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Chair

Mr. Garry Breitkreuz



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● (1210)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): Order, please.

Before I forget, we have to approve a budget before Monsieur Ménard moves his motion. The witness protection program study budget is in the amount of \$28,650 in total. You've probably seen that. I need a motion to move this budget.

Mr. Wappel.

Mr. Tom Wappel (Scarborough Southwest, Lib.): I'll move it.

The Chair: Okay. Any discussion?

Mr. Brown.

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Chairman, when are we proposing to do that, if it's approved? There's some travel there.

The Chair: Yes. I think the first witnesses are next Tuesday.

Mr. Gord Brown: Okay, but the travel, is that what we're approving?

The Chair: It's a range of things. Okay, this is just for the witnesses to travel here.

Mr. Gord Brown: Right. Okay, thank you.

(Motion agreed to [See Minutes of Proceedings])

The Chair: All right, Monsieur Ménard, we have received notice that you have a motion. If you would like to read your motion and table it officially, then we can move to your comments and discussion.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): My motion reads as follows:

That the Standing Committee on Public Safety and National Security, first of all, immediately take up the issue of the fate of the Afghan prisoners captured by the Canadian military and turned over to the Afghan authorities and that, to that end, it invite the Minister of Public Safety to appear before the Committee as soon as possible and that it also invite the Correctional Service Canada employees who have been to Afghanistan, or are currently there, so that they can report their on-site observations to the Committee and bring with them all the documents or reports they have written about their time there.

[English]

The Chair: Thank you. Do you have any comments to make? [*Translation*]

Mr. Serge Ménard: My comments will be brief. This is a matter that greatly concerns all members. I remember that when the

question of extending the mission in Afghanistan was being dealt with, it came before the National Defence Committee well before the deadline by which the extension had to be submitted. Discussions took place and the general agreement was that the mission should be extended, but under certain conditions that had been established both in the previous Parliament and in the first one.

One of the conditions of the extension was that Canadian troops would respect Canada's commitment not to use anti-personnel mines, and that when they took prisoners, the prisoners would be handed over to authorities that observe the Geneva Convention relative to the Treatment of Prisoners of War, to which Canada is a signatory, and which it has always striven to observe. Canada also had to be able to monitor the authorities to whom prisoners were handed over, in order for us to be assured that the Geneva Convention was being observed. Debate ensued, of course, and I think that there was likely a consensus on those conditions and on others about which I do not want to go into detail.

However, the Prime Minister decided that it was necessary to extend the mission without conditions, thereby placing many members in an uncomfortable position. He really wanted to extend the mission, in full knowledge that the troops could well find themselves in very serious combat situations. He insisted that Canada's commitments be respected, commitments that had been made several years ago, and on which there had been a very broad consensus in Canada, both on not using land mines because they are left behind to continue injuring children and civilians, and on respecting prisoners.

Although the humane treatment of prisoners is a moral imperative for all civilized countries, among whom we count ourselves and wish to remain, it is also the case that this respect influences the combat. The international community decided to come to an agreement on the treatment of prisoners for a reason. It was exactly in order to avoid an escalation of torture and violence: if you torture my prisoners, I'm going to torture yours, and so on. The world agreed that prisoners should be treated with respect. This accord is one of the factors that limits the effects of warfare, just like the creation of the Red Cross.

This is also an important factor in training. When our soldiers know that they have superior forces, they are trained to inform the enemy of that fact, if possible, in order to induce him to surrender, rather than to keep fighting. In combat, it is preferable that weaker forces surrender if they know that they are assured of humane treatment. If, on the other hand, combattants think that they will be tortured or summarily executed if they surrender, they are going to fight with the desperation of those who have nothing to lose, and the fighting will continue to cause casualties on both sides.

Observing the Geneva Convention relative to the Treatment of Prisoners of War was important for a majority of members. Because of the Prime Minister's non-amendable motion, members had to vote against the extension of the mission. Members wanted the mission to be extended, but under certain conditions.

We are learning from a number of sources that these conditions are probably not being met. The government claims that it is not as sure. Whatever the case turns out to be, the fact remains that this is an important element in the decision on whether to extend the mission now and in the future.

We have to have the best possible information, and not make do with a mass of contradictory hearsay. Officials from Correctional Service Canada have seen the situation in Afghanistan and have received reports. Let them come before us so that we can hear from the best possible source whether the conditions that we wanted to impose, that is that the authorities to whom we hand over prisoners should observe the Geneva Convention, are being fulfilled in order that torture or summary executions can be avoided.

This is an extremely important factor in determining the future of the mission, as well as the way in which it is conducted by the people to whom we hand over the prisoners. I feel sure that Canadian troops are respecting the highest humanitarian principles in a conflict situation, the moral principles which we all hold dear. They are the principles observed by all civilized states when they have to resort to force. For these reasons, it would be most unfortunate to find out that prisoners, who surrendered thinking that they were going to be humanely treated, have been mistreated by the authorities to whom we have handed them.

● (1215)

We should have the best possible information. We should not rely on media reports or any hearsay that comes along. We should hear from people on the ground who have received reports, in order that we too can assess the real situation. This is the reason why I made this motion. I am making it at this committee, because the people involved report to the Minister of Public Safety, whose advisers, not to say critics, we are.

Thank you.

• (1220)

[English]

The Chair: Okay. I was listening carefully to all that you said. I think in the discussion we have here, we have to remember that we have quite a full agenda, so we would then have to bump off other issues. And another one came up yesterday with the Auditor General's report, which we may have to deal with. But I hope what comes out in the discussion—and it didn't come out very strongly in

your presentation—is why this committee, in addition to two other committees, should deal with this issue. I'm hoping we'll hear the same things as other.... We need to have some kind of reason for why this committee should take priority over the other two committees.

Mr. Cullen, go ahead, please.

[Translation]

Hon. Roy Cullen (Etobicoke North, Lib.): Thank you, Mr. Chair.

I support Mr. Ménard's motion. I find it a little strange that the Minister of Public Safety is involved.

[English]

Just from reading the newspapers, my understanding is that there was a Correctional Service Canada contingent there. But their mission might have been far more general, in trying to assist the Afghanis with how to build prisons and set up prison systems. While they were there, they were asked to go and visit—

I don't know. I'd like to know how Correctional Service Canada was there. Did they just sort of pop in and say hello because they were there? Then did someone say, well, you're there, you're in the prison system, so why don't you just go over and have a look? Or was this part of a concerted effort by the government to see what was going on?

Then we have all these other human rights agencies and Amnesty International, etc. But the reality is that the Minister of Public Safety is on the record as saying that he had some information. There were officials there and they reported.

As a committee, we could ask the minister to come here with the officials, but with the focus specifically on Correctional Service Canada...because there will be other committees looking at this, I am sure. The focus should be on precisely what was going on there, what the officials were doing there, and what they saw. Was it part of their overall mission? Was it a subsidiary thing? How good was the evidence concerning what they saw? Was it hearsay, etc.?

The fact that the minister is on the record as involving himself in Correctional Service Canada clearly comes within the purview of this committee. But I agree with the chair, I think we should focus on the role of Correctional Service Canada and the minister.

• (1225)

The Chair: Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Mr. Chair, it may not be of any great surprise to you that I vehemently object to having this committee study this. I appreciate the position of Mr. Ménard and his party with respect to this whole thing, but he has brought in a whole raft of things that have absolutely nothing to do with this committee, the extension of the tour, and so on.

More importantly, if we're going to look at this, we're going to have to go back to 2001 and bring in the former Prime Minister and Minister of Foreign Affairs, who signed an original agreement that's now obviously in the public domain.

I see no value to this. The best part is that these two members of Correctional Service Canada were there to help the Afghanis improve their prison system. They were not there to monitor what was going on.

We've thrown around the terms of the Geneva Convention pretty freely with respect to this particular conflict. I believe that in the documents signed by the former government—We agree that we want to see the terms of the Geneva Convention applied, but in the strictest sense, the Geneva Convention applies between two warring countries, armies with uniforms, and so on. I think Canadians understand that in this case these are not prisoners of war; these are insurgents. They are not necessarily even citizens of the country that has asked us to be there. We're not an invading army; we're there at the request of the Afghani people and part of a NATO mission.

This motion, as Mr. Ménard brought it forward and spoke to it, was way broader than this committee. It doesn't make sense to ask two members of Correctional Service Canada, who are there to help the Afghani improve their prison system—

I would say that their prison system is not what we have. In many respects, I suspect that most of the country is medieval in terms of what we're used to. Their homes are not what we're used to, or their schools, and so their prisons probably aren't either. Our people are there to help and train them. They have made some changes. They're not there as monitors of the prison system.

The other important issue—which many Canadians understand, although sometimes in Parliament we miss the point—is that I'm not sure whether the prisoners who alleged torture were turned over to the Afghanis by Canadians or by other forces. That part I don't think has ever been made clear.

So when there are other committees studying this, perhaps looking at it from a broader perspective—I'm not saying there aren't issues that Canadians aren't interested in and wouldn't like to know; I just don't think this committee is the proper one to bring this matter forward, in order to deal with a small part of what Mr. Ménard talked about in the bigger picture. If we are going to do that, then I think we'll leave ourselves open to a fair amount of criticism with respect to this committee's role and what other committees, whether foreign affairs or defence, are looking at.

But if we're going to look at this issue, I firmly believe we need to bring in the people who have been involved since 2001 to set the stage. I don't think that was the intent of what Mr. Ménard had here, but it certainly has to be, if we're going to look at the issue. We can't just start with yesterday, because this goes back a long time.

The Chair: Obviously if we pass this, then we have to develop a witness list and, I guess, begin with the people who originally started this.

Mr. Norlock.

● (1230)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): I'd like to speak to the motion before us, but I need to preface it by saying that I've been advised that there are two or three other committees probably looking at motions or involved in planning to visit this issue.

I know Mr. Ménard to be an honourable man who only wants the best, not only for his constituents, but for the world in general, and I share that.

My belief systems are based on love and peace, but I do not live in a world that has love and peace; I live in a world where certain people rely on countries like Canada to help them attain the things we have. That's precisely why this country is in Afghanistan. That's precisely why we went to war in Europe and shed our blood on other people's soil, so that they could share the values that we have.

During any conflict, things happen that you're not too happy with. But dealing specifically with Afghanistan, things have been brought to the attention of the Government of Canada, both this and the previous governments. I believe both governments did their best to address those issues.

You mentioned that if we don't treat their prisoners well, they may not treat our people well if they become prisoners of that regime. They're not an army. They're guerillas; they are terrorists. They don't give a rat's patootic about the values we have. They will use them against us in any way, shape, or form.

The principles that are dear to us, I reiterate, are the very reasons we are there. We are trying to reform their prison system, their schools, and the whole country. Their rich people live in what we would consider poor conditions.

Despite what I was going to say, perhaps it's a good thing that a person from a newspaper was brought by the Taliban to talk to other Taliban, and that's why this whole issue blew up and people are seeing political advantage in it.

But I want to keep the politics out of it as much as possible and say this. What disturbs me most about this whole issue is that when our Canadian soldiers arrest these terrorists, even the terrorists say they're well taken care of. I think we surprise them with how well we take care of them before they're turned over. And we are going to address that situation. The assurances are that we are.

Like many members of Parliament, I have many airmen and soldiers in my riding. The bottom line is that this is affecting their ability to do their job in Afghanistan, because they see what's in the press because of the communications we have today. It's not like World War II, when everything was easily filtered. Nothing is filtered from our men and women. When they hear hints from their Parliament that somehow they are war criminals, and their families hear it, how in the world do we expect their morale to be top notch, with these accusations flying about, or hints of them?

This is what gets me very emotional about this whole issue, that the very people who are willing to shed their blood and risk their lives for us—somehow, some way, we have Canadian citizens going into the highest court of our country saying "Judge, tell us that we're war criminals." That's awful. I get very emotional and perhaps don't stick to the party line.

Quite frankly, all I'm saying is this: perhaps there are committees that should be looking at this, but I don't think this is the proper venue for that.

The Chair: Thank you, Mr. Norlock.

We'll now go to Mr. Wappel, please.

Mr. Tom Wappel (Scarborough Southwest, Lib.): Thank you, Mr. Chairman.

I have just a few comments. I'm going to try to keep it strictly technical, if I may.

First, allow me to say that I try to remain as dispassionate as possible, most times. I chair another committee, the access to information committee, and I got a little hot under the collar this morning, just before this meeting—which is kind of unusual for me—because of the attempts by the Bloc to push a motion with respect to this subject matter. The motion challenged my impartiality in the chair in that the matter had not come up when we were dealing with other items.

Having said that, I want to let the committee know that there is a motion before my committee dealing very specifically with the issue of access to information regarding the report and whether the report was properly censored, or whatever the case may be. I say that because it's very specific. This motion says:

That the Standing Committee on Public Safety and National Security, first of all, immediately take up the issue of the fate of the Afghan prisoners captured by the Canadian military and turned over to the Afghan authorities

So I ask myself, what is the jurisdiction of this committee to deal with non-Canadians in a country other than Canada who are being guarded in another country by other people? The only possible link could be that they were turned over by Canadian soldiers. It seems to me that the actions of Canadian soldiers would be better investigated by the defence committee, or the foreign affairs committee, or both committees, or in a joint committee.

I fully understand what Monsieur Ménard has said. He brought it here because the Minister of Public Safety made comments, and because Correctional officials were over there, and he has jurisdiction over Correctional Service Canada. But I have great difficulty seeing how the Standing Committee on Public Safety—which I presume is the standing committee on Canadian public safety—and National Security, which I presume concerns Canadian national security, would have jurisdiction to deal with an issue dealing with foreign people on foreign soil being guarded by foreign people.

This is the wrong committee for this type of motion. I'm as concerned as the next person about human rights. I'm as concerned as the next person about people being treated properly, regardless of what their own motives are. We don't sink down to the level of those who attack us; we try to maintain some degree of respect for human rights, and frankly, I don't think there is any implication that Canadian troops have done anything wrong. If anything, the implication is that some agreement was signed that hasn't taken into account what might happen if people captured by Canadian soldiers were turned over to Afghan authorities, as opposed to NATO authorities, for example.

So I'm having great difficulty in understanding how this committee would be seized with this issue, with the possible exception of Mr. Cullen's point of making it a very focused inquiry. Frankly, I think that would be virtually impossible. It will become a circus atmosphere when the Minister of Public Safety comes—if he comes. We can't compel him to appear in any event, as we know. I suppose we could have the Correctional Service people. But from my perspective, I'm having difficulty seeing how this committee's mandate would authorize this kind of motion.

I don't want to get into all of the emotional aspects of this issue and supporting the troops, or anything. In my view, the motion might be very well taken up in another committee, but I can't see that this is the committee that should take it up.

(1235)

The Chair: Thank you, Mr. Wappel.

That's why I posed that original question. Why should this committee—? I hadn't heard that, and it doesn't say that in the motion here. It doesn't seem to apply to us.

Mr. Cullen.

Hon. Roy Cullen: Thank you.

I think we need to—I want to hear from the Minister of Public Safety and/or his officials about what Correctional Service Canada is doing in Afghanistan. To what extent were they asked to go and visit these prisoners, and what were the terms of reference? I'd like to know more about that. The minister has said that.

I don't think we have to go back to 2001, by any stretch. In his presentation, Mr. Ménard went far beyond what we're talking about here. We're not talking about whether we should be respecting the Geneva Convention or handing over prisoners. In my view, that is within the purview of another committee. We're asking—and that's the way I read the motion and the preamble—to take up the issue. I'd be agreeable to some wording changes to say that it's a preamble statement, and then to that end, invite the minister.

Maybe that's not clear enough, but I personally don't see any harm—In fact, I'm going to find out from the minister and the officials what they're doing in Afghanistan, to what extent they looked at these prisoners, and what they came up with. The minister has said things through the media and some things in the House, but they've been very brief. I think a very focused view of that—not the agreement, that's outside the scope of this committee.

But just what is Corrections Canada doing there? What did they see? What were they asked to see? Is this part of their overall mission there, or is it just an ancillary thing? I'd like to hear that. And what did they actually see? That's the way I read the motion, and I certainly would support that. If the wording needs to reflect that better, I'm certainly—I think if we had that, the chair would keep people on track.

There will be other committees looking at the whole question of the agreement and the Geneva Convention. That is outside the scope of this committee, in my judgment.

● (1240)

The Chair: I guess I'm overstepping my bounds a bit here as chair, but you said, what is the harm? If you're in a war situation and start calling people off the battlefield to come here, do you not think that would have an effect? How would you address that concern?

Hon. Raymond Chan (Richmond, Lib.): [Inaudible—Editor] They are correctional officers.

The Chair: I'm asking Mr. Cullen.

That sends a message to the enemy. We're in a war situation here.

Hon. Roy Cullen: Yes, but we're asking for the minister and Correctional Service Canada.

The Chair: But that's not what you said. You said that we should bring them over here from Afghanistan.

Hon. Roy Cullen: Whoever can speak on behalf of Correctional Service Canada. Also, I presume we'd have to have at least one who was actually there.

They're there—it's my understanding, but I'd like to know more—to help the Afghanis build and manage a prison system. So I don't think pulling them away for a meeting so that parliamentarians can understand what the heck is going on is such a big deal.

The Chair: What message does that send?

Mr. Chan.

Hon. Raymond Chan: I have been a strong supporter of NATO's effort in Afghanistan and for Canada to help build democracies and so on in the third world countries. It's a very idealistic mission that promotes Canadian values. While we are trying to do a very honourable job, I'm very worried that at the same time as we are seeing evils being done, we are deciding to ignore those kinds of things. It hurts us. It hurts our reputation; it hurts our ability to promote that kind of thing in the future.

The agreement the Liberal government signed with Afghanistan contained a clause that the Afghani government would respect the Geneva Convention. At the same time, if there are indeed tortures and the Geneva Convention is being violated by the Afghanis, if we turn a blind eye to that, it would incriminate the Canadian side in that action.

As these reports from all different sectors have reported, there is certain evidence of torture and so on. To me, this is why, by looking into this matter and by asking that question, we are not pulling the rug out from under our own soldiers in Afghanistan; I think we're protecting them by making sure that as the Government of Canada we are not asking them to do the wrong thing. I take great offence from others who think it is not being supportive of our troops.

I support Mr. Ménard's motion because although the actions of the correctional officers might not be dealing with the safety of Canadians, this committee has authority over the Correctional Service of Canada, so it's important for us as committee members to have an understanding of what the employees of these ministries that we are responsible for are doing. We are answerable to the public, to Canadians, for their actions.

I appreciate that the officers from the Correctional Service of Canada are helping, but it is important. If they do indeed witness

torture or have some kind of proof of torture on the ground in those prisons, and if we do not act on it, then we become complicit in that kind of activity. This is why I think it's important for this committee, which is responsible for the Correctional Service of Canada, to have full knowledge of what they have seen on the ground.

This is why I support Mr. Ménard's motion.

Thank you.

(1245)

The Chair: Thank you.

I hope everybody in Afghanistan reads the record here so they know what we're doing.

Please go ahead, Monsieur Ménard.

[Translation]

Mr. Serge Ménard: I will limit my answers strictly to some brief points to explain precisely, even though I thought I did so at the end of my presentation, why I am making this motion at this committee rather than letting others deal with it.

I would like to say to Mr. Norlock, whom I respect enormously, that even if we take different positions on some matters, we are generally in considerable agreement on fundamental questions.

I would point out to him that the Geneva Convention does not apply only to the armies of sovereign countries, but to all situations in which armed forces are involved, whether the forces are national or not. Many desperate young people who are not able to earn a living are attracted by salaries of about \$10 a day to be part of Taliban forces. Several democratic countries around the world won that democracy because of illegal groups.

I am quite satisfied that the Geneva Convention applies. The instructions given to our soldiers and our officers support that: if ever they are taken prisoner by Taliban forces, they are to invoke the Geneva Convention and refuse to give more than basic information. Moreover, they always carry a card with them that they can read if ever they are taken prisoner. So I really believe the Geneva Convention applies.

My references to the Geneva Convention are above all to explain how important observing it is in the eyes of members who are grappling with the moral dilemma of accepting Canada's participation in a mission in Afghanistan under the UN banner. I also did so to assure myself that we would require conditions that allow us to act in accordance with our fundamental principles.

I also understand perfectly your reasoning about the effect that this could have on the troops. I have always been in favour of freedom of information. I have always said that, when information is wanting, rumours start to fly. And rumour is always worse than the truth. So I suggest consulting the best source of information. Mr. Norlock, I suspect that the rumour we are hearing at the moment is worse than the truth. I understand that this could have adverse effects on the morale of the troops. This motion is intended to go straight to the source and to get as close as possible to the truth by hearing the accounts of people who have been on the ground there.

Why this committee? Because the witnesses who are there—and their minister has commented—are people who report to the department for which we act as the critics. There is no other reason. Technically, we must hear from them, but there are more fundamental reasons that I have explained to you, reasons that go to the principles that we all share.

● (1250)

[English]

The Chair: I don't know that we're going to get around to the vote today, because there's a lot of discussion taking place. I have two more speakers on my list.

Mr. Lee, and Mr. MacKenzie.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Other than in some tangential ways I don't see that there's a whole lot of jurisdiction of the public safety minister here. He might have a few Mounties and some correctional officials over there giving advice, but I don't think anyone would seriously argue that it is part of the mandate of Mr. Day to manage the NATO intervention in Afghanistan and all that goes with it in terms of foreign affairs and diplomacy, etc. Likewise, it is clearly not the mandate of this committee. It never was. What goes on in Afghanistan stays in Afghanistan.

What has happened is that this minister, who does report to this committee in the parliamentary sense, has spoken in the House and has almost pretended that there's some connection between a CSE official and this prisoner business. I wonder what would happen over at the health committee—because there probably are health officials from Canada assisting in Afghanistan—if the Minister of Health said in the House that we have health officials advising on water supply for the prisons over there. Would the health committee call the health minister and start a whole inquiry about the prisoner thing based on water supply? I think not.

By the same token, the minister should want to be accountable for what he says in the House, and this is the committee that would normally call him. I will confirm that there is a tangential jurisdiction in relation to this public safety minister and the Mounties and the CSE officials who may be over there, but none of that has anything

much to do with the core issue of the handling of detainees in Afghanistan.

If this committee were to embark on an inquiry, this committee would have real trouble enforcing its powers to send for papers and records in relation to officials and ministers who have nothing to do with the mandate of this committee. We'd be way outside our jurisdiction. We could only do a partial glimpse of this thing, not a full one, in my view.

Mr. Cullen's suggestion may be viable. We can take a look at the CSE window on this, but it wouldn't get near the core of it, and in my view, it's way outside the mandate. I think we should be very cautious about pretending to move into this window.

(1255)

The Chair: I have two more speakers here. Do you want to bring this to a head today or not?

Mr. MacKenzie.

Mr. Dave MacKenzie: Mr. Lee has said what I was going to say. There are lots of other government officials over there.

I think we need to put it to an end and vote, Mr. Chair.

The Chair: Do you agree?

Hon. Roy Cullen: I think, Mr. Chair, that we are totally off course. I think the motion says specifically—and perhaps the preamble is confusing—that "it invite the Minister of Public Safety to appear—and invite the Correctional Service Canada employees who have been to Afghanistan, or are currently there, so that they can report their on-site observations to the committee—". That's the motion I'm supporting.

Mr. Tom Wappel: That's not the motion before us.

Hon. Roy Cullen: Yes, it is.

The Chair: I think I will end the discussion here.

You have indicated that you want to bring this to a head, so I will ask for a show of hands, unless you want a recorded vote.

(Motion negatived)

The Chair: This meeting stands adjourned.

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