canadian government regarding human rights violations in Cuba.

What is the specific action you would recommend that the Canadian government take?

Mr. Asdrubal Caner Camejo: Well, there is at the moment some kind of problem in Europe with the common position of Europe. I believe that Canada needs to see this position of Europe. I don't want Canadian companies to get out of Cuba. I would like them to stay there, but I would like to see a change in this policy, to speak out about the situation of the Cuban people at the moment, and about the political prisoners in Cuba.

At the moment Cuba is at a turning point. There is a very, very bad situation—economical, moral, political, and so on. At the moment there is a conversation between the United States and Europe. I propose that this should also include the Latin American governments who are looking for the same position about the violations in Cuba, to press for some kind of economic reform or political reform in Cuba.

The model that Cuba applies there is a failure. This economy doesn't work. Never. It is felt that 80% of the property of the *guajiros* in Cuba in agriculture is private property, but 85% of these lands belong to the government and 100% of the industry belongs to the government. This was my PhD investigation in Cuba. They don't allow me to present this document in Cuba to the government, and I know the economy very well. I am an economist. I was a Cuban professor of economy for 24 years. I was investigating everything in this economy. This economy is a failure. It's not in Cuba. It's in the Soviet Union. It's in China. It is everywhere. Why did China change and make big economic and political reforms? They allowed private property because this doesn't work. This is the problem.

At the moment, the situation, the misery, the poverty...and the Cuban government is in full violation of human rights in Cuba.

[Translation]

Hon. Irwin Cotler: I would invite the other witnesses to make any comments and recommendations to the government they may have.

The Chair: Mr. Cotler's time is up.

[English]

Perhaps he'll have a second round. So you can all reserve your comments and bring those forward.

Just to explain to the witnesses, there are seven-minute rounds of questions and answers. The members control those, but over the course of the next hour, we should be able to get everybody's views out here.

Madame St-Hilaire.

[Translation]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Thank you, Mr. Chairman.

My questions will be along the same line as those of my colleague. I do not know whether other committee members will agree, but I must say I feel somewhat uncomfortable. We want to study human rights in Cuba, and there are two fairly contradictory positions on this. I do not intend to judge one more than the other. I would just like you to help us in our work.

We hear that there is some mistreatment of prisoners and so on. We note that, but we hear another version which is that everything seems to be just fine in Cuba. I confess that I would be pleased if that were the case, but it does not seem to be true.

What are you suggesting to committee members? What should we be recommending to the Government of Canada? Does Canada's policy on Cuba deserve special attention, and if so, in what areas? Should we go so far as to call for the lifting of the trade embargo?

At the same time, there seem to be some good things with the United States. I confess that I feel uncomfortable, because the positions are so contradictory. However, no one has made any concrete suggestions about what we should be doing.

I would like you to clarify things for committee members.

• (1205)

The Chair: Would you like Mr. Leroux to answer your question first?

Ms. Caroline St-Hilaire: All witnesses may reply.

[English]

The Chair: One of you direct who goes first.

[Translation]

Ms. Caroline St-Hilaire: I will wait, because I need someone to shed some light on this for us.

The Chair: Mr. Leroux will answer, and then Mr. Taylor Sol will have his turn. Is that all right?

Mr. Philippe Leroux: I understand you very well, Ms. St-Hilaire.

When I first went to Cuba in the year 2000, I asked more or less the same questions. When I read the newspapers, I wondered whether it was heaven or hell. This is why I have spent nearly 25% of my time in Cuba over the past seven years. I have lived with the Cuban people, both in Havana and in the other provinces, to find out what was going on inside Cuba at all levels.

I noted that all was not well in Cuba. The country has been economically stifled for 48 years. No other country has ever gone through that. Can you imagine what would happen if, tomorrow morning, the United States refused any trade with Canada and threatened to prosecute any company that trades with Canada? We would be in desperate economic straights. Canada is a wealthy country, whereas Cuba, at the time of the revolution, was a poor country.

Thus, things are not going well. When the Soviet Union, that had been helping Cuba economically, fell apart, the blockade was re-enforced. Let me remind you that you asked me whether we should condemn the blockade. The Canadian government condemns it as almost every country in the world does. Only four UN member-countries support the blockade. Of course, the United States support it, along with Israel, Palaos and the Marshall Islands. The rest of the international community is revolted by this illegal blockade that is often described as attempted genocide.

This is Cuba's real economic situation. Canada and Canadian companies are welcomed to trade with Cuba, for without this, Cubans would be literally starving to death, as was the case in the beginning of what is called the "special period", in 1992, when the Americans strengthened their blockade right after the demise of the Soviet Union.

We hear all kinds of things about Cuba. This is why Cuba-Nouvelles is striving to reveal facts that can be objectively verified. You can verify the figures I quoted. The average Cuban's purchasing power has increased by nearly 50% during the past two years. This is the result of Canada's constructive economic policy and Canada's presence in Cuba.

If the United States' blockade was lifted tomorrow morning, Cuba's standard of living could well become four or five times higher. Trade between Cuba and the United States is very limited. It amounts to approximately US\$300 million to US\$400 million per year. This is merely a drop in the bucket for a country with a population of nearly 12 million.

This trade is subjected to very difficult conditions. Some products are available in Cuba, but the government, the people and the State of Cuba usually have to purchase such products at twice or three times the normal price. For instance, to purchase a bag of cement whose wholesale price is only a few dollars, it costs up to \$10 or \$15 to ship it from Europe, and a ship is denied access to American ports for the six months that follow.

Let me conclude by raising a second point regarding political prisoners. Imagine if tomorrow morning Canada found out that Saudi Arabia or the government of Iran or Pakistan were paying Canadians four or five times the minimum wage to help Canada make a peaceful and democratic transition to an Islamic regime

because those countries feel that our monarchy is obsolete. I think that the Canadian government would not stand for it.

This is exactly what is happening in Cuba. People caught receiving \$200 or \$300 a month—I already mentioned the cost of living in Cuba—have been jailed. It was not because of their opinions. Many people who are opposed to the regime in Cuba are free to walk the streets, but those who collaborate with the enemy are jailed.

[English]

The Chair: Mr. Taylor Sol indicated he wanted to....

Just stop the time for a second.

[Translation]

Did you say that the U.S. policy was tantamount to attempted genocide? I heard you say this in French, but my French is not perfect.

Mr. Philippe Leroux: I am not the one saying this. Several international organizations say that the United States' blockade against Cuba is attempted genocide.

• (1210)

The Chair: Thank you.

Mr. Taylor Sol.

[English]

Mr. Nelson Taylor Sol: When I listen to these facts, I have the impression that I'm listening to a Cuban radio station. I am from Cuba. I was born in Cuba. I was raised in Cuba. I left my country to go to Jamaica, and from Jamaica I came to Canada.

Cuba was traditionally attracting immigrants from all over the world. My grandparents were immigrants from Jamaica. Not even Haitians want to stay in Cuba now. So obviously we are talking about two different countries. It's like the sun and the moon; it's absolutely....

These facts are provided by the Cuban government, the same government that doesn't accept the existence of political prisoners in Cuba. How do you trust a totalitarian regime to provide reliable information regarding human rights, regarding health care, regarding education?

In Cuba we are indoctrinated in communism. There is no right to choose education. You must study communism whether you like it or not. If you are a Jehovah's Witness, you are not allowed to enter university. When I was in high school, the best student in my class was a Jehovah's Witness, and she was banned from the university. Everyone was very sad for this girl because she was the best student and she was not allowed into university.

Cubans have been persecuted for religious reasons, for political reasons, for ideological reasons, even for thinking differently. The fact that I am in Canada talking about human rights in Cuba makes someone wonder, why is this human rights committee being addressed? Why not talk in Cuba about human rights in Cuba?

I had to come from Cuba to Canada to listen to Canadians who go as tourists to Cuba, who spend 25 days or a year—I don't know how long—when I, myself, as a Cuban, am allowed to go to Cuba for only three weeks. That's the maximum. And most probably, after this meeting I won't be allowed to enter Cuba at all.

So I don't know which country we are talking about here. It makes absolutely no sense.

The Chair: Mr. Camejo, I'm sorry, we've run out of time on this round.

Mr. Asdrubal Caner Camejo: Only one minute.

The Chair: No, sorry, it's going to go now to Mr. Sorenson.

Mr. Kevin Sorenson (Crowfoot, CPC): I'll give him some of mine.

Go ahead, Mr. Caner Camejo.

Mr. Asdrubal Caner Camejo: I'll take only one minute. This is a situation we have had for 50 years in Cuba. It's in television, radio, everywhere. I will give you one simple example.

I was doing my PhD in Cuba and was looking for data, for information. I went to every sugar factory in my province, Santiago de Cuba, and in all of the country. When you see the information from the factory, the information of the province, and the national information, it is totally different information. I don't believe in the statistics of the Cuban regime.

Also, the Economic Commission for Latin America, the CEPAL, rejected the information the Cuban regime gave them. They said, that's enough, that's it, because Fidel Castro wanted to change the whole methodology of how to look at economic improvements. For that reason I don't believe in all these statistics.

They say that Cuba is a very free country. My party is a socialist party. We don't want established capitalism in Cuba; we want a Cuba like Canada, with a market economy and social programs. My party, which is looking for a life such as in Canada, is not allowed to participate in elections like other parties in Cuba. There are approximately, at this moment, 450 organizations in Cuba. There are some big parties, such as my party, and there are others, such as the Christian Democratic party, or movement, in Cuba.

The problem is the embargo. The embargo really affected Cuba in the first three years, 1963, 1964, and 1965. It is finished. From that moment on, the system hasn't worked; the governmental property hasn't worked.

In Cuba there is a saying in Spanish: *El ojo del amo engorda al caballo...*

Mr. Ronald Silvester: The eye of the master fattens up the horse.

Mr. Asdrubal Caner Camejo: There is no owner in Cuba—nobody—who takes care of the property there. The government pays the workers and the workers have work, but it doesn't work.

Why is there an embargo? Cuba has bought from the United States, up to now, \$2 billion in product. For what reason does Cuba need to pay \$1.7 billion for food that we can produce in Cuba? There is no agriculture in Cuba at the moment.

•(1215)

The Chair: Thank you.

Mr. Sorenson.

Mr. Kevin Sorenson: Thank you very much. It's not very often I say to a socialist, good job.

Some hon. members: Oh, oh!

An hon. member: A social democrat.

Mr. Kevin Sorenson: Yes, a social democrat.

You certainly expressed I think what we all recognize. We all recognize that what they have in Cuba is not working. Communism doesn't work. It never has worked. I applaud you for saying that you want a market economy, that you may not want to become a pure socialist country, that capitalism does work. We thank you for that.

You talk about free trade and all those things. We appreciate that. I guess it comes back to what Mr. Cotler says. The agreements Canada has made with Cuba perhaps aren't working to the degree they should.

We're a human rights committee here. We're a subcommittee of the foreign affairs committee, which right now is doing a report on democratic development. I have two questions.

How can Canada move Cuba towards democracy?

Secondly, in 2003 there were measures taken by the previous government in regard to the 75 prisoners who were taken. From what I understand, I don't think there was a lot of satisfaction with what seems to have transpired. What can Canada do specifically for those people who are in prison?

We want to see Cuba take certain measures, but if we bring these human rights issues up, it might push some of the other things away.

My questions are for Mr. Taylor Sol and Mr. Caner Camejo—Mr. Taylor Sol first.

Mr. Nelson Taylor Sol: My answer is probably to both questions in one. I think Canada should make economic relations with Cuba conditional on human rights, release of political prisoners, freedom of expression, allowing Cubans to own property according to—

Mr. Kevin Sorenson: In other words, we won't do anything economically because those communists aren't going to do it.

Mr. Nelson Taylor Sol: The thing is that Canada should follow the pattern with apartheid systems, to condition economics to certain social conditions that are implemented later on. I think Canada should follow this pattern, which has succeeded already with South Africa. According to the Heritage Foundation, among 157 countries, Cuba is 156th when it comes to economic freedom, only above North Korea.

To inherit property is not allowed. Cubans, once they left the country, even if the house belonged to a great-great-grandparent from the 18th century, had to leave the house they were born in, had to leave the furniture, the fan, the TV. Every single item was inventoried by the government, and they had to return it. So I don't know what right of property we have to talk about.

The Chair: We'll have to leave it there. We're out of time for that round.

We'll go to Madame Savoie.

• (1220)

Ms. Denise Savoie (Victoria, NDP): Just to pick up on my Conservative colleague's comments, I certainly think it's been demonstrated that capitalism is not synonymous with democracy. I further don't know that it's Canada's responsibility or right to move Cuba from outside towards a different political system. I think democracy, as we've seen it in Iran and as we know in Afghanistan, grows from inside. It's not something that's imposed by another country. I want to leave that aside.

[Translation]

I believe that we must decry human rights violations wherever they are. In this respect, I think that Canada is not perfect. For example, the rights of aboriginals have not always been respected. Recently, we saw that the Conservative government abolished the Court Challenges Program, that provided people whose rights had been violated with help to respond. Canada should not pretend to have a solution for every problem. Just like my colleague, I am a bit confused. We have heard very positive and very negative opinions. Either everything is perfect or everything is bad. The truth is, no doubt, somewhere in between.

I would like to know how Canada can help Cubans to improve their situation. I am not talking about changing the political party. In fact, as I said earlier, democracy cannot be exported. How can we provide help without meddling in Cuba's internal affairs? Does the American blockade have an impact on human rights?

The Chair: Do you want to address a specific witness?

Ms. Denise Savoie: No. I put this question to those who wish to answer it.

The Chair: Ms. Lavergne has not had the opportunity to answer a question. Could we begin with her?

Ms. Colette Lavergne: Let me make a comment and I will also answer your question.

We have heard that there is no private property in Cuba. I live in Cuba, in Carahatas, in a rural area, in cooperatives like credit and service cooperatives, farm cooperatives and basic production unit cooperatives. Eighty per cent of the land belongs to the people, and I live in these cooperatives. Do not try to tell me that Cubans do not own their homes. This is completely false. They own their homes and they are very proud to show them to us.

Ms. Denise Savoie: In the little time that we have left, could you propose some solutions?

Ms. Colette Lavergne: Canada has always been against the blockade. The United States' blockade is what hurts the most, as everyone here agrees. Medicines that might cost US\$5 arrive in Cuba after having gone around the world and not just 140 km. Thus, it costs US\$35. The government pays a very high price, and Cubans get the product for free, or they pay for it in pesos, which is the national currency.

Therefore, we must condemn the United States' government meddling in Cuban affairs. That would help the Cuban people. Despite the difficulties, Cubans are managing to get by fairly well.

Ms. Denise Savoie: Therefore, should we directly condemn the blockade?

Ms. Colette Lavergne: We must condemn it. Canada has always been friendly to the Cuban people. There are powerful bonds of friendship between Canadians and Cubans. Cuba still has friends all over the world. We must not forget the courage of the Cuban people.

• (1225)

[English]

The Chair: Mr. O'Donoghue, you haven't had much of a chance to answer yet. Go ahead briefly, please.

[Translation]

Mr. Sean O'Donoghue: We must respect Cuba's right to solve its own problems. Since the revolution, external interventions have sought to change the country's regime, but things should not be done in that way. There is a real need to put pressure on international forums so that Cuba can choose its own path.

The prisoners are people paid by a foreign government to overthrow the Cuban government. They are not political prisoners, they are common prisoners. I really think that in order to help the Cubans, we must allow them to live without external pressure, especially from the United States. They are investing millions of dollars to overthrow the Cuban government and bring Cuba back. If this ever happened, it would be a true disaster: it would mean war. The Cubans are ready to defend themselves. We would then have a situation like the one that we are now facing in Iraq and Afghanistan. Canada must not go down that road.

Ms. Denise Savoie: Do I have two minutes left?

[English]

The Chair: You have one minute.

[Translation]

Ms. Denise Savoie: Let me address Mr. Caner-Camejo.

[English]

Mr. Asdrubal Caner Camejo: First of all, for me, it's an insult that some people speak here and say that political dissidence in Cuba is paid for by the United States or something. The people in Cuba are working in the worst conditions. They don't have food. They don't have anything.

This is some kind of lie that permanently the Cuban government is using. The first thing the Cuban government did was to create the enemy. Who is the enemy? It's the United States. Okay, but the real enemy in Cuba is the Cuban people, because the Cuban people can't protest, can't speak out about the situation there. They say they are mercenaries, CIA agents, and so on, and that they are paid.

But I will concentrate on something you said. We don't want Canadian companies to leave Cuba. What is the position Canada can take, or what is, in my opinion, something Canada can do for Cuba? It can use pressure—political pressure concerning the political prisoners, freedom of speech, for freedom to reform.

This is my position. This is why I recommend it to you. Canada has the right to have business anywhere in the world, and Cuba is a place that needs Canada in the future. We need more of Canada in the future than we have now.

The Chair: Thank you. Thank you for that.

We'll now start the second round, with Mr. Khan.

Go ahead, Mr. Khan.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Thank you, Mr. Chair.

Thank you, gentlemen and ladies.

I'm more confused about Cuba. I thought I knew everything about Cuba until I came to this meeting, and I have gotten such contrarian opinions.

I always thought that foreign direct investment by a company, as you said, sir, helps create jobs, helps economic development. However, I guess you want some other caveat attached to it: don't invest in Cuba unless there are human rights. It's pretty complicated stuff.

My question to you, sir, is this. Are you telling me there is no foreign interference in Cuba from any country on the globe? That's number one.

Number two is this. I understand the prisoners may be paid by somebody, but they've gone to Cuba, you've tried them, presumably, and you've put them in jail. Once they're in jail, are their human rights being abused? Or are they providing at least minimum jail facilities?

The Chair: Are you directing that question to someone in particular?

Mr. Wajid Khan: One question was to you, sir, about the interference, and then the second question could be answered by Mr. Philippe Leroux.

Mr. Asdrubal Caner Camejo: Yes, there is interference. The United States is interfering.

Mr. Wajid Khan: You just said, sir, that they don't interfere. We are assuming that they're interfering.

Mr. Asdrubal Caner Camejo: No, no, they interfere in the sense that they have a commission for a free Cuba and so on. The solution for Cuba will come from the Cuban people, and we don't like the United States or another country entering into this problem. We need to look for a solution.

The only thing we need from Canada, Europe, the United States, and so on is pressure concerning the situation of freedom in Cuba, for the rights of the people.

• (1230)

Mr. Wajid Khan: Do you support the embargo, sir?

Mr. Asdrubal Caner Camejo: No. To me, it's a stupid thing.

[Translation]

The Chair: Mr. Leroux.

Mr. Philippe Leroux: Let me simply state that I take great care to stick to the facts and to avoid voicing opinions. My sources are not

the Cuban authorities, they are exclusively international organizations or international press reports. I do not think that AFP, Reuters, Associated Press, the United Nations and UNESCO can be considered as unreliable sources with regard to the Cuban regime. My ultimate source is, of course, the White House in Washington, and it does not favour the Cuban government.

You want to know what Canada can do and what its policies are accomplishing. A UNESCO report that was published last March stated that the Cuban system had succeeded in saving the lives of 420,000 children in recent years. If the Cuban regime had been the same as those in the rest of Latin America, if it had been a system that we could call capitalist, social democratic or if it went by some other name unknown to me because there is great diversity all over Latin America, especially in public health systems, 420,000 children or adults would not be alive today. As Canadians, do we really want to raise our flag over this kind of graveyard?

You want to know what we should do. Let me tell you about the report made by Ms. Christine Chanet, a personal representative with the United Nations High Commission for Human Rights. This lady was repeatedly turned away from Cuban territory where she wanted to carry out an investigation, because the Cubans have always rejected the accusations levelled at them. They have consistently cooperated with all international authorities, except in cases where they were seeking to condemn some country or other.

Now Ms. Chanet, who is obviously very critical of the Cuban system, clearly stated that the leading cause of human rights violations, especially economic, social and cultural rights as well as civil and political rights, is the blockade imposed by the United States. This is the position of the United Nations Human Rights Commission, that has been dealing with this issue for the past 20 years.

[English]

Mr. Wajid Khan: I agree, but can you go to the prisoners, please, and the judicial system? Are the prisoners who are in jail, regardless of whether they are guilty or not, getting the minimum human rights?

[Translation]

Mr. Philippe Leroux: Yes, absolutely. Some people have indeed been jailed in Cuba for posing a threat to Cuba national security. Canada is using security certificates to do the same thing. However, Cubans have the right to a trial and to legal counsel, which is not the case for people arrested in Canada by using a security certificate. Moreover, more than 600 prisoners are being tortured in Cuba. This fact is recognized by all international authorities. These prisoners are tortured by our chief economic and military ally, the United States, at Guantanamo Bay. Of course, people have been jailed in Cuba for collaborating with the Government of the United States in exchange for money. Evidence has been adduced and I could show it to you if you wish. I have receipts for the money paid to those so-called independent dissidents.

The Chair: That is the end.

[English]

I'll allow ten seconds for you to make a point, but we will—

Mr. Wajid Khan: It's a very quick point.

You are saying, Madam, there are property rights. This gentleman is saying there are no property rights. How do we know?

The Chair: We'll take that as a rhetorical question. We're into rounds where there are five minutes.

I'll pass it to Mr. Cotler, but I'm going to use the chair's prerogative here to follow up on the statement you just made, Mr. Leroux.

You paraphrased the special report submitted by a Christine Chanet to the UN High Commissioner for Human Rights on the situation of human rights in Cuba. You effectively paraphrased her as saying that the American embargo is the principal cause of any problems with respect to violations of rights, including civil and political rights. Is that a fair summary of what you just said, in that respect?

I have, actually, Madame Chanet's submission, which has been circulated to all committee members. In fact, to quote from her in the summary, she says:

The...tension between Cuba and the United States...has created a climate which is far from conducive to the development of freedom of expression and freedom of assembly.

That's certainly different from saying that it's the cause. To say that it's not "conducive" is to say that it's not helpful. That's substantively different from suggesting that it is the principal cause of any human rights violations. I wondered if perhaps you could provide us with citations, rather than a kind of paraphrase.

• (1235)

[Translation]

Mr. Philippe Leroux: Yes, Mr. Chairman. I invite you to read the previous paragraph of the comprehensive report. I was not able to summarize it: I was referring to the full report, which I consulted once again last night on the United Nations' website. In the first paragraph of the first chapter, the United States' blockade is discussed. I did not say that it is the main cause, I said that Ms. Chanet presented it as being the first cause. In fact, from the first line of the first paragraph of the report, she says she feels the American embargo has very seriously affected the economic, social and cultural rights of the Cuban population. Three paragraphs further, she says that civil and political rights are also affected. That is the paragraph that is found just before the one I have just quoted you.

If you wish, I could find that information when I go back to my office and send it to the clerk.

[English]

The Chair: I don't see it. I encourage all committee members to review it, because that's not what I see in front of me in the report.

Mr. Cotler, we can now go to you.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

[Translation]

I would like once again to invite the other witnesses to answer the question that I asked, which is as follows: How can we protect human rights in Cuba?

I would like to add a question to the one you asked.

[English]

Has the UN Human Rights Council been helpful in promoting and protecting human rights in Cuba? And what can the UN Human Rights Council do and what can Canada do through the UN Human Rights Council to help protect human rights in Cuba?

The Chair: Is that to anyone in particular, Mr. Cotler?

Hon. Irwin Cotler: Yes, it could be to anyone in particular.

The Chair: Who would you like to begin with?

[Translation]

Hon. Irwin Cotler: With any one of the witnesses.

[English]

The Chair: We'll start with Mr. Leroux and then go to Mr. Taylor Sol. Please be brief.

[Translation]

Mr. Philippe Leroux: I'll give you a very short answer. Canada is only 1 of the 192 member States of the United Nations. We don't pretend to believe that we have the ability and the power to manage what is happening in Cuba. As a country—as Ms. Savoie was saying earlier on—it is not Canada's tradition to interfere in the affairs of others, to decide on behalf of the population of another country.

You asked me what the situation is and what we can do. I would say that the 49 years of the American economic embargo with Cuba, of media wars, even terrorist activity at a certain point in time have given the results we are all aware of. It is an impoverished country in which the human rights situation is very difficult.

What can Canada do now? I would say first of all that it could perhaps stop denouncing the embargo, and perhaps finally demand that our principal ally and partner abandon this embargo, which is recognized as being the first source of the attack on human rights in Cuba. Secondly, it could recognize that Cuba is the only Latin American country where, over the last few decades, no journalist has been assassinated, and recognize that Cuba is the only Latin American country where, over the last few decades, no unionist has been assassinated.

Canada could also conduct a real inquiry, in light of the 30 articles of the Universal Declaration of Human Rights, summing up the respect and status of human rights in each of the countries of Latin America and the Caribbean. Following that, it could probably work with Cuba in order to send doctors to Haiti and to Afghanistan, rather than having our soldiers killed there. Also, it could work with Cuba on literacy in Latin America so that the citizens of those countries could obtain basic human rights. Let us not forget that an illiterate person is a person who is deprived of all political and civil rights. Currently, Cuba is one of the rare developing countries in this world to fight against illiteracy. Finally, Canada could carry out a factual and objective analysis of the true situation as far as the respect for the 30 articles of the Universal Declaration of Human Rights are concerned in the Latin American countries. It would therefore see that Cuba is probably not the place where human rights are the most threatened.

[English]

The Chair: Thank you.

Mr. Taylor Sol, on the same....

Mr. Nelson Taylor Sol: In my opinion, national sovereignty cannot be an excuse not to demand freedom from totalitarian regimes like Cuba's—Fidel Castro's. It's a government that has ruled for 48 years for one clan, basically. There is no free election; obviously, there is no respect for human life. National sovereignty cannot be an excuse not to demand freedom and make economic relationships conditional on respect for human rights.

If Canada is not going to break relationships with Cuba, they should at least not assist the repression of the Cuban people, who are not benefiting at all from the relationship with Canada.

Talking about the United States—it seems that the United States is a recurrent topic here.... The United States, again—one more time—is providing most of the food and medicine that Cuba consumes right now. If we are going to talk about the United States, probably another subcommittee should be set up to talk about human rights issues in the United States. But right now we are talking about human rights issues in Cuba, and that has nothing to do with the fact that there is an embargo. Cubans can buy everything Americans produce, everywhere in the world. Even if it is an item provided only by a specific American company, they can get it from another country.

• (1240)

[*Translation*]

The Chair: Okay?

[*English*]

We're done with that time, Mr. Cotler, I'm afraid.

Next is a government round, and I'd like to pursue the line of questioning I began with respect to the special report to the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba, since Mr. Leroux has raised this as an authoritative study.

I'm looking here at the recommendations of her report, section 5, paragraph 35, because all of the committee members here have been asking for solutions. My own view here is that Mr. Caner Camejo is opposed to the blockade but in favour of diplomatic pressure to release political prisoners.

Is that a fair characterization of your position, Mr. Taylor Sol?

Mr. Nelson Taylor Sol: In my opinion, the story has been hijacked by the embargo. Canada is the second export partner of Cuba, and Canada must do something. There are countries that are right now taking a stand on human rights in Cuba.

The Chair: Okay, so you're in favour of tying economic issues with human rights issues.

Mr. Nelson Taylor Sol: One hundred percent.

The Chair: The other line of questioning has been trying to elicit from Monsieur O'Donoghue, Monsieur Leroux, and Madame Lavergne their advice on how Canada should deal with the issue of political prisoners.

I would hope we could find a consensus somewhere here that engagement should include appropriate political and diplomatic pressure for the release of political prisoners.

In any event, let me just summarize the recommendations made by Christine Chanet in her report to the UN human rights commission. She recommends the following:

Halt the prosecution of citizens who are exercising the rights guaranteed under the...[UN] Declaration of Human Rights;

Release detained persons who have not committed acts of violence against individuals and property;

Review laws which lead to criminal prosecutions of persons exercising their freedom of expression, assembly and association, [etc.]...;

Uphold, without exception, the moratorium on the application of the death penalty...with a view to...[its] abolition...;

Reform the rules of criminal procedure to bring them into line with the requirements of...the Universal Declaration of Human Rights;

Establish a standing independent body...[to receive] complaints from persons claiming that their fundamental rights have been violated;

Review the regulations relating to travel into and out of Cuba in order to guarantee freedom of movement...;

Authorize non-governmental organizations to enter Cuba;

Foster pluralism in respect of associations, trade unions, organs of the press and political parties in Cuba;

—and finally—

Accede to the International Covenant on Civil and Political Rights and its optional protocols and the International Covenant on Economic, Social and Cultural Rights.

Those are the recommendations that the special rapporteur has made to the United Nations. Is there anybody on this panel who disagrees with any of those recommendations?

Is there anybody who disagrees? Is there anybody who would object if our committee were to include essentially an echo of the recommendations made to the United Nations?

Monsieur O'Donoghue.

• (1245)

[*Translation*]

Mr. Sean O'Donoghue: Some comments, for example, suggest that they are political prisoners. It is not limited to that.

The Chair: Do you believe that there are no political prisoners in Cuba?

Mr. Sean O'Donoghue: In general, according to what we are hearing from the media—I am not familiar with 100% of the cases—people being called political prisoners are not political prisoners.

The Chair: So do you believe that the United Nations is wrong about the reality of these political prisoners?

Mr. Sean O'Donoghue: I think that the definition is perhaps not very good.

The Chair: Mr. Leroux.

Mr. Philippe Leroux: Mr. Chairman, I think that the United Nations Commission on Human Rights is probably as right as it is wrong. It is trying to assess a situation. It is drawing information from various sources, and it is as right as it is wrong in condemning Canada for not respecting aboriginal rights. However, if we study Ms. Chanet's report in its entirety instead of just considering recommendation No. V.35, we can see that it is part of a dynamic where the entire United Nations General Assembly, in other words almost all of the 192 countries, for the past 15 years, year after year, have been calling for the blockade to be lifted—

The Chair: That was not my question.

Mr. Philippe Leroux: —from the outset, Ms. Christine Chanet identified that as being the cause—

The Chair: My question is this: Do you agree with the recommendations I quoted?

Mr. Philippe Leroux: The issue deals with the definition of political prisoners and with what you say about that. You quoted Ms. Chanet's report, which discusses the impact of the tension between the United States and Cuba, the impact of U.S.-Cuba relations on human, civil and political rights. I do think that logically, as you pointed out in your quote earlier, anything Canada can do to reduce this tension can only help the civil and political rights situation in Cuba.

The Chair: Mr. Leroux, I am confused. I am going to ask you a question and I want you to provide me with a yes/no answer.

Do you agree with the recommendations I just quoted?

Mr. Philippe Leroux: I cannot support them until they are put in their proper context. You know full well what you can do with a quote. If I were to modify them, the same recommendations could apply to the United States, that carries out 100 times more death penalties than Cuba—

The Chair: Thank you.

[*English*]

Monsieur Caner Camejo, are you in agreement? Would you endorse our inclusion of recommendations like these in our report?

Mr. Asdrubal Caner Camejo: Absolutely.

The Chair: Mr. Taylor Sol.

Mr. Nelson Taylor Sol: We agree 100%.

The Chair: Madame Lavergne.

[*Translation*]

Ms. Colette Lavergne: As Mr. Leroux explained, we must make sure that these prisoners are actually political prisoners. I have the impression the United Nations is missing some information. I don't know. As for the people of Cuba, they agree that these people, who want to bring down the regime... Cubans do not want to go back to what they had in the past.

[*English*]

The Chair: So I think your answer is that you're not in agreement with these recommendations.

[*Translation*]

Ms. Colette Lavergne: They're view is skewed.

[*English*]

The Chair: You disagree with the predicate that there are political prisoners in Cuba. You believe there are no political prisoners, therefore these recommendations are not well founded.

[*Translation*]

Ms. Colette Lavergne: They are not political prisoners. They are —

The Chair: Okay, thank you.

Ms. Saint-Hilaire.

Ms. Caroline St-Hilaire: Thank you, Mr. Chairman.

I did read the report that you are so blithely referring to left and right. I don't think that everything is black or white. Most organizations that defend human rights talk about political prisoners in Cuba. You do understand that your position contradicts that of others. They are prisoners, but I do not really know what type of prisoners they are.

There is a problem. I agree with the rapporteur's recommendations, but since they date back to 2006, I would like to know if the Cuban government has responded to them. That is my first question.

My second question is for Mr. Leroux. You said it yourself by quoting Ms. Chanet: she talked about not respecting human rights. In her report, she discusses it. Regardless of what it is due to, we agree on the fact that there is a problem with respect to human rights. You cannot deny that.

As members of the subcommittee, we want to find ways of providing our assistance without interfering in Cuban politics, because Cuba is sovereign. Could we go as far as suspending ODA to Cuba until the prisoners have been released? Because there are prisoners. And there are not just five or six, there are many. Maybe there is a plot against Cuba: like the series 24, but set in Cuba—but we have to find a way of proving that.

We are somewhat uncomfortable, because there are people in Cuba telling us that there is a problem, that human rights are not being respected, that there are political or other prisoners, but that there are prisoners, and torture. Moreover, people have told us the opposite. You can tell us something else, but human rights defence groups have told us that there is a problem. So the onus of proof is on you and your organizations are more representative of Canada and Quebec than they are Cuba. I am not in any way diminishing the work that you do—far from it, I value it—but you must understand that we have heard other versions of the situation and that reports like the one prepared by Ms. Chanet are telling us that a problem with human rights exists.

What do you have to say about that?

● (1250)

Mr. Philippe Leroux: I have never denied that there were problems with human rights in Cuba. Respecting human rights is a problem for all countries in the world, including the United States and Canada. Even Canada was singled out by the Commission on Human Rights. No country is perfect, and that is why we are all working together to try and improve things. Having said that, the notion of political prisoner is not defined in any international covenant. The interpretation of political prisoner is subjective.

I will go back to the absurd example I gave earlier. If Canada were to arrest people funded by the Government of Iran, Pakistan, or Saudi Arabia for having caused a transition from a peaceful democracy to an Islamic republic, how would we deal with those people? Many organizations that defend human rights would describe the people arrested using security certificates as political prisoners. Should other countries then put an end to their economic or government relations with Canada?

There are political prisoners in the United States. People are regularly arrested at demonstrations. In the United States, one prisoner, Mumia Abu-Jamal, has been in prison for over 25 years for his opinions. He is on death row; he is facing the death penalty. None of these so-called political prisoners in Cuba are facing the death penalty. The only cases involving the death penalty in the past 10 years were due to the highjacking of a boat by terrorists, to something tantamount to what occurred on September 11. Indeed, we must determine whether or not these people are political prisoners. That issue is the subject of considerable media hype.

You talked about a plot. Unfortunately, it is not just on the TV series that you see the Government of the United States, the Pentagon, and the CIA put in place policies and wage a psychological war to take economic or political control of a country. Just look at what happened in Chili and in other countries.

The White House website talks about a plan to annex Cuba, which I referred to. The Government of the United States freed up \$80 million last year to fund a campaign to tarnish Cuba's reputation and to defame it. It was discovered that Reporters Without Borders, which was long considered an independent and local organization, received money directly from those funds. That is unfortunately the current situation.

The Chair: Thank you.

This round is finished.

Thank you, ladies.

[*English*]

Thank you to all of the witnesses.

I would just say to Monsieur Leroux and to any of the witnesses that organizations—including Freedom House, Human Rights First, Human Rights Watch, Amnesty International, the Inter-Parliamentary Forum of the Americas, and in fact the Canadian Labour Congress—that appeared before us have all maintained that there is systematic repression of basic political and civil rights in Cuba.

If any of you have any information that you could furnish to the committee on how those organizations are part of a CIA conspiracy, we would certainly appreciate receiving it for full consideration in our report.

I thank you all very much. The committee will go in camera in a moment.

We're done and we're moving now to the next item of business, which is a review of the Burton report.

We'll recess for five minutes, because there's lunch served for the committee members. Grab a bite to eat and take a break, if you need to. We'll begin our proceedings again in five minutes.

•(1255)

_____ (Pause) _____

•(1300)

The Chair: Colleagues, we will recommence.

The next item on our agenda is the consideration of the Burton report. As our regular members know, this is an ongoing drama at

this committee. In effect, as a result of our various motions, we were all provided early on with the public version of Burton's "Assessment of the Canada-China Bilateral Human Rights Dialogue", dated December 31, 2005. There was a confidential annex consisting of supplementary materials that had been excised from the public version of the report.

Pursuant to our various protestations, the Department of Foreign Affairs and International Trade has furnished us with an excised version of the confidential supplementary materials, which you have before you. You've all been sent copies, at least regular members of the committee have.

Originally we were told that this would have to be considered in an in camera meeting for 10 minutes, with no note-taking, but apparently the department has now furnished us with copies, so I'm advised that we're not required to review this in camera.

A voice: Is that correct?

The Chair: Could the clerk please say something about that?

•(1305)

The Clerk of the Committee (Ms. Bibiane Ouellette): I received an e-mail saying that the report would be available and the committee didn't have to look at it in camera.

The Chair: So we're in a public session. I don't think there's anything to discuss here. We have what we have.

As I said at the last meeting, in terms of the process, this committee has already reported three or four motions to the main committee with respect to this issue. It is now up to the main committee whether they want to make any reports to the House of Commons on this. It's out of our hands, and this is what we have before us.

I would suggest that it would not likely alter any of our recommendations or the content of the report that we submitted to the full committee last Tuesday.

Mr. Sorenson, perhaps you could elucidate for us.

The full committee has received our report, is scheduled to review it, and hopefully adopt it on...which date?

Mr. Marcus Pistor (Committee Researcher): On May 10, next week.

Ms. Denise Savoie: Chair, can I get a clarification?

The Chair: Yes, Madam.

Ms. Denise Savoie: Our purpose was to compare and make a determination as to whether information was withheld. From what I read last night, it seemed like these two reports were comparing apples and oranges. There are blacked out portions that do not reappear in the last version, so you really have no point of comparison.

Mr. Kevin Sorenson: The only point of comparison—

Ms. Denise Savoie: Was the purpose to compare? If it was, then it seems like a pointless exercise.

Mr. Kevin Sorenson: The only point is that now you see and know how much is blacked out. You're right, it does not disclose what's in there, and they have made that clear.

The Chair: Yes.

Denise, the point is that this committee has had an ongoing dialogue with the Department of Foreign Affairs. This goes back to when Professor Burton appeared before our committee and revealed that some information had been excised from the public view of the report, which had been made available to us by the department.

Pursuant to a motion moved by Madame St-Hilaire, the committee unanimously requested the unexpurgated version of the report, and then this became a complicated matter.

At the end of the day, the committee decided to ask DFA to send us whatever they would reveal, and that's what's before us. It's the position of the department that the blacked out bits are classified. The committee has adopted a number of motions on this matter that have been reported to the full committee. So I think it would not be fruitful for us to spend more time on the matter; the committee has expressed itself clearly on this.

Madame St-Hilaire, you look perplexed or concerned. If you would like to suggest anything, perhaps a discussion, it's in the committee's hands.

• (1310)

[*Translation*]

Ms. Caroline St-Hilaire: I hope you're not allergic to the committee.

Ms. Denise Savoie: Bless you.

Ms. Caroline St-Hilaire: I want to make sure I have understood correctly. I received two reports: one with some blacked out bits and another marked "confidential".

The Chair: This is a public report that the committee received at the start of its study.

Ms. Caroline St-Hilaire: It now has blacked out bits.

[*English*]

The Chair: There are blacked out bits here too.

Mr. Marcus Pistor: There are some other omissions.

The Chair: Are these blacked out bits blacked out in the public version?

Mr. Marcus Pistor: No.

[*Translation*]

That is the version of December 31, and it contains additional information. So it is Mr. Burton's first version.

[*English*]

The Chair: So it's not the version we received.

Mr. Marcus Pistor: That's not the public version. The public version was dated April 2006.

The Chair: All right.

[*Translation*]

Ms. Caroline St-Hilaire: Then what is this one?

[*English*]

Mr. Marcus Pistor: According to page 4 of the December version of this report, "Findings based on the classified materials consulted

are given in a classified appendix to this report". I assume that's what this is. So these are some additional findings that are not integrated in its first draft, in the December version of the draft.

He told the committee that about 1,200 words had been deleted or taken out. Some of them are blacked out; some of them aren't blacked out or taken out. So I don't know.

[*Translation*]

Ms. Caroline St-Hilaire: You know, we know even less than you do. You say that you don't really know, but neither do we. I am having trouble following.

Mr. Chairman, you seem to be saying that we are turning the page, that it is over. But I see that Mr. Sorenson has changed his mind; he wants to have the report. He said that he would not be present to avoid leaks to the media, but I see that he is happily present today. In the end, there is nothing in this report.

[*English*]

Mr. Kevin Sorenson: That's why I said that if we were going to continue, and then the department was going to come with the report, with their concerns that there is classified information here that may be a security risk, I wouldn't be here. I don't have to be privy to that information; I don't want to be privy to it.

If the department says that it's intelligence or something else that can hurt something, I don't have to be here. But they've come with the report and with those segments still omitted.

[*Translation*]

Ms. Caroline St-Hilaire: Are most committee members satisfied with that?

The Chair: I don't know.

Ms. Denise Savoie: That was the purpose of my question.

Ms. Caroline St-Hilaire: We were given five censored pages, but we are continuing without any problem. Is that it?

The Chair: It is up to the committee to decide.

Ms. Caroline St-Hilaire: You can influence us somewhat, Mr. Chairman.

The Chair: No. I was very clear on that point. The committee did the same with four or five motions.

Ms. Caroline St-Hilaire: There was a lot of discussion, but there was only one motion.

The Chair: Fine.

[*English*]

I take from what you're saying that you're not satisfied.

I'm the chair; I'm in the committee's hands. We have been around this several times. We have what we have. We've expressed our concern about this matter through several unanimous motions. I'm speechless; I'm just a procedural referee here.

Mr. Kevin Sorenson: I don't think we can jeopardize our complete report by waiting, fighting, or trying to continue this debate on whether we can have the classified information.

Our standing committee is prepared to look at this report on May 10. I would hope that we aren't going to drag it out here. It might jeopardize going ahead with that report on May 10. We've been given what we've been given. There may be avenues where we can voice our frustration, but let's not let that jeopardize the report.

•(1315)

The Chair: Let me remind you, Madame St-Hilaire, just to be clear, that as you know, the deputy minister kindly appeared before the committee to discuss this matter. At the same time, we received legal advice from parliamentary counsel on the prerogatives of Parliament with respect to production of papers. The deputy minister then kindly sent us a letter last week indicating that his department was prepared to furnish excised versions of the report. We adopted a motion to respond to the deputy minister by way of letter, which I signed and sent last week, accepting his invitation for the members to receive original excised versions of the report, with classified elements excised.

We also discussed last week the fact that we had reported several motions to the main committee, chaired by Mr. Sorenson, requesting unexpurgated, unexcised versions of the report. Those are now at the main committee.

The Clerk: They've been returned.

The Chair: Oh, they've been returned, including the last one?

Oh, it has. Thank you for correcting me.

These have been returned, back to this committee.

This committee, as I say—

Mr. Kevin Sorenson: I think we brought that out at the last meeting, didn't we, that it had been returned here?

The Chair: My view on this, Caroline, is that insofar as the full committee has the power to report to the House and we do not, this matter is effectively now in the hands of the full committee, now that they have the report. If you're concerned, you're free to talk to your counterpart on the main committee about this to raise these concerns when they come to consideration of the report on May 10.

As legal counsel advised us, Parliament has certain powers, but subcommittees do not have all the delegated powers of Parliament, so the committee is quite limited in how it could respond if it chose to do so. I'm just giving you the factual basis of where we are.

Mr. Kevin Sorenson: Madame Lalonde and Madam McDonough and the Liberals are very aware of the frustration at not seeing the report. We brought it forward. When we were continuing with asking them to go to the Burton report, that is why they brought it back.

That being said, it's back here, and we still have those dates for the study of this report, as long as it gets back to us.

Mr. Marcus Pistor: Which report?

Mr. Kevin Sorenson: Are we talking about the draft?

Mr. Marcus Pistor: The draft report is before the...that's been sent; it's done.

Mr. Kevin Sorenson: It's there. So what are we...?

Mr. Marcus Pistor: This is the Burton report.

The Clerk: We're talking about the subcommittee report asking for—

Mr. Kevin Sorenson: For a look at the Burton report?

The Clerk: Yes.

Mr. Kevin Sorenson: And that's been sent back?

I would suggest that we have the dates on the China report, but... I'm just speaking as chair. I have no idea what the others may say. They may want to continue with a look at that report. But if this thing is still before us here, where we're going to drag this out on the Burton report, there is a bearing on the China report. There very well could be a bearing on whether we're going to continue, seeing that the subcommittee is still fighting this fight.

That's why I'm hoping that we can say we're done with it, and we're going to lodge our complaint with the standing committee, but there's our report.

The Chair: I'm in the hands of the committee. As always, as chairman I'm here to make sure the procedure is fair and followed. If the committee wishes to express itself to the main committee yet again on this matter, that's the committee's decision.

My personal view is that we've been amply clear on this point *à plusieurs reprises*, and at some point I think we reach a point of diminishing returns on this issue.

As I said, the full committee will be seized of the China report, one related issue of which is the Burton report, obviously. If the full committee wishes to take up this issue, the full committee is obviously free to do so.

•(1320)

Mr. Kevin Sorenson: As long as we aren't still taking it up here.

The Chair: No, we've reported the report out.

Mr. Kevin Sorenson: Yes, you've reported the report, but as long as this issue is before.... It may not play; we may go right into it. But as long as there's still some dissatisfaction on this Burton thing—because at one point in time, Madame St-Hilaire said that she was not prepared to sign onto that report until she had seen the complete Burton report, unless I've missed something since then.

The Chair: Madame St-Hilaire.

[*Translation*]

Ms. Caroline St-Hilaire: Let's calm down a little, sir. That is what I said, however the report was adopted and it was sent to the main committee. Let's not take statements out of context. Let's leave this up to the main committee.

The Chair: Last time, I believe we decided

[*English*]

not to let the procedural issue here hold up the substantive advancement of the report.

Is that right, Mr. Cotler?

Hon. Irwin Cotler: That's what I understand.

The Clerk: Yes, it's out of our hands.

Mr. Kevin Sorenson: If it's all been signed off, then what are we talking about?

The Chair: Madame St-Hilaire is sort of asking the question, what should be done? I'm saying the committee decided.

Mr. Kevin Sorenson: It's signed off, yes. Burton was part of China.

The Chair: Monsieur Cotler.

Hon. Irwin Cotler: It seems to me that the full report, our report, has gone forward, with our concern about the procedural matter.

Now the full committee can have both of those aspects before them; they can determine both aspects. They can deal with the main report, or they might even refer the procedural matter back to us, or I don't know what. But both of those issues should now be cleared before the full committee.

Mr. Kevin Sorenson: Okay. Then there will be no holdup on May 10, plain and simple.

The Chair: I certainly hope there's—

Mr. Kevin Sorenson: In fact, I'll be honest with you; I wish it was long before May 10, because the whole point of speeding up the reports was so that we could use this as leverage with the Celil deal.

The Chair: All right. So we have what we have. I hear the frustration from Madame St-Hilaire; it's been expressed by this committee. But we're where we are and we will proceed.

We all have this. Can I suggest that we move now to our last item of business, the motion on Iran?

Okay. Then we'll move to committee business.

Mr. Cotler has given notice of a motion with respect to Iran.

Mr. Cotler.

Hon. Irwin Cotler: Mr. Chairman, thank you.

This notice of motion is really a more abbreviated version of a longer and more detailed motion that I tabled here on December 12. At the time, it reflected what had been adopted in Berlin, subscribed to by leading scholars on genocide, and so on. Then the committee properly wanted to hear witness testimony before it moved on these issues. It heard from Professor Payam Akhavan and Mr. Jared Genser. Both of them affirmed the evidence with respect to this motion, and they made similar recommendations regarding this motion. Similar resolutions have either been adopted or are before the U.S. Congress and European parliaments.

Let me close by saying that there is no more horrific crime than genocide. That is why this also includes the prevention of the incitement to genocide that's in the Genocide Convention, otherwise referred to as the “never again” treaty.

Our own Criminal Code prohibits the advocacy of genocide, implementing this Genocide Convention.

In effect, Mr. Chair, this is a minimalist resolution. Basically it says that you should not be able to incite to genocide, knowing what the horrific consequences could be. All it asks is that we refer this matter of incitement to the UN. It doesn't exclude any of the other things we may be doing. It's a minimalist responsibility that we have as a state party to the Genocide Convention, just to refer it to the United Nations.

Also, the language of the resolution is straight out of the Genocide Convention. I haven't changed the language.

The Chair: So you've moved the motion.

We have heard Mr. Cotler. Is there further debate?

• (1325)

Mr. Kevin Sorenson: Yes. This committee, above all other committees, recognizes the atrocities in Iran. We have North Korea and we have other countries where you'd almost ask “What's the use?” at times. You just feel, “What can we do as long as that guy is the leader in North Korea?”—very similar types of feelings to what we have with Iran.

So there's an appeal to do something. I think that's what Mr. Cotler is asking us: let's do something.

What can we do?

A call to genocide is absolutely, without doubt, the most horrific call that any leader can propagate. A leader of a country who is calling for the annihilation of another country, a democratic country, certainly has to be met with the greatest response we can make. But what Mr. Cotler is asking for in this thing is something that is unprecedented here in Canada. From what I have been told, it's an unprecedented movement, asking the International Criminal Court to intervene in this way.

What are the foreign policy consequences to this type of motion? I mean, is it just a win-win situation for Canada, that all of a sudden we're going to call on this extraordinary response, although foreign policy considerations have not been adequately studied?

Do we have a chance of winning? It's nice to lodge a complaint. It's a little protest—well, it's a major protest. It shows that we do not accept and are responding in the most powerful way we know how. But do we have a chance of winning? Again, we don't know whether we have a chance of winning this.

Canada has consistently taken Iran to task on its human rights violations, its misbehaviour in international affairs, and we have done a number of things. We have signed on to a policy of controlled engagement. What does that mean? It means there are only certain things that we at this point are going to talk to Iran about. We still have the door open to speak about nuclear disarmament, and we're doing that. We've consistently spoken out against their threat of nuclear weaponry and going down that path. Their violation of human rights? We've heard and we agree, listening to the people who have come here horrified about what they see happening in Iran.

We still have the ability to speak to Iran about human rights. We have the ability, through this controlled engagement, to discuss with them the torture and murder of Canadians by Iranian officials, and we've seen that with Zahra Kazemi in an Iranian prison.

Some of the other things Canada can't do include that we can't sell anything to Iran that's going to have a military involvement, that is going to be used for aggression or for even defending their own interests. We do not permit opening Iranian consulates here in Canada, a very tough, strict stand saying, "No, you can't have a consulate here, because we totally disagree with your record and what you're doing in Iran." We say, you can't fly into Canadian airspace; you're not to enter Canadian airspace. All these things, certainly, are a response. We're well-known. The Government of Canada for a long time has stood up to Iran, and we're recognized as standing up to Iran.

Mr. Cotler's motion is for Mr. Ahmadinejad to be prosecuted in the International Criminal Court. The problem is, Israel hasn't signed on, Iran hasn't signed on, India hasn't signed on, the United States hasn't signed on to this agreement, and we're now going to try them in a court under a jurisdiction they have never signed on to. That is problematic. It's their right not to sign the treaty. Are we then going to bind them by the treaty they didn't sign?

• (1330)

Another concern I have is that when we go this route, we're opening the doors right now for every other country, even those that have not signed on to this treaty, to find themselves hauled before this court that they don't recognize and be tried for the human right violations or the crimes that they may be chosen to be charged with.

I agree with the spirit of the motion. We have to do something; we have to do more. But is this the route to go? Is this the route we want to take? At this juncture, I don't think I can vote for this motion, although I'm sitting on this committee, because we recognize that there are major human.... But this isn't the right response.

The Chair: Do you want to respond now? I had Maria on the speaking list.

Hon. Irwin Cotler: I just want to correct certain—

The Chair: Why don't you reserve the rebuttal position until everyone has spoken, and then you can take it all at once?

Is that okay?

Maria, and then Denise.

Hon. Maria Minna (Beaches—East York, Lib.): Thank you, Mr. Chairman.

I was simply going to say that I understand that Canada has done everything it can within its powers, in terms of not flying over our airspace, in terms of human rights issues—all of that. Unfortunately, it really doesn't get at the issue. It's good, but it doesn't get at the core.

The world stood by and watched Rwanda—I use it as an example. We knew what was going on. There was all kinds of rhetoric going on in that country about what they intended to do, but radio programs, broadcasting...the world chose not to listen and to call it genocide. Even while it was happening, it didn't happen; we didn't deal with it.

During the Second World War, that was a genocide too; the holocaust is the same thing. You can name it the holocaust or you

can name it genocide. The western world knew what was going on there and chose to ignore it.

We're looking at Darfur, but how long has it taken us to deal with Darfur, even? And only now are we beginning. The reality is that when countries start saying things such as "Israel is an illegal state", or "It's evil and needs to be abolished" or "eradicated from the face of the map", that incites genocide.

There may not be in the near future the right stars aligned so it actually can happen, or there might be, but the world can't allow for those stars to align and the world needs to deal with them.

The world usually talks through the United Nations as a united body, to say to Iran: "You can't do that. It won't be tolerated. You need to find a different way, if you want to be part of our system, part of the world, or have any respect, or what have you." But I don't think they care about respect from anyone else at this point, certainly not the current regime.

The other thing is the comment about their not being signatories. I really don't see that as an issue, because Milosevic and his country weren't signatories either but were still prosecuted under the International Criminal Court, when it came to the atrocities in Kosovo and so on. I don't think that being tried under the International Criminal Court is subject to the country's having been a signatory. It's subject to only one rule, and that is, were there human atrocities and/or genocide perpetrated against humanity? That's really the bottom line.

I know that the Americans have not ratified and that there are a number of other countries that have not ratified, but again I go back to the fact that the International Criminal Court is prosecuting people from countries that did not ratify the International Criminal Court's existence.

Mr. Kevin Sorenson: Prosecuting those—

• (1335)

Hon. Maria Minna: He can take it from there, but my main point is basically that I don't think we can stand by and allow a country to continuously do what they say, because we've seen it in other parts of the world. When we ignore it and the rest of the world doesn't respond, we pay a price.

The Chair: Madame Savoie.

Ms. Denise Savoie: I don't think we can ignore these kinds of threats. I have a question that was raised by Mr. Cotler. I think I'm not wrong in saying that in a resolution, instances of "whereas" often disappear and what we're left with is the "be it resolved".

I would more comfortable—and I think he agreed—if it was made more specific, in terms of relating to the statements that were made by Iranian officials, in order to be really clear in the "be it resolved" part. He seemed to indicate earlier that he supported this.

I have a second question, if he's going to deal with all the questions.... We're calling on the appropriate body at the United Nations. Now, he uses the word "competent organ". Is that as opposed to "incompetent"? Or is it, as in legal terms, the right one?

The Chair: Responsible, yes.

Ms. Denise Savoie: The responsible one, as it is in French.

Hon. Irwin Cotler: It's straight out of the language of the Genocide Convention. I'm just using their language.

Ms. Denise Savoie: Okay. It's an ambiguous word in some situations.

Now, you're asking for "investigation and prosecution". I've always thought that you investigate before determining that you're going to prosecute. I'd just be interested in your response.

Are we basing "investigate and prosecute" on the statement of "annihilation"? Are you in fact saying that we don't need to investigate, because we've got the proof and we just want you to prosecute, but the words are "investigate and prosecute"?

Through you, Mr. Chair, I wonder if you want to clarify.

Thank you.

The Chair: Sure.

Mr. Cotler.

Hon. Irwin Cotler: I'll try to clarify a number of things.

I agree with Kevin. I would have thought his conclusions might have followed from this premise, his initial premise, that this is the most horrific call that any leader can propagate. I agree with you. In fact, this is the only leader who has consistently.... That's why I gave you background evidence. And since I gave you the background evidence on December 12, regrettably Mr. Ahmadinejad and some of his associates have repeated the call to wipe Israel off the map—with impunity.

Now, you've said that it's an unprecedented move to ask the International Criminal Court to intervene on this. I have to correct you both, if you'll permit me. Number one, Canada supported the reference to the International Criminal Court of atrocities committed by Sudanese officials. Sudan is not a member or state party to the International Criminal Court. So this is not unprecedented, nor is it related to the fact that Iran, for example, may not be a party to the International Criminal Court. Canada supported it. I supported it. I was in the government. I can tell you that was exactly what we did as the government of the time, which I suspect your government would have done as well, namely to call on the UN Security Council to refer the matter to the International Criminal Court.

Mr. Sorenson mentioned properly formed policy considerations. My answer to that is, what message are we sending if we say that you can advocate genocide with impunity? What kind of human rights, foreign policy, international law implication is that? Mr. Sorenson also spoke to the issue of the development of nuclear weapons by Iran. I'm trying to make the connection here. At the UN we have taken the position—and indeed the UN has taken the position—in fact to pass resolutions calling upon Iran to stop the enrichment of nuclear weapons.... Iran has said it will use these nuclear weapons to "eliminate" Israel, in their words, "in one single storm". We have to say to the UN that it's not only the enrichment of nuclear weapons, it's the genocidal intent that is linked—by their own words—to the use of nuclear weapons.

Finally, you mentioned speaking about Iran in other contexts and forums. This doesn't preclude our speaking to Iran about anything

else. But if we can't speak about enforcing the genocide convention, if we can't, at a very minimum, refer the matter to the UN to consider it.... I mean, this is a minimalist motion that we are speaking to.

I want to get to Denise's comments. She's correct that it's a matter of style. Let's put it this way, I accept her friendly amendment that would state "Therefore, it is recommended that", in the fourth line.... After the words "for the prevention and suppression of the public and direct incitement to commit to genocide", I would add the words "by senior Iranian government officials". It's in the preamble and it was intended to be incorporated in this specific recommendation. I accept the friendly amendment that it would read better by putting, in both number one and line two of number two, the same words, "by senior government officials" after "genocidal incitement".

As to the matter of investigation of prosecution, she is correct as well. I did not intend to suggest that we should necessarily prosecute or that we don't need to investigate in order to prosecute. I'm saying that we refer the matter to the UN Security Council and they make that determination. In other words, it's a reference where, as with Sudan, they refer the matter to the International Criminal Court for investigation and prosecution. Those are the words. The International Criminal Court will make that determination.

I'm basically asking for a very minimalist thing. Let's just send this to the UN. Let the appropriate agencies of the UN discuss this. Let the matter be before the UN. Let the matter of incitement to genocide be before the UN. I would not want, in 2007, that we did not at the very least recommend that the incitement to genocide be discussed by the UN. They determine whether it should go to the International Criminal Court for investigation and prosecution.

I'm not recommending that Ahmadinejad be prosecuted; I'm recommending that the UN consider it and make that determination. It's so minimalist...you can't get more minimalist.

•(1340)

The Chair: I'm not sure that's how....

Mr. Sorenson, you have a point of order.

Mr. Kevin Sorenson: On a point of order, that's not what you're asking. I mean, the second point there—

The Chair: This is not actually a point of order; this is a point of debate.

We have a speaking list. I'll go to Ms. Savoie and then to Mr. Sorenson.

Ms. Denise Savoie: I better understand his intent, and that's what I thought his intent was. I'm wondering if it might clarify his intent if he were to say in point number two, blah, blah, to refer the situation of genocidal incitement "for their deliberation" or "their determination" of an investigation and prosecution.

The Chair: Mr. Sorenson.

Mr. Kevin Sorenson: I think that's better. I think point number two does just the opposite. It says:

Canada call upon the United Nations Security Council to refer the situation of the genocidal incitement to the Special Prosecutor of the International Criminal Court for investigation and prosecution.

If you were to—

Hon. Irwin Cotler: For “its” investigation—

Mr. Kevin Sorenson: Yes, but if you were to take all of that last part out and just put in that Canada calls upon the United Nations to consider—

The Chair: Consider referring it?

Mr. Kevin Sorenson: Whatever, sure.

Hon. Irwin Cotler: All right. I'm prepared.

The Chair: I think that more closely reflects the—

Mr. Kevin Sorenson: I don't even want the International Criminal Court left in this motion. Let them—

The Chair: Mr. Khan.

Mr. Wajid Khan: Colleagues, Mr. Chair, I think we need to look at this along a broader spectrum. First of all, as my colleague, Mr. Sorenson, said, leave the country to the signatories. And some people have said, well, Darfur and others have committed.... Now there's a difference between committed and threatened.

At the same time, what makes it Canada's responsibility? Israel has not taken any such action. What makes it our responsibility or duty to second-guess the decision taken by the Government of Israel for their own security?

Down the road, I don't need to tell the Honourable Irwin Cotler that there are huge other geopolitical considerations; otherwise the United States would have taken this action as well.

I think that if the country that is threatened has taken no action, why should we second-guess their...?

The Chair: Would you care to respond?

Hon. Irwin Cotler: It's a statement of fact, as I tried to suggest to Mr. Khan before, that Israel has in fact made that reference to the United Nations. And, secondly, I don't think we have to be governed by what Israel does or does not do; I'm talking about what Canada should do as a state party to the International Convention on the Prevention and Punishment of the Crime of Genocide. I think I should remind us all that Iran is a state party to that convention. They have undertaken, therefore, not to incite genocide—Iran has.

I'm just saying, UN, consider what has been done by state parties to the convention on genocide.

•(1345)

Mr. Wajid Khan: What has Israel done, sir? Have they taken action? Have they sent the reference to the Security Council?

Mr. Kevin Sorenson: They have not asked that it be sent to the International Criminal Court.

Hon. Irwin Cotler: May I say, both of you are saying two different things. You asked me has Israel brought the matter up at the UN? Yes, Ambassador Gillerman has brought it up to the UN Security Council.

Has Israel asked that it be referred to the International Criminal Court? The answer is no.

My question to you is, we are Canadians and we make decisions about what Canada should do. If you want to know what Israel does, I've told you what Israel has done.

The Chair: Denise, go ahead.

[*Translation*]

Ms. Denise Savoie: I agree with Mr. Cotler that this is about what Canada should do and not about what another country should do. However, in order to respect the intent of the motion, I'm wondering if we shouldn't replace "for investigation and prosecution", following the words "international criminal court", with the words "in order to determine the basis of an investigation and prosecution".

Hon. Irwin Cotler: I agree with Ms. Savoie.

The Chair: And what would the amendment be in English?

Ms. Denise Savoie: I do not know how to say "bien-fondé" in English.

[*English*]

The Chair: To determine the basis of...?

Hon. Irwin Cotler: In order to determine the basis for investigation and prosecution.

The Chair: Okay, we have a number of—

Ms. Denise Savoie: So that's a friendly amendment.

The Chair: We'll come back to all of them. We have several friendly amendments, and I'm a little confused, but if I could pursue a substantive point with Mr. Cotler...

Your point is well taken, Irwin, that Canada should act according to its own light on matters of foreign policy, but I am wondering if you have any idea why the State of Israel has not requested a referral to the ICC?

Hon. Irwin Cotler: The State of Israel has said it would not be opposed to—and in fact would welcome—other countries asking for a reference to the ICC. But Israel is not a state party to the ICC, and therefore it felt it should not be the one to ask.

The Chair: Oh, that's why.

Has this matter been a point of some contention in Israeli legal strategic circles—the idea you have proposed here?

Hon. Irwin Cotler: There are two things. One, Israel initially did not want to ratify the International Criminal Court, for its own reasons. I wrote critically about that at the time. On this specific issue, Israel supports a reference to the UN Security Council and asking them to refer it, but they don't want to be the ones to do it.

As I said, I don't think what they do or want to do should impact on what we want to do.

The Chair: Madame St-Hilaire, you haven't spoken yet. Go ahead.

[*Translation*]

Ms. Caroline St-Hilaire: Mr. Chairman, I have listened to my colleague's comments as well as the comments from the government side and I must admit that I am somewhat perplexed.

I told Mr. Cotler this from the outset and I will repeat it again today. I am not certain that this is the right place to be discussing this motion. We are the Subcommittee of the International Human Rights Committee. I do understand Mr. Cotler's intention, but I am not sure whether to support him or to vote against. I think that this deserves a much broader discussion. I realize that you have wanted to have this discussion for a long time, but there has been no exchange or debate on this issue and we can't expect to deal with the whole issue in 20 minutes. Others have tried before us, and they have not succeeded.

On the other hand, it seems to me that we could send this motion to the Standing Committee on Foreign Affairs and International Development which, in my opinion, would be in a much better position to consider this issue than we are. In my humble opinion we are being asked to discuss this in half an hour, based on evidence that is perhaps interesting but rather weak given that this is hearsay. We have heard nothing ourselves.

I have to admit that I am quite sincerely uncomfortable with both possibilities. I think it would be unfortunate if this motion was adopted or defeated. I would like it to be the subject of a discussion, but I believe that it would be up to the Standing Committee on Foreign Affairs and International Development to do this.

•(1350)

The Chair: Ms. Savoie.

Ms. Denise Savoie: I listened to my colleague's comments. If the purpose of this motion is to determine the basis of an investigation,

The Chair: To ask the Security Council.

Ms. Denise Savoie: —then I think that that is different from what is written. I think we have heard enough statements coming from Iran to justify a request that the basis of an investigation be determined.

I am certain that this will then be debated in the other committee.
[English]

The Chair: Mr. Sorenson is next and then Ms. Minna. Then we'll have to start wrapping this up.

Mr. Kevin Sorenson: First of all, I really respect Mr. Cotler's legal opinion, and I'm certainly not trying to compete with him. I've heard that there are academics in Israel who are really pushing this, but I have never heard that the Government of Israel has in any way indicated it isn't going to do it because it didn't sign it—and I can see how it could say that—but it wishes other countries would do this.

If there is that evidence, I would certainly like to see it. I would like to see where the Government of Israel—not some academic, some left party, right party, or one party—has said, “We encourage this.”

You can respond, and then I have one other comment.

The Chair: Go ahead, Irwin.

Hon. Irwin Cotler: I was present at an international conference where the Minister of Foreign Affairs of Israel said exactly what I conveyed to this committee: that they would welcome that kind of reference. I would assume that the Minister of Foreign Affairs in that government speaks for the government, the same as we would

expect the Minister of Foreign Affairs in Canada to speak for the Canadian government. But again, I don't want to get into a debate on what Israel does or does not do. I don't think that is relevant. I'm just answering as a point of fact, but I don't think it is a point of reference.

The Chair: Mr. Sorenson.

Mr. Kevin Sorenson: The second thing is to be clear on the amendment that was brought forward by Madame Savoie. Do I then understand that it would read “that Canada call upon the United Nations to”...do what, Clerk? Is it “to consider the basis for a—”

The Chair: Marcus.

Mr. Marcus Pistor: There were two suggestions, and I'm just going to incorporate both of them on reading this back into the record:

Canada call upon the United Nations Security Council to consider referring the situation of the genocidal incitement to the special prosecutor of the International Criminal Court in order to determine the basis for investigation and prosecution.

That is what I heard.

The Chair: There are two and a half amendments here. Marcus is trying to compile them.

Marcus, could you repeat what your understanding is?

The Clerk: Marcus, it is also “by senior government officials”.

The Chair: First of all, in paragraph 2, it would say:

Canada call upon the United Nations Security Council to refer

Mr. Marcus Pistor: Yes, “the situation of the genocidal incitement”—

The Chair: —“by senior Iranian government officials”—

Mr. Marcus Pistor: “—to the special prosecutor of the International Criminal Court for investigation and prosecution”. Is that...?

The Chair: Yes, “—in order to determine whether there is a basis”, or is it “in order to determine the basis”?

Ms. Denise Savoie: Just let it be noted, though, if I may, that I didn't suggest “to consider referring”.

The Chair: Someone else did.

Ms. Denise Savoie: That's right. I just want to make it clear that that wasn't mine, because that weakens it beyond what I thought necessary.

Hon. Irwin Cotler: What Denise said is “that I recommend as acceptable, which was “for their consideration”.

Hon. Maria Minna: Maybe Denise would say it again.

A voice: Take out “consider referring”.

Hon. Irwin Cotler: Yes, “for the consideration of the ICC”.

Mr. Kevin Sorenson: Another recommendation was brought forward that did not include the ICC.

•(1355)

Mr. Marcus Pistor: I think you suggested to cut off the sentence after...

Mr. Kevin Sorenson: No, I thought someone else. There was “to refer to”, but no reference to the ICC.

Hon. Maria Minna: The only amendment I heard was from Madame Savoie.

Hon. Irwin Cotler: All right, this is much weaker than what we did with regard to Sudan, which was not even a reference of genocide.

A voice: “We” being...?

Hon. Irwin Cotler: I accept both the intention and the clarification as Madame Savoie put it before us. That does make it clearer.

The Chair: Can we deal with the group of amendments together and deal with those now, given the clock?

Hon. Maria Minna: Mr. Chair, could we call the question on the amendment by Madame Savoie and then move to the main motion? Otherwise we're going around in circles.

The Chair: I was wondering to myself if there was a need to call the question, given that Mr. Cotler has accepted them. I would rule that these are not friendly amendments, but rather substantive, in which case there should be a vote on them.

How would your amendment read? First of all, is one of the amendments to scrap every “whereas”?

Ms. Denise Savoie: No. I was not suggesting that. I was just suggesting that you are left at the end of the day with “it”, “be it resolved”, so we should be clarifying that.

The Chair: Madame Savoie, would you then read the first and second “therefore” paragraphs with Marcus, so we can be clear on how we are amending it, or, rather, how you are proposing to amend it?

Ms. Denise Savoie: I'll start with number two. I said that “after a special prosecutor of the International Criminal Court”.... What was it in English?

Mr. Marcus Pistor: “—in order to determine the basis—”

The Chair: “—of an investigation and prosecution—”

Ms. Denise Savoie: That's right, “of an investigation and prosecution”. Then I suggested in both number one and number two that we clarify that we're referring to the statements by senior Iranians.

The Chair: The question before the committee is the following amendment proposed by Madame Savoie. That in paragraph one, following the words “to commit genocide”, in the second last line, to insert the words “by senior Iranian government officials”, and in paragraph two, following the words “refer the situation of the genocidal incitement”, insert the words again “by senior Iranian government officials”, and, third, following “International Criminal Court”, insert the words “in order to determine the basis of an” and delete the word “for”, to read “in order to determine the basis of an investigation and prosecution”.

Is that correct?

That is the question.

Hon. Maria Minna: I think Mr. Cotler actually accepts that as a friendly amendment.

The Chair: I'm ruling as the chair that you cannot accept it as a friendly amendment. It has substantive changes. I'm trying to play it by the book here.

All in favour of—

Mr. Kevin Sorenson: If that is not a friendly amendment and if it is a substantive amendment, I'm wondering about that that second part. I agree with all the amendments that Madame Savoie has made—inserting “by senior Iranian officials”—but that “Canada call upon the United Nations Security Council to refer the situation of the genocidal incitement to the appropriate UN body for investigation and possible prosecution”—

The Chair: That's a separate proposed amendment. I would like to deal with the one that's on the floor now, and then we can come back to your proposed amendment.

All right?

Hon. Irwin Cotler: Well, you can call the vote, but I think it is a friendly amendment.

Hon. Maria Minna: I don't think it needs a vote.

The Chair: I'm just trying to use my procedural judgment here.

All in favour of Madame Savoie's amendment, please indicate.

(Amendment agreed to)

The Chair: It's amended now in the way that we just read it.

Mr. Sorenson has a proposed amendment.

Mr. Wajid Khan: Before we go to the amendment, Mr. Chair, can I ask the mover a question?

The Chair: Why don't we get the amendment on the floor, and then you can debate it?

● (1400)

Hon. Irwin Cotler: Mr. Chairman, I'd like to call the question. I think that after months and months, these are becoming now dilatory. Mr. Sorenson has had meeting after meeting and presented motion after motion on procedural grounds. We have the amendment. It's been voted on. It's accepted. I accepted it, even when I thought it was only a friendly amendment and that we could vote on it. I'd like to move now and go to the main motion.

Mr. Wajid Khan: Mr. Chair, Madame St-Hilaire and my colleagues and I are not comfortable with this.

Hon. Irwin Cotler: Then vote against it.

Mr. Wajid Khan: He's going to a motion without a debate. She says she wants to have more debate, and I agree with here. At least we can listen.

The Chair: In any event, the question has been called. It's nearly two o'clock.

Hon. Maria Minna: Yes, let's go to the question.

The Chair: We've had 45 minutes of debate on the motion, which is more than we've ever had on a motion in this committee. Mr. Cotler has called the question.

(Motion as amended agreed to)

The Chair: The meeting is adjourned.

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