



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Foreign Affairs and International Development

EVIDENCE

**NUMBER 063**

Thursday, May 4, 2023

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Chair: Mr. Ali Ehsassi





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• (1110)

[English]

**The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)):** Welcome to meeting number 63 of the Standing Committee on Foreign Affairs and International Development.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room, as well as remotely using the Zoom application.

I'd like to make a few comments for the benefit of the members and the witnesses.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike and mute yourselves when you are not speaking.

Interpretation for those on Zoom is at the bottom of your screen, and you have a choice of floor, English or French. For those in the room, you can use your earpiece and select the desired channel.

As a reminder, all comments should be made through the chair.

Pursuant to Standing Order 81(4), the committee resumes consideration of the main estimates 2023-24: votes 1, 5, 10, 15, 20 and L30 under Department of Foreign Affairs, Trade and Development; vote 1 under International Development Research Centre, and vote 1 under International Joint Commission, referred to the committee on Wednesday, February 15, 2023.

It is now my pleasure to welcome the Honourable Mélanie Joly, Minister of Foreign Affairs.

Welcome back from your lengthy trip to Africa, which I understand you returned from yesterday.

Moreover, I'd like to welcome your officials who are accompanying you today. From the department, we have Ms. Cindy Termorshuizen, who is associate deputy minister of foreign affairs. We have Ms. Sandra McCardell, assistant deputy minister for Europe, Arctic, Middle East and Maghreb; and we also have Ms. Anick Ouellette, assistant deputy minister and chief financial officer.

Minister Joly, you will be provided five minutes for your remarks, after which we will proceed to opening it up to questions from the members.

Yes, Mr. Chong?

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** On a brief point of order, Mr. Chair, I'd like to voice my displeasure with

the last-minute cancellation of the deputy minister of the Department of Foreign Affairs.

This individual was slated to appear until 7:38 this morning, and we got a last-minute cancellation. I think it's an affront to the committee that the deputy minister would cancel at the last minute. His testimony would have been particularly relevant because he was in PCO in the summer of 2021. He was not only foreign affairs adviser—

**Ms. Rachel Bendayan (Outremont, Lib.):** Mr. Chair, I don't believe this is a point of order.

**Hon. Michael Chong:** —to the Prime Minister, but he was also the acting national security and intelligence adviser.

Mr. Chair, I'd like you to voice our displeasure to the department, after this meeting, about his last-minute cancellation at this meeting.

**The Chair:** Mr. Chong, bear in mind that this is about main estimates, but your concern is duly noted.

**Hon. Michael Chong:** He is the deputy minister.

**The Chair:** Absolutely, but you were running through his previous experiences.

That having been said, Minister, welcome.

You have five minutes.

**Hon. Mélanie Joly (Minister of Foreign Affairs):** Thank you, Mr. Chair. It's a pleasure to be with all of you today.

Right off, I want to address the issue that is top of mind for everyone in the room.

MP Chong—Michael—what has happened is completely unacceptable. I cannot imagine the shock and concern of learning that your loved ones have been targeted in this way. Personally and also as foreign minister, I take this extremely seriously.

You have all heard me say, and I've said it directly to my Chinese counterpart, that we will not tolerate any form of foreign interference, not in our democracy, not in our internal affairs, full stop. I have made my expectations clear: All foreign agents in Canada must abide by the Vienna Convention, and if they do not, there will be consequences.

In light of the facts confirmed by CSIS, I have instructed my deputy minister to summon the Chinese ambassador. That is what he's doing as we speak. We will convey to him directly that we will not tolerate any form of foreign interference, and that all options, including expulsion of diplomats, remain on the table as we consider the consequences for this behaviour.

Of course, I'll have more to say if you ask me questions, which I'm convinced you will, on this topic.

• (1115)

[Translation]

I would also like to briefly update you on the situation in Sudan. As you mentioned, Mr. Chair, I returned yesterday from that region, where I met with Canada's ambassador to Sudan, Philip Lupul, as well as Canada's high commissioner to Kenya, and their teams, including our outstanding diplomats and locally engaged staff. Most importantly, I met with Canadians who were evacuated thanks to the swift work and dedication of our team, members of the Canadian Armed Forces and the support of our allies and partners, including many neighbouring countries.

I continue to monitor the situation very closely. My colleagues responsible for defence, immigration and international development are currently working with me to coordinate the government's overall response.

Beyond the immediate crisis, we believe that Canada can and must play its part in delivering humanitarian assistance by supporting the Sudanese people in their desire for a democratic future and by working for long-term peace and stability in the region.

[English]

Last week marked 18 months in my role. It has been a busy time and not just for me personally. Thousands of Global Affairs employees in Ottawa and around the world have been at work as well, and they have been working extremely hard.

[Translation]

For decades, we have faced conflicts, natural disasters and an ever-changing geopolitical landscape. Today, we face increasingly rapid change and increasingly complex challenges, whether it's the illegal invasion of Ukraine—

[English]

**The Chair:** I apologize. We're having some technical problems with translation.

[Translation]

**Hon. Mélanie Joly:** Can you hear me well when I speak French? Is everything okay?

[English]

**The Chair:** Yes, thank you.

[Translation]

**Hon. Mélanie Joly:** Today, we're faced with increasingly rapid change and increasingly complex challenges, whether it's the illegal invasion of Ukraine, the pandemic, climate change or a host of other challenges. As Canadians, we're feeling the effects at home. What gives me great hope is that Canada is well positioned to meet

these challenges successfully and to play a key role in solving the problems.

[English]

We are facing a pivotal moment for Canada and for the world, but Canadians can be confident that we are rising to the occasion.

The world changed profoundly on February 24 of last year with Russia's brutal invasion of Ukraine. In response to this attack on freedom and democracy, we have witnessed the brave and heroic efforts of Ukrainians in their fight for freedom. Just as we have worked long to support a democratic Ukraine and as we have stood by the Ukrainian people fighting to protect their country since day one, we will be there to provide our full support after their victory as well.

We'll also continue to use every tool available to make Putin pay for his war by imposing severe costs on the Russian regime and on its enablers. We will also not rest until those responsible for the war crimes and for the crimes against humanity that are being committed are brought to justice.

While standing up against the Russian regime has brought Canada even closer to our NATO allies across the Atlantic, we are also a Pacific country. The Indo-Pacific is at the centre of a massive global shift. Decisions made there will have an impact on Canadians for generations and for decades to come. It is the fastest-growing economic region in the world and one with which Canada has strong and growing ties. We'll act in the best interests of Canadians. We're also deepening our relationships with India, Japan and South Korea—all of which I have visited in recent months—as well as with ASEAN members.

[Translation]

Finally, our government will continue to focus on the priorities of Canadians as we navigate the complex realities of today's world. With our talented diplomats, we will ensure that Canada is well represented at the table and that our voice is heard loud and clear. We are committed to protecting the national interest and always defending it. Of course, the interests of Canadians are at the heart of every decision we make.

That concludes my remarks. I'm more than willing to answer your questions in English and French.

• (1120)

[English]

**The Chair:** Thank you, Minister.

We will now open it to questions from the members.

For the first round, each member will be provided five minutes, and the first member is MP Chong.

You have five minutes, please.

**Hon. Michael Chong:** Thank you, Mr. Chair.

Minister, when did you first find out that a PRC diplomat was targeting me and my family?

**Hon. Mélanie Joly:** I learned it through the news.

**Hon. Michael Chong:** Why is this diplomat still here?

**Hon. Mélanie Joly:** I knew you would be asking me this question, because it's a valid question.

Just to go back a second, I can only imagine the shock, the pain and the worry that you've gone through, dear Michael, due to the targeting of your family and your loved ones. As I mentioned earlier, on a personal level, and as foreign minister, I take this extremely seriously.

You've asked me questions regarding foreign interference in the past. I've always said that of course we would not tolerate any and, second, that we would make sure that if there was any violation of the Vienna Convention, we would take action as—

**Hon. Michael Chong:** Minister, article 9 of the Vienna Convention is clear.

I've heard your answer. It's not—

**Hon. Mélanie Joly:** I am not finished, and—

**Hon. Michael Chong:** Why is this diplomat still here? Article 9 of the Vienna Convention is clear. Article 9 says that the government can declare a diplomat *persona non grata* for no reason. The article is clear, so why is this diplomat still here? This is a diplomat who has more rights and immunities than the Canadians around this table and who can go around and conduct his foreign interference threat activities.

He has diplomatic immunity. He cannot be criminally prosecuted. We all remember the drunk-driving case of the Russian diplomat who mowed down and killed a Canadian citizen. Former minister Manley was unable to do anything about it.

You have given accreditation to a diplomat here who is using his diplomatic immunity to target not only me and my family but also other members of Parliament. Why do you, Minister, continue to allow this diplomat to be accredited in this country on Canadian soil? That is the question, and you haven't answered the question.

**Hon. Mélanie Joly:** Let me answer the question.

Of course, Michael, I understand your frustration and anger, so—

**Hon. Michael Chong:** We haven't expelled a single PRC diplomat.

**Hon. Mélanie Joly:** Michael, can I please finish—

**Hon. Michael Chong:** We are one of the few democratic allies in the NATO alliance—

**Hon. Mélanie Joly:** Mr. Chair—

**Hon. Michael Chong:** —that have not expelled a single PRC diplomat. Canadians are being targeted by the over 100 diplomats accredited here.

**The Chair:** Mr. Chong, will you allow the minister to respond?

**Hon. Mélanie Joly:** Thank you.

First and foremost, what we're doing right now, as a government, is assessing the consequences we'll be facing in the case of diplomatic expulsion, because there will be consequences. I think it's important that Canadians know this. What we've learned from the two Michaels' experience is that, of course, China and the PRC will take action. These interests, including economic interests, consular interests and diplomatic interests, will be affected—

**Hon. Michael Chong:** Minister, I can't think of any interest—

**Hon. Mélanie Joly:** No, Michael, I want to finish my answer—

**The Chair:** Mr. Chong, will you allow her to finish?

**Hon. Mélanie Joly:** —because this is very important. It's about you, but it's also about the interests of the country.

As we assess these interests—and I know we are under pressure to go fast—we need to make sure, as well, that we protect our democracy. That is why we will take action in light of the facts being presented regarding your case and any MP who could be targeted.

That's why my deputy minister, right now, is meeting with the Chinese ambassador and summoning him. That's also why we're assessing different options—including the expulsion of diplomats—because it is important we take a decision.

**Hon. Michael Chong:** Minister, with respect to interests, economic or otherwise, I can't think of an interest more important to the Canadian state than the protection, safety and security of its own citizens—

**Hon. Mélanie Joly:** I agree with you.

**Hon. Michael Chong:** —here on Canadian soil. That trumps all other interests. It is inexplicable that this diplomat hasn't been told to leave the country already. I would hope the deputy minister is informing the ambassador that this individual, Mr. Wei Zhao, should be on the first plane out or declared *persona non grata*. I think that is the only course of action here.

If we do not take that course of action, Minister, we are putting up a giant billboard for all authoritarian states around the world that says, "We are open for foreign interference threat activities on Canadian soil that target Canadian citizens, and you can conduct these activities with zero consequences." That's why this individual needs to be sent packing.

Mr. Chair, I have a question about—

• (1125)

**Hon. Mélanie Joly:** I hear you and I share your concern regarding foreign interference. I share your concern regarding the message we would be sending. In order for this country to be safe and to prosper, of course, democracy must be our bedrock.

That being said, we will take a decision thoughtfully, one that will have the best interest of Canadians and our democracy in mind.

**Hon. Michael Chong:** Mr. Chair—

**Hon. Mélanie Joly:** As I mentioned, all options are on the table.

Thank you.

**Hon. Michael Chong:** I'd like to ask a question about the intelligence assessment dated July 20, 2021.

Did your department receive this intelligence assessment?

**Hon. Mélanie Joly:** I was not the Minister of Foreign Affairs, so I—

**Hon. Michael Chong:** I understand that, but I'm asking whether your department received it. You were appointed minister on October 26, several months later. I assume your department received it.

The Prime Minister indicated yesterday that the assessment never left CSIS. It seems inexplicable that it would not have left CSIS. CSIS doesn't produce intelligence products for its own consumption. It produces them for departments and central agencies.

I am trying to find out why that information never made it out of CSIS.

**The Chair:** Mr. Chong, you're considerably over your time now.

**Hon. Mélanie Joly:** Michael, the Prime Minister has asked for an investigation on this. You know that. You had many conversations with the Prime Minister himself about this issue. You've been briefed about this issue at least six times. You've had access to that information.

**The Chair:** Mr. Chong, you're a minute and 20 seconds over time.

**Hon. Michael Chong:** No, I'm not.

**The Chair:** It says here six minutes and 14 seconds.

**Hon. Michael Chong:** I'm allocated six minutes.

**The Chair:** No, it's five minutes, as I indicated at the start.

**Hon. Michael Chong:** Okay.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Chong.

We'll now go to Ms. Bendayan.

You have five minutes.

**Ms. Rachel Bendayan:** I believe it's my colleague, Mr. Sarai.

**The Chair:** Go ahead, Mr. Sarai.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Thank you, Mr. Chair.

Thank you, Ms. Bendayan.

Welcome, Minister.

I come from a region on the Pacific. It's safe to say that 40% of the population in the Lower Mainland hails from the Pacific countries, the Indo-Pacific in particular: China, India, Philippines, Taiwan, etc.

The Indo-Pacific strategy itself is a vital and very important strategy. I was hoping you could enlighten us on how you built that strategy, whom you consulted with, and whether a rules-based or-

der—rules-based trade, human rights and long-term security of territorial boundaries—was taken into consideration. Can you elaborate on that?

**Hon. Mélanie Joly:** Thank you, MP Sarai.

Of course, the question of the Indo-Pacific strategy is extremely important. Why? It's the biggest investment in decades for Global Affairs Canada. It is a reckoning that we are a Pacific country and that since what is going to happen in the Indo-Pacific will have an impact on Canadians for decades, we need to be there, and we need to make sure that we're strategic about it.

We invested \$2.3 billion, which is 43 initiatives affecting 17 departments, and our goal is to make sure that we are able to invest in security. That's our first priority. The second one is trade. The third one is really everything linked to people-to-people ties: immigration, humanitarian aid. The fourth one is linked to climate change and investments in infrastructure. Finally, the one that is dear to my heart is the diplomatic footprint, being able to have a lot of expertise regarding the region but also making sure that we increase our presence in the Indo-Pacific.

We are also putting a lot of emphasis on Japan and Korea, because they are part of our neighbourhood, which is the northern Pacific. We are also investing in Asian countries. We want to make sure that we become a strategic-level partner of Asia. At the same time, we are making sure that we have a good working relationship with India. I've visited India two times in the past four months, as it's chairing the G20.

Of course, everything we do is also linked to the protection and promotion of our national interests and to making sure that we defend human rights because that's part of who we are. That's part of our DNA, and that's part of our ongoing commitment at Foreign Affairs.

● (1130)

**Mr. Randeep Sarai:** Minister, how have your travels been? You were in Japan, I believe. You were in India twice and other parts of the region. How receptive are these states and the region itself to our Indo-Pacific strategy?

**Hon. Mélanie Joly:** They are extremely happy because many of them have been saying that Canada has to be a reliable partner, and now we are a reliable partner because they see movement. First and foremost, many of you have travelled to the region, so thank you for that. Many of the ministers have travelled to the region. More than that, we have strong people-to-people ties. We have great academics, great students, great business people, so this is a full-court press by Canadians in general as we look even more west, which is fundamental to us.

I know, Randy, that you're from B.C. Some of you are from B.C., and it's natural to think of ourselves as a Pacific country. However, I think for too long we have been very much looking south to our best friend and neighbour, the U.S., and looking east to Europe because of our history. It's really important that we be able to look west. Thank you for the B.C. leadership to that extent.

**Mr. Randeep Sarai:** Thank you, Minister.

Switching to our best friend to the south, the U.S., we had a bit of a strained relationship, specifically with trade, with the previous leadership in the United States.

President Biden was just here. Can you tell us if that relationship has strengthened now? Is it stronger? Where can we move forward with that relationship? Surrey is also a border city with the United States. Just as we trade with the Pacific, we trade heavily with the United States, as well.

**Hon. Mélanie Joly:** I think we had a fantastic visit from President Biden and his team. I think we have been able to work together on many of the economic benefits linked to investing in growing our economy, particularly everything linked to the green investments and the supply chain development of clean energy, green infrastructure, electric vehicles and batteries.

At the same time, I must say that I have the chance to see my counterpart, Tony Blinken, pretty much every month or every three weeks. We have a very good relationship. I would call him a friend. We work together on many geopolitical issues that range from the relationship with China and the reality that Ukrainians are facing right now with Russia's illegal invasion to protecting the Arctic together, finding a peaceful solution for Sudan, and making sure that Haiti is also top of mind as the situation is deteriorating.

You can see on the foreign affairs side, of course, that we're working together on a range of geopolitical issues. At the same time, we have a good bilateral relationship. One of the things we worked together on, along with my other colleagues, was the safe third country agreement, as we wanted to make sure that we protected our sovereignty but also were able to cover the entire border.

**The Chair:** Thank you, Minister.

We next go to MP Bergeron.

You have five minutes.

[*Translation*]

**Mr. Stéphane Bergeron (Montarville, BQ):** Thank you, Mr. Chair.

Madam Minister, thank you for joining us with your staff.

I'd like to express our regret that we have so few opportunities to interact with you, and for so little time on each occasion. This strikes me as a bit of an anomaly, given that we are the Committee on Foreign Affairs.

The main estimates indicate that Canada intends to allocate over \$10 billion to the Organization for Security and Co-operation in Europe, or the OSCE, an important organization if ever there was one.

While some organizations, such as the Council of Europe, have excluded Russia from their ranks following its war of aggression against Ukraine, it is noted that Russia remains a member of the OSCE. I had the opportunity to speak in favour of its exclusion before the Parliamentary Assembly of the Council of Europe.

Since Russia is still a member of the OSCE, we might as well take advantage of its presence. You know that it is among the co-chairs of the Minsk Group, which was tasked with finding a solution to the conflict in Nagorno-Karabakh.

However, in a Global Affairs Canada press release on April 25, you once again urged the Azeri authorities to reopen the Lachin Corridor and asked that it "remain open and unimpeded to allow for the freedom of movement of people and goods". Despite this, much like your December appeal, this one also went unanswered.

Have you had the opportunity to contact your Azeri counterpart to discuss the issue? What do you expect from the OSCE, more specifically from the Minsk Group, to finally break the deadlock in this situation, which is turning into a real humanitarian crisis?

● (1135)

**Hon. Mélanie Joly:** Thank you. That's a very good question.

I share the concern of the Armenian community here about the closure of the Lachin Corridor and its humanitarian repercussions.

In fact, only a month ago in the House of Commons, I called for the parties to the cease-fire process, so both Armenia and Azerbaijan, to abide by the terms of the cease-fire, which is not the case currently.

Also, you mentioned that the OSCE includes Russia. The OSCE is an organization that I trust and I have a lot of respect for, but the Minsk process is in trouble right now. I can't be more candid with you.

On the other hand, other initiatives are underway to find a solution that will bring some peace to Nagorno-Karabakh and protect the Armenian community involved. This is the European Union's peace process.

I have asked the European Union to allow Canada to participate in this peace process. We are negotiating with the European Union and I will have more to say on this issue shortly. As you know, the situation in the Caucasus that concerns the Armenian community is particularly important to me. So I'm following it closely.

**Mr. Stéphane Bergeron:** All right. I guess we will have to be satisfied with that answer for today.

In the main estimates, over \$4 billion is allocated to development, peace and security programs. In November 2017, while hosting a major international peacekeeping summit in Vancouver, the Prime Minister pledged that Canada would provide a rapid response force of 200 troops. There are only a handful, currently.

Has this pledge been budgeted for? Does Canada still intend to fulfill it? If so, in how many decades from now?

**Hon. Mélanie Joly:** Your question is very relevant. It's important for Canada to play a role internationally to help ensure global stability at a time when there is concern that the current conflict will become internationalized. That's the big question.

That's why it was important that I go to Kenya to address the Sudan crisis. We know that this crisis can have several consequences, including destabilizing the region and generating migratory movement that will weaken several countries and put a lot of pressure on them.

In addition, we don't want the situation to become a repeat of what is also happening in Europe. That's why I wanted to go to Kenya. Of course, I wanted to meet first with the Canadians who were evacuated and our diplomats, but also to allow Canada to participate in the negotiations in Africa to find a solution to the conflict.

I therefore sat down with—

[English]

**The Chair:** MP Bergeron is out of time.

[Translation]

**Hon. Mélanie Joly:** Okay.

Mr. Bergeron, I'll be able to answer your question in the next round.

[English]

**The Chair:** Thank you.

MP McPherson, you have five minutes.

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Thank you very much, Mr. Chair.

I'd like to thank you all for being here.

Thank you for being here, Minister. I have a few comments I want to make first, and then I'll ask you a series of questions.

First of all, I want to say that I stand in solidarity with our colleague Michael Chong. To know that that diplomat is still here is appalling. To hear you say things like you're assessing it makes me very concerned that you're not taking this as seriously as you should.

That leads into my second comment. We've been meeting, as I'm sure many people around this table have, with human rights defenders, church groups, faith groups and international development organizations. Many of them have let us know that despite the fact that they have reached out to you, in some cases multiple times, they rarely hear back from your department. I am worried about that. I'm worried that it's a trend and that you're not responding to organizations. I just want to flag that for you. I know you won't be able to respond to that right now.

To start, I will ask you a few questions about Canada's arms sales. You said to Mr. Sarai that defending human rights is “part of our DNA”. I met today with Amnesty International from Peru. They were talking about the challenges that are happening in Peru.

Canada continues to sell arms to Peru. We continue to sell arms to Saudi Arabia. We continue to sell arms to Israel. We continue to sell arms to Colombia. You have told me in the past that this wouldn't be the case and that you would make sure we were living up to the obligations under the Arms Trade Treaty.

To me, Minister, unless you have a vastly different definition of what the Arms Trade Treaty means, it doesn't look like you're living up to that. Can you tell us why?

● (1140)

**Hon. Mélanie Joly:** Thank you. There are many questions in there.

First and foremost, to go back to what I was saying regarding MP Chong's reality right now—

**Ms. Heather McPherson:** I was just making a comment. I'd actually prefer that you respond to the arms piece.

**Hon. Mélanie Joly:** I just wanted to reiterate the fact that I take it very seriously. The question of the expulsion of diplomats is top of mind.

**Ms. Heather McPherson:** Minister, I think you know that I have only five minutes. I would prefer that you answer the arms question.

**Hon. Mélanie Joly:** Yes. I hear you.

On the second thing, regarding meeting with human rights defenders, Heather, please, I'm always available, except when I'm not in the country. We always make sure to make ourselves available—

**Ms. Heather McPherson:** Minister, please go to the arms question. I know you don't want to answer that one, but I would really prefer that you answer that one.

**Hon. Mélanie Joly:** I just think it was important to address that.

Regarding Canada's arms sales, I know this is important for you. I know you've raised it with me. I know it's also important for your party. We've been having ongoing conversations with Amnesty International. Actually, I met Amnesty International when I was in Sudan two days ago.

I hear you regarding the fact that export controls are a preoccupation for you. At the same time, I want to reassure you that we have one of the strongest export control systems in the world. At the same time, we will always make sure that the respect for human rights will be enshrined in our legislation and also taken into consideration when making decisions.

**Ms. Heather McPherson:** One would think that that may not be accurate, considering we are still selling weapons to places where there are very clearly documented human rights abuses happening.



I was also just in Japan. As you know, the G7 is coming up in Hiroshima. We listened to the *hibakusha*, the survivors of the atomic bomb. One thing they certainly have expressed is the need for us to be moving on nuclear disarmament. As you know, other NATO countries have agreed to attend as observers many of the nuclear disarmament talks on the TPNW. Canada, to date, has refused to do that. Canada has refused to engage in any way with the TPNW, which is appalling, considering that I believe members of your government said they were in support of that prior to being elected.

I'm wondering if the government is planning on sending an observation delegation to New York this year for the member states meetings.

**Hon. Mélanie Joly:** Thank you.

Yes, indeed we are concerned about the race to nuclear weapons, particularly at a time when international security is at stake and we are seeing a rise of authoritarianism. In that sense, Canada will always put human security and disarmament at the core of our foreign policy. That is why we've made sure that we'd be joining the fissile material treaty, which is also at the core of making sure that we address the issues linked to nuclear armament.

I've raised this issue at NATO. I've raised it at the G7. I was there in the name of the Prime Minister with Prime Minister Kishida last September at the UN General Assembly regarding the importance of nuclear disarmament. You can always count on Canada's voice on this issue.

**Ms. Heather McPherson:** I have one very quick question. Will you or anyone from the cabinet be attending any of the G20 meetings in Kashmir?

**Hon. Mélanie Joly:** We'll make a decision when it is required.

We will be attending G20 meetings because it is important that Canada's voice be heard, particularly at the time of international security issues.

**Ms. Heather McPherson:** Will you send somebody to Kashmir, though?

**The Chair:** Thank you, Ms. McPherson. You're out of time.

We will now go to the second round. Each member will be provided with three minutes.

We will commence with MP Chong.

• (1145)

**Hon. Michael Chong:** Thank you, Mr. Chair.

Minister, I have a simple question. The former CSIS director, Dick Fadden, said yesterday that the intelligence assessment of July 20 most certainly would have gone to the foreign affairs department. Can you commit to this committee to providing us with an answer as to whether or not that report made it to your department?

**Hon. Mélanie Joly:** I'm sorry, Michael. Can you repeat that? I didn't hear it well.

**Hon. Michael Chong:** Yes. Can you commit to this committee to providing us an answer, after the committee is done? Can you commit that officials will tell this committee whether or not the intelligence assessment dated July 20, 2021 was sent from CSIS to your department?

Can you just commit to getting back to us with an answer, yes or no?

**Hon. Mélanie Joly:** I need to make sure that I abide by my oath, and therefore that the information that is classified—

**Hon. Michael Chong:** I understand. Let me just clarify your oath. This is important.

Portions of this report have been declassified by David Vigneault. He declassified that under Canadian law in order to prevent threats to me and my family. He's authorized under law to declassify certain portions of it, which he did.

I'm not asking for the report. I'm just asking if the department would let the committee know whether or not it received this report. The report is titled "PRC Foreign Interference in Canada: A Critical National Security Threat CSIS IA 2021, 2022-31".

I'm wondering, Minister, if you would commit to the committee in letting us know whether or not the department actually got this report.

**Hon. Mélanie Joly:** What I can say to you is that I'll shed light on this issue and I'll make sure that we're as transparent as possible.

**Hon. Michael Chong:** Thank you.

I take that as a yes, Mr. Chair.

I have a very quick second question. CSIS just came out with its 2022 report. It says:

Foreign interference directed at Canada's democratic institutions and processes, at all levels of government, can be an effective way for a foreign state to achieve its immediate, medium and long term strategic objectives. Foreign states—again, directly and via proxies—may seek to influence electoral nomination processes, shape public discourse or influence policy positions of elected officials using covert tactics. The purpose is to advance issues or policies that favour the foreign state, or quell dissent.

The report then goes on to make two recommendations to your government:

These threat actors must be held accountable for their clandestine activities...  
We will also continue to inform national security stakeholders and all Canadians about foreign interference....

My simple question is, why is the government not following the advice of CSIS in holding actors accountable for their clandestine, covert and coercive activities?

**Hon. Mélanie Joly:** First and foremost, you know that CSIS is under the Minister of Public Safety's responsibility. Of course, I work with them on this issue. We all want to make sure that we protect Canadians across the country and abroad. At the same time, we need to make sure that we are acting in a thoughtful manner to address this, because this is affecting all of us and our democracy.

Yes, I can tell you that there will be actions. The first part of the series of actions is, right now, my deputy minister talking to the Chinese ambassador and summoning him. Also, I've raised it directly with my Chinese counterparts. I think it's important that I be able to do so and to continue to engage.

At the same time, I would tell you as well that we will continue to protect our democracy. I hope that we can all work together. This is not a partisan issue. This is something that every single party and every single Canadian want us to be able to solve. Thank you.

**The Chair:** Thank you.

We will next go to MP Zuberi.

You have three minutes.

[*Translation*]

**Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.):** Thank you, Mr. Chair.

Thank you for being with us today, Madam Minister.

[*English*]

I know that you and your department do amazing, important work in representing Canada's interests across the globe and in putting forth our approach, which is respect of the rules-based order.

We've heard a lot about what's happened to one of our colleagues in the news, and we all stand together in being extremely disturbed by this affront to the rights of a parliamentarian.

You did touch upon what we are doing with respect to our engagement with China.

I want to give you a moment to share anything else you wanted to share with respect to how we are protecting democracy and how that also balances with the economic concerns and interests of Canada. We deal with human rights and protect democracy, but we must also engage in trade with the world.

• (1150)

**Hon. Mélanie Joly:** Thank you, MP Zuberi.

There are two aspects to your question that are important. The first one is this. I think we were clear when we came up with the Indo-Pacific strategy last November. At the time, I had conversations with many of you—including MP Chong—about the fact that we needed to have a strong and clear position regarding the Indo-Pacific but also China in particular. At the time, we said that we thought China was an increasingly disruptive global power. I've been saying that, and I'll continue to say that. I was quite happy that this didn't become a partisan issue. I think we all agree that that was the right thing to do. In the strategy, there was also more money to address the issues of foreign interference, giving more funding to CSIS and more funding to the RCMP.

Also in the strategy, it was clear that the question of the Uyghurs was also extremely important. I know, MP Zuberi, that you've been working on this. We've been supportive, as a government, of your motion to address the human rights violations against the Uyghurs—which the UN called a crime against humanity—and also that we would be doing our part to bring Uyghurs to Canada. I'm happy that this was also a non-partisan issue and that everybody supported you. In that sense, with regard to MP Chong, the facts that are linked to his targeting by the PRC are linked to his work on the Uyghurs.

I think it is important that we recognize that, as a country and as a Parliament, we have a position that is important and that is always part of Canada's DNA. It is to call out situations and violations against human rights, including in China, which is an important player on the world stage, and we'll continue to do that.

**Mr. Sameer Zuberi:** Thank you.

**The Chair:** Thank you, Mr. Zuberi. You're out of time.

We next go to MP Bergeron.

You have a minute and a half, Mr. Bergeron.

[*Translation*]

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

In the main estimates, you plan to spend over \$1 billion to support Canada's presence abroad. To that end, I note that we plan to establish a permanent mission to the African Union in Addis Ababa, Ethiopia, and to turn the office in Kigali, Rwanda, into a high commission.

I had the opportunity to ask the same question of the Minister of International Development. I know the committee needs to be briefed on this, but perhaps you know more about the proposed African strategy, which Parliamentary Secretary Rob Oliphant was looking to table in cabinet before December 2022.

Where are we on this? Perhaps, in passing, you can tell us about the peace missions?

**Hon. Mélanie Joly:** Okay.

You've raised a number of different issues.

First, we do have more money to support Canada's presence in the world. That's good news. Last June, I announced the opening of six new embassies abroad and, as part of Canada's Indo-Pacific strategy, we plan to open one more embassy. So we will have seven new embassies. In the African Union, as you mentioned, the embassy will be in Kigali, Rwanda. We will also be opening embassies in Slovakia, Estonia, Lithuania, Armenia—your favourite subject and mine as well—and Fiji.

The purpose of this initiative is to ensure that our diplomats have all eyes, all ears on the ground. They will be positioned to know what's going on and, of course, inform the Canadian government and members of your committee.

With respect to the African Union, I will have the opportunity shortly to announce the appointment of a permanent representative. Things are going well. We will work toward putting him in contact with the embassy and positioning him within the embassy in Addis Ababa, Ethiopia.

With respect to Kigali in Rwanda, I will shortly have the opportunity to announce the appointment of an ambassador who will be based in Rwanda. He will also be based in Burundi. This will alleviate the duties of our ambassador, our high commissioner in Kenya. We will also make sure that our new high commissioner in Rwanda can get his accreditation. Of course, that's part of our vision for playing a more substantial role in Africa.

As I said earlier, I just got back from Kenya, where I had some good conversations with my counterparts, and—

• (1155)

[English]

**The Chair:** I am afraid we're out of time, Mr. Bergeron. We're now at 2:49, and you had a minute and a half, so we're considerably over.

Ms. McPherson, you have a minute and a half.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

Thank you again, Minister, for being here with us.

Minister, I think you probably know that I've put forward a motion at this committee to conduct a comprehensive study on the actions that Canada should take to foster peace and respect for human rights and international law in Israel and Palestine. I think we can all agree that recent events have made it very clear that Canada's foreign policy towards the Middle East is not working and needs some serious review.

Will your government be supporting that study?

**Hon. Mélanie Joly:** Of course, we'll support any study regarding what is happening in the Middle East and I look forward to hearing everybody regarding this issue. Thank you, Heather, for taking the leadership on this issue.

When it comes to our commitment to a lasting peace, it's always been our historic position that we support a two-state solution, but at the same time, the two-state solution must be linked to the fact that there's respect for the rule of law.

You saw my comments regarding the judicial reform that is happening in Israel right now. I'm extremely concerned. I've conveyed it to my counterpart in Israel. I've also talked to my counterpart in the Palestinian Authority, and we need to make sure that this commitment to the rule of law by Israel is respected.

I also think that many members of the Jewish community here have concerns regarding what's going on. I've been meeting with them. I have been meeting also with the Muslim community and trying to find a way so that we can eventually, I hope, charter peace, and so that these two states are able to live in peace and security side by side.

**Ms. Heather McPherson:** It would be awfully good as well if you could stop selling arms to Israel in the meantime, as they are breaking some of those international agreements. You did look at the voting record at the UN.

**The Chair:** You're out of time. Thank you.

We now go to MP Hoback.

You have three minutes.

**Mr. Randy Hoback (Prince Albert, CPC):** Thank you, Chair.

Thank you, Minister, for being here.

Minister, the Prime Minister was quoted in the media as saying that Canada would never ever meet its 2% commitment in regard to our spending for military aid. Are you finding that those types of comments are having an impact on our ability to be involved in

groups like AUKUS and Quad? Is that why we're being left out of so many multilateral meetings and why we're not invited to the table?

**Hon. Mélanie Joly:** Thank you, MP Hoback.

First and foremost, I think it's clear that we've invested more than ever in our Canadian Armed Forces—

**Mr. Randy Hoback:** But it's not the 2%—

**Hon. Mélanie Joly:** —but more needs to be done. I think there's clearly that recognition on the part of the government, and that is why my colleague, the Minister of Defence, is undertaking a very important defence policy review. I will be supporting her in that work.

At the same time, I've had numerous conversations with Jens Stoltenberg, the Secretary General of NATO, who was here in Canada last summer and we all went to the Arctic together, as well as with my Ukrainian friends and counterparts. I think that when you look at how much Canada is supporting Ukraine right now, we are the country that, per capita, supports Ukraine the most. I think we can all be proud of the work we're doing.

At the same time, while we are investing a lot in Europe, I think it is important to make sure that we look at the Pacific as well. That's why, in the Indo-Pacific strategy, there was a commitment of \$500 million more in defence, particularly in having one more frigate. At this point, after the U.S. and France, we have the most frigates in the Indo-Pacific.

**Mr. Randy Hoback:** What is the issue, then? Why are we not being involved in these types of conversations? Why are we always on the outside looking in?

The latest example is that the U.S. and Europe are in negotiations on aluminum and steel tariffs and a carbon border adjustment mechanism. Why are we not part of those discussions? Why are we sitting on the outside waiting for their results?

**Hon. Mélanie Joly:** We're part of these conversations—

**Mr. Randy Hoback:** But we're not at the table—

**Hon. Mélanie Joly:** —especially when it comes to AUKUS. We've had many conversations about this very issue and the next steps of AUKUS, particularly when it comes to cyber and technology. I think it's important. We are not in the business of nuclear subs, so that's why we're not part of the first AUKUS deal, but at the same time, as we really put money where our mouth is—

**Mr. Randy Hoback:** I don't mean to be rude, but I only have about a minute left—

**Hon. Mélanie Joly:** —in the context of the Indo-Pacific, I think that now our partners and allies in the region see us as a reliable partner.

• (1200)

**Mr. Randy Hoback:** Do they really see us as a reliable partner?

I know you've been going around the world and talking about critical minerals and how Canada can contribute to the next generation of vehicles, but I'm getting calls and push-back saying, "Prove to me that you can get them out of the ground. Prove to me that you can get them to market. Prove to me that you can go through the processes here in Canada to actually meet the commitments that you're selling around the world."

What kind of confidence do you have in that?

**The Chair:** Please be very brief, Minister.

**Hon. Mélanie Joly:** I think my confidence is extremely high regarding that, particularly with Japan and Korea. When you look at President Yoon, the President of South Korea, his first bilateral visit in the world was to Canada.

**Mr. Randy Hoback:** There's no question they want it. It's just the confidence—

**The Chair:** Mr. Hoback, I'm afraid you're out of time.

We'll next go to MP Sorbara.

You have three minutes, MP Sorbara.

**Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.):** Thank you, Mr. Chair.

Welcome, Minister.

I'll be splitting my time with Parliamentary Secretary Bodayan.

The Arctic is obviously of utmost importance—northern Canada, this beautiful country. It's important for many reasons—militarily, economically and security-wise. There was an agreement signed with regard to Hans Island. Could you touch upon that and how that fits within our Arctic strategy?

Thank you, Minister.

**Hon. Mélanie Joly:** Well, the Arctic is extremely important for us. It is the high north, but we want to make sure it remains a low-tension region. That is why we want to make sure we abide by the international rules-based order and find a diplomatic solution. That's exactly what we did with Denmark and Greenland last June by settling a 50-year-old "Whisky War" between our nations. We were able to settle on a diplomatic solution. Also, we now have the longest maritime border with another country in the world.

It took 50 years. I think you just had to wait for the right foreign minister.

**Voices:** Oh, oh!

**Mr. Francesco Sorbara:** I agree.

**Hon. Mélanie Joly:** I'm just joking. I would like to thank my great diplomatic colleagues, who have done the work for so many years.

Meanwhile, I must add that I've been particularly engaging the five Nordic countries. My colleague from Norway was here a month and a half ago, engaging the U.S. as the U.S. presented its updated Arctic strategy.

Also, to go back to what Randy was asking me regarding Japan, Korea, etc., we know we have NATO to the east and NORAD for the great north. However, we need to make sure we protect the western gate of the Arctic. That's why our relationship with Japan and Korea is extremely important, and that's why I'm putting a lot of energy into that relationship. I will be going to South Korea and Japan in the coming days.

**The Chair:** You have approximately 40 seconds.

**Mr. Francesco Sorbara:** I'd like to split my time with the parliamentary secretary.

Thank you.

**The Chair:** Go ahead, MP Bodayan.

**Ms. Rachel Bodayan:** Thank you.

Just to pick up on a question that was asked earlier regarding Israel, the NDP is proposing the imposition of sanctions and boycotts on certain exports and imports of Israeli products. You mentioned that you're speaking to the Jewish community here in Canada.

How would you say that would impact our relations with Israel, and how would it be received by the Jewish community here?

**Hon. Mélanie Joly:** I think you can answer that question yourself.

**Ms. Rachel Bodayan:** Has our position changed, Minister?

**Hon. Mélanie Joly:** Our position has not changed.

**Ms. Rachel Bodayan:** Thank you.

**The Chair:** Thank you very much.

That concludes the questions.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** I have a point of order, Mr. Chair.

I understand the minister is available for a full hour. We would like to use the last seven minutes. This is the first time we've had the minister in almost a year, and we only have her for an hour.

I suggest a lightning round with the remaining seven minutes she has available.

**The Chair:** As you know, Mr. Genuis, we have to take a few votes on the main estimates, so that will take up some time. We also have another witness scheduled for 12 o'clock.

**Mr. Garnett Genuis:** Is it the will of the rest of the committee to hear from the minister for the remaining time?

I see the government members nodding.

**Hon. Robert Oliphant (Don Valley West, Lib.):** There are five or six minutes.

**The Chair:** Each party will be provided with an extra minute.

Do you have a proposal as to who will go first?

**Mr. Sameer Zuberi:** I have a point of order.

**The Chair:** Yes.

**Mr. Sameer Zuberi:** How is it that a member can just [*Inaudible—Editor*] the will of the committee?

**The Chair:** Well, Mr. Oliphant agrees with him.

**Mr. Sameer Zuberi:** You are the chair. You direct the questions.

• (1205)

**The Chair:** I am the chair, but Mr. Oliphant seemed to agree with it.

**Mr. Sameer Zuberi:** The question should come through you instead of being lobbed onto the floor.

**The Chair:** I agree.

**Mr. Sameer Zuberi:** I didn't hear you ask us whether we want to have this extended. I don't mind at all, but I think, for the—

**An hon. member:** The committee—

**Mr. Sameer Zuberi:** I'm sorry. I have the floor and you don't. When the chair recognizes you, then you'll have the floor.

Mr. Chair, I think you should ask us a question and we can choose whether we want to extend. I don't have any issue whatsoever doing so, but that's for you to do and not for a random member of the committee—even, with all due respect, the vice-chair—to lob onto the floor.

**The Chair:** Thank you.

It's now five minutes after, and given the fact that we have the prosecutor for the ICC waiting and that we have a few votes—which will take a few minutes—we will conclude this meeting.

**Mr. Garnett Genuis:** I have a point of order, Chair.

Can you consult the committee? You're supposed to take direction. The majority of the committee clearly wants this, so—

**The Chair:** No, that was not the indication. There was no vote or anything of the sort.

Thank you very much, Minister.

Allow me to also thank the officials.

[*Translation*]

**Mr. Stéphane Bergeron:** I have a point of order, Mr. Chair.

You asked for unanimous consent and you got it.

I believe there was a point of order.

[*English*]

**The Chair:** He asked for unanimous consent, Mr. Bergeron, and there wasn't unanimous consent.

[*Translation*]

**Mr. Stéphane Bergeron:** I don't believe Mr. Zuberi denied his request for unanimous consent. I believe he simply wanted to make a clarification.

[*English*]

**The Chair:** If I may, I would just like to thank the minister and her officials for having made themselves available. We are very grateful for the time you provided to all of the members. Thank you.

Members, as you know, after consideration of the main estimates, there are a number of votes that we have to go through. Do the members want to vote unanimously in favour of the five votes we have to do?

**Mr. Garnett Genuis:** Chair, I have a point of order.

If a request is made for unanimous consent and the committee has unanimously agreed on something—

**The Chair:** No, there was no unanimous consent. You specifically asked for unanimous consent. There was no unanimous consent, Mr. Genuis, and you know full well that it is the prerogative of the chair to make sure things move smoothly—

**Mr. Garnett Genuis:** There was no objection—

**The Chair:** Mr. Genuis, there was no unanimous consent.

**Mr. Garnett Genuis:** The issue is that we have not heard from the minister for a full hour in a year. The minister has to be accountable to this committee. It's been a year—

**The Chair:** Mr. Genuis.

Is it the will of the members to vote by unanimous consent for the five different votes we want to do?

FOREIGN AFFAIRS, TRADE AND DEVELOPMENT

Vote 1—Operating expenditures.....\$1,960,768,061

Vote 5—Capital expenditures.....\$197,425,761

Vote 10—Grants and contributions.....\$4,946,749,600

Vote 15—Payments in respect of pension, insurance and social security programs.....\$102,536,000

Vote 20—Payments pursuant to subsection 12(2) of the International Development (Financial Institutions) Assistance Act.....\$1

Vote L30—Loans pursuant to the International Financial Assistance Act.....\$201,000,000

(Votes 1, 5, 10, 15, 20, and L30 agreed to on division)

INTERNATIONAL DEVELOPMENT RESEARCH CENTRE

Vote 1—Payments to the Centre.....\$152,798,272

(Vote 1 agreed to on division)

INTERNATIONAL JOINT COMMISSION (CANADIAN SECTION)

Vote 1—Program expenditures.....\$8,659,481

(Vote 1 agreed to on division)

**The Chair:** Shall I report the main estimates 2023-34, less the amounts voted in interim supply, to the House?

**An hon. member:** On division.

**The Chair:** Thank you.

We will now suspend for approximately two minutes before we welcome the ICC prosecutor.

• (1205) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1215) **The Chair:** Welcome back. We will resume our second hour of committee hearings today.

Pursuant to Standing Order 108(2), the committee is holding a briefing with the prosecutor of the International Criminal Court.

It is my great pleasure and distinct honour to welcome to committee today Mr. Karim Khan, prosecutor of the International Criminal Court.

We also have with us today Mr. Irwin Cotler, former minister of justice and attorney general as well as the founder and international chair of the Raoul Wallenberg Centre for Human Rights.

In addition, we have Mr. Allan Rock, former minister of justice and attorney general as well as our former ambassador to the United Nations.

Mr. Prosecutor, you will be provided five minutes for your opening remarks, after which we will go to the members, who will be provided the opportunity to ask you questions. Once you're getting very close to the time limit, either in your opening remarks or when you're responding to any of the members, I will hold up this sign, which indicates that we'd be grateful if you could wrap it up as expeditiously as possible.

That having been said, Mr. Khan, we welcome you. You have five minutes for your opening remarks.

• (1220)

**Mr. Karim Khan (Prosecutor, International Criminal Court, As an Individual):** Mr. Chair and honourable members, it's really a great honour and great privilege to be given the opportunity to say a few words. It would be remiss of me not to thank two great Canadians, two great democrats, whom I have the honour of having to my left and my right, the Honourable Irwin Cotler and Allan Rock. They are friends of justice in every situation, and I am really privileged to have their support.

I'm giving the Elie Wiesel lecture this evening, at the invitation of both. I think it's very appropriate because the ICC is a child of Nuremberg. The ICC was born as a testament to man's inhumanity to his fellow man, woman and child, and the promise of "Never again", which should have compelled greater action after the Holocaust, remains an urgent need, because we see it with the Rohingya. We see it in the DRC. We see it in Ukraine. We see it in so many parts of the world.

We're very lucky. I feel very privileged to be here in Canada, because Canada has a distinguished record of being among the very

strongest supporters of international law, not by way of words but by way of deeds.

Philippe Kirsch was the first president of the ICC. The current vice-president of the Assembly of States Parties to the Rome Statute is another great Canadian, Bob Rae. I count on his support every day in terms of his stewardship and vice-chairmanship of the assembly. The last president of the ICC was Chile Eboe-Osuji, who is a Canadian as well as a Nigerian. My special adviser on genocide, Professor Payam Akhavan, is another Canadian and the co-chair of the Raoul Wallenberg Centre for Human Rights.

I think that every moment, perhaps, can be seen as critical, and they are critical. Every moment, every generation, has different challenges, different opportunities, and history then decides whether the generations of the past rose to the challenges and exceeded expectations or failed. Did they not manage to live up to the demands of the hour? I think that is a critical issue now, when we see so many conflagrations in different parts of the world. We see the brutality of sexual and gender-based violence, the crime of persecution, the dislocation and deportation of the most vulnerable of our population—children—in so many different situations.

I think the ICC has an important role to play. We cannot be pedestrian. We cannot simply be a court espousing the importance of normative values. We have to show the impact of international justice where it is most needed and at the time it is most needed.

Since I became prosecutor, we have tried with great alacrity to focus on field presence. We have an interview facility in Cox's Bazar, where I was on February 24, when the Russian Federation invaded Ukraine. We have an agreement with President Zelenskyy and the Ukrainian authorities to have an office in Kyiv. We're trying, with all the difficulties we have in Khartoum and in Tripoli, to have a field presence, and I have an agreement to have an office in Caracas.

Being close to the people isn't politics. It is essential to understand the demands of criminal justice, that we cannot succeed, cannot prove cases beyond reasonable doubt, unless we know the undercurrents, the history, the culture, the politics, the connections. We can't do that by big legal paratroopers parachuting into hotels for a few weeks and then flying out. We need to be with the people to learn, study and then collaborate. The other aspect is partnerships. The idea that the ICC is an apex court is legally wrong. It's built upon complementarity.

The revolution that we're in the midst of in the office to transform the eDiscovery system is, I think, absolutely necessary and long overdue. One cannot deal with this digital age with analog tools. The ability to use voice-to-text transcription, automated translation, and facial identification will give us the tools to ingest far more information. Not only will this allow us to build stronger cases and to investigate incriminating and exonerating evidence equally—as we're required to do—but it will also allow us to be a hub to give information to national authorities.

One thing I said before Ukraine—I said it before I was elected—was that I care not a jot about which flag is behind an independent judge, whether it's the flag of Canada or the ICC, whether it's the flag of Columbia or the flag of the Central African Republic. What victims need at this moment, what societies feel at this moment—when their trust in international institutions, whether it's the United Nations, the ICC or even member states, is not what we would hope it to be—is to see action and that their lives matter. They need to feel, when they're exposed to the elements and exposed to bullets, machetes, bombs or missiles, that the law provides them a shelter.

● (1225)

I think if we do that, then maybe, when we give up our current responsibilities and move on, the generations and leaders that come after us will think that we did our best and we didn't fall short of the needs of this present moment in time.

Thank you so much.

**The Chair:** Thank you very much, Prosecutor Khan.

We will now open it to questions from the members.

For the first round, we have four minutes each. We start off with MP Chong.

**Hon. Michael Chong:** Thank you, Mr. Chair.

Thank you for appearing in front of our committee. We appreciate it greatly.

I'd like to focus on Iran and some of the malevolent actors that may be there. Could you tell us what investigations or what work is going on to investigate individuals connected to the Islamic Republic of Iran and their human rights abuses?

**Mr. Karim Khan:** The ICC has jurisdiction provided by the statute. Iran is not a state party to the ICC, nor has the Security Council referred the matter, nor has Iran made a declaration to accept the jurisdiction of the court.

In those circumstances, I'm not looking at Iran at all. I have no legal jurisdiction to do so.

**Hon. Michael Chong:** Is there any opportunity to take a look at individuals or citizens of the Islamic Republic of Iran who are engaged in these activities in the same way that you undertook your investigation of President Putin?

**Mr. Karim Khan:** The jurisdiction in relation to Ukraine arose because Ukraine, as an exercise of its sovereign authorities and article 12.3 of the statute, made a declaration in 2014, and again in 2015, that it accepted the jurisdiction of the court. Because of that, I had jurisdiction to investigate international crimes in Ukraine.

I have not received such a declaration from the Islamic Republic of Iran. Therefore, I'm focused upon the jurisdiction I do have.

**Hon. Michael Chong:** In the case of President Putin, who is a citizen of the Russian Federation, which is not a state party to the Rome Statute, you undertook an investigation that led to the outcome that was recently announced. Is it not possible to prosecute members of the Iranian regime who are not in Iran and who are connected to human rights abuses outside of Iran in places where you have jurisdiction—where the member state is a state party to the Rome Statute?

**Mr. Karim Khan:** I think the most honest answer I can give is that, leaving aside the specific country you mention, as a matter of law, if a crime is committed on the territory of a state party that is within our jurisdiction, the statute gives us authority to look into it. There has to be a crime of sufficient gravity on the territory of a country for which we have jurisdiction. If we don't have that evidence, the answer is no. If we have that evidence, the answer would be, exactly, we could. All of these issues are determined....

I know exactly what you're asking and why. It depends upon the evidence, and I'm not going to discuss evidence that we may have or we don't have. I'm trying to focus on solid cases with reliable evidence that is strong enough to withstand scrutiny in the courtroom.

● (1230)

**Hon. Michael Chong:** Thank you for that.

On the malevolent activities taking place in areas where you do have jurisdiction.... I'm thinking about sub-Saharan Africa and other countries where we are hearing reports of gross human rights violations being committed by the Wagner Group and other Russian mercenaries.

Can you tell us what investigations might be going on there?

**Mr. Karim Khan:** I think you'll understand that, as with law enforcement in Canada, we don't telegraph investigations in advance, because the investigations have to be discreet. There may be witness protection issues and all the rest of it.

You're quite right; we have jurisdiction in most of the countries of the Sahel region and in Sudan and Libya, which were referred by the Security Council. We will use the resources that we have as effectively as we can, realizing that for a number of years, the demands on the office have been too great, the situations have been too many, and the requirement and the burden of proof is properly very high. We're not a human rights documenter where a smell of suspicion is enough to move forward. We have to be as vigorous as we would be if we were presenting a case to the central criminal court here in Ottawa. It has to be a high standard of proof. That's the standard we are holding ourselves to, and that has resource implications.

**The Chair:** Thank you.

We next go to MP Bendayan for four minutes.

**Ms. Rachel Bendayan:** Thank you, Mr. Chair.

I'll pick up where Mr. Chong left off.

I understand quite well the reasons you have determined you have jurisdiction in the case of President Putin. I believe it was on March 17, 2023, that the ICC pretrial chamber issued the arrest warrants for both President Putin and his commissioner for children's rights.

As a signatory to the ICC Rome Statute, South Africa is legally obliged to act on the ICC arrest warrant, Mr. Khan, as you know, if Putin arrives in the country, as he is expected to do, I believe, this August for a summit in South Africa. However, South Africa's justice minister, Ronald Lamola, indicated he is looking at extending customary diplomatic immunity to President Putin.

Can you give us a sense, Mr. Khan, of what options are available to the ICC if South Africa is legally able to do that, and is there any way to enforce the arrest warrant while President Putin is in South Africa?

**Mr. Karim Khan:** South Africa is a very important and respected state party. It hasn't been dragged kicking and screaming to the Rome Statute. There have been statements more recently in relation to the acknowledgement by South Africa about its obligations under the Rome Statute. They have gone on record as saying they are aware of those responsibilities. I don't think they need any tutelage from me. I think they are quite aware of their responsibilities, and I have confidence they will do the right thing.

I think I will leave it at that.

**Ms. Rachel Bendayan:** Thank you, Mr. Prosecutor.

I'll turn to the issue of Iran, but from a different angle.

Mr. Prosecutor, in September, lawyers representing the families of PS752 victims submitted an article 15 communication to your office, I believe, providing information and evidence about crimes that occurred when Iranian missiles brought down Ukraine International Airlines flight 752.

Can you tell us a little bit more about where this case is and how you see next steps?

**Mr. Karim Khan:** Unfortunately, I'll ask for your forgiveness. I don't comment on communications received. We have a process. We receive thousands of communications every month, which are reviewed in terms of our policies, looking at the gravity, the types of evidence and our jurisdiction. We follow the normal process in relation to how we deal with those.

**Ms. Rachel Bendayan:** At this time, can you confirm whether or not the ICC would have jurisdiction in this matter?

**Mr. Karim Khan:** I must refer you to the answer I gave a moment ago, if you don't mind.

**Ms. Rachel Bendayan:** Thank you, Mr. Khan.

Perhaps then I would put on the record how important it is to this government that the families of PS752 victims see justice and how

important it is that the ICC do take up this matter in the view of our government.

Thank you.

**The Chair:** You still have one minute remaining.

**Ms. Rachel Bendayan:** Oh, apologies.

Mr. Khan, perhaps I could ask you to comment, and I would invite Professor Cotler and Mr. Rock to comment as well, on some of the work you're currently engaged in. Given your last comment, perhaps I'll look to Professor Cotler and Mr. Rock to talk a little bit about the work they are doing to help prisoners of conscience in Iran.

Professor Cotler, I'll start with you.

• (1235)

**Hon. Irwin Cotler (Founder and International Chair, Raoul Wallenberg Centre for Human Rights, As an Individual):** The question of political prisoners in Iran is, of course, a priority in our work at the Raoul Wallenberg Centre. As to the jurisdiction of the ICC, I think the special prosecutor has responded to that.

I'll use this occasion to say that in the room today, we have with us Evgenia Kara-Murza, who appeared before this committee. Since she appeared before this committee, as you know, her husband, Vladimir Kara-Murza, has been sentenced to 25 years in prison. Part of that sentence relates to the work the special prosecutor does, in the sense that he was charged with treason for his critique of Russia's criminal aggression in Ukraine, accompanied by international crimes.

We see political prisoners really as a looking glass into the present historical inflection moment, which I can sum up in one sentence: We're witnessing a resurgent global authoritarianism, the backsliding of democracies, assaults on human rights, and political prisoners, who are not only a looking glass, but the torch-bearers of the struggle for human rights and international justice, and therefore a priority on the justice agenda.

**The Chair:** Thank you.

We next go to Mr. Bergeron. You have four minutes, sir.

[*Translation*]

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

Mr. Prosecutor, thank you so much for being with us today. I'm very pleased to have the opportunity, through your visit, to reunite with two esteemed colleagues.

If you had not done so, esteemed colleague Mr. Cotler, I would have acknowledged the presence in our distinguished audience of Ms. Kara-Murza, whom I went to greet earlier.



The International Criminal Court has recognized that it has no police or law enforcement forces of its own and therefore must rely on member states, states that are parties to the treaty, to execute the judgements decreed by the court.

A representative of the government of Hungary was quoted as saying that Hungary could not arrest President Putin on the grounds that the Rome Statute is not part of the Hungarian legislative framework.

In your view, is this sufficient justification to avoid submitting to the court's judgements?

[*English*]

**Mr. Karim Khan:** Every state party, as a matter of international law, signs up to the whole of the treaty. Part 9 of the treaty makes it incumbent upon states parties to co-operate with the court. There are judicial orders that are issued not by me but by independent judges elected by those very states.

One expects all countries around the world that believe in justice and the consistent application of the law to be on the side of justice. States have those decisions, and history judges all of us.

[*Translation*]

**Mr. Stéphane Bergeron:** I will go back to the question Ms. Bendayan asked regarding the BRICS leaders summit, which is scheduled for this August.

I heard your answer to that question, but sources are suggesting that South Africa may eventually withdraw from the International Criminal Court. Have you heard these rumours? Are they true?

[*English*]

**Mr. Karim Khan:** I tend not to listen to rumours. I think there are a lot of rumours about my office, about me and about everybody, probably, in this room. We know it's difficult and dangerous to listen much to rumours.

What I will say is that, since I was elected prosecutor, I have tried to re-engage with the continent of Africa. Last year, I was the first prosecutor in 17 years to be invited to the African Union heads of state summit. The invitation was offered again this year. I was engaging with Chair Faki in Addis, with Macky Sall and President Tshisekedi of the DRC when he was the chair.

I think that new rapprochement and that collaboration built upon respect are based upon complementarity and that we're not looking at ways to steal the child of justice from the mother jurisdiction. We are looking at ways of also supporting national authorities to do better, and we are here as a last resort. That's also quite important.

On the discussion on the BRICS, I think no country is monolithic. Even in Canada, there's the whole spectrum of views. This is the wealth of the well-known mosaic of Canada, and there may well be different views expressed in South Africa, the United Kingdom, in France or in Canada.

At the end of the day, the executive has certain decisions to make. It has to comply with international law. I think, from what I'm hearing.... Let's see what happens in relation to BRICS. I think there are those indications that they've said they're well aware of their international obligations. Sometimes, further commentary

makes it more difficult, because for every country that's fought for independence and fought against apartheid, to have the right to decide its own destiny, sometimes more words complicate rather than help.

That's why I think I will say no more on the topic.

● (1240)

[*Translation*]

**Mr. Stéphane Bergeron:** You know that Ukraine and some of its partners—

[*English*]

**The Chair:** Thank you, Mr. Bergeron. I'm afraid you're 30 seconds over your time.

[*Translation*]

**Mr. Stéphane Bergeron:** All right. We'll come back to this.

[*English*]

**The Chair:** We next go to MP McPherson. You have four minutes.

**Ms. Heather McPherson:** Thank you very much.

Thank you very much to all three of our guests for being here today, and thank you for the work you've been doing to hold Vladimir Putin to account for the crimes he has committed—he and Ms. Lvova-Belova.

I also want to express my sympathy and admiration for Ms. Kara-Murza in terms of the horrific news we received: her husband being sentenced to 25 years.

What I'll do is start, perhaps, by asking this: In 2021, the ICC ruled that the court's jurisdiction extended to occupied Palestinian territory. Of course, we think this is a positive step in seeking justice and accountability. Canada has refused to acknowledge the ICC's jurisdiction over Palestine, although most Canadians want to see an ICC investigation into the situation in Israel and Palestine.

At the Assembly of States Parties last year, you said you were planning a trip to Palestine. Do you have any updates on that trip, and have you received any support from member states, such as Canada, for such a visit? Finally, do you agree that the ICC is one of the only legal forums available for Palestinians to seek justice?

**Mr. Karim Khan:** I said that my objectives this year, in addition to all the other missions I'm going on, include Palestine, the DRC and Afghanistan. Afghanistan is proving, obviously, to be extremely difficult, and ever more so, but I haven't given up. I am in discussions to go with Israel and the Palestinian authorities. It's complex. However, I'm in those discussions, and I don't want to compromise them. I think it's important to move forward.

Certain decisions have been taken by the predecessor and also by the court. My obligation is to make sure I discharge my responsibility as effectively as possible, realizing that complementarity is always an option. When the states step up, the court has no role to play. We are here as a last resort around the world. We have to work in that manner so that we enhance confidence in the scope and application of international... We focus on the areas where, really, there is no justice or accountability. We try to focus our resources in that manner so that we build confidence in the application of the law.

That's the best answer I can give, I think.

**Ms. Heather McPherson:** Thank you.

I guess it also comes down to how the ICC is resourced. There are always concerns that there are not enough resources for you to do the job you need to do in all the countries in the world that have conflicts and require your investigation or the skills of the ICC.

States like Canada have made significant voluntary contributions to your office since the 2022 invasion of Ukraine. I'd like to know, if I could, how much of that funding has gone to the Ukraine situation and how much has been allocated to other investigations, as well as to the court, more generally, as opposed to only the prosecutor's office.

**Mr. Karim Khan:** The presumption of the Rome Statute is that the activities of the court are funded through the regular budget. We've tried for a number of years. I tried and failed last Christmas and the Christmas before. I really failed as an advocate, because we didn't get the resources we wanted. In fact, I didn't get one euro of new money at the Assembly of States Parties. I got up to inflation but no new money. In fact, the new money being requested was all for field presence in Ukraine. I was then compelled, even before that, in March, to utilize a provision that had not been used, article 117, which allows the court to receive voluntary contributions.

Canada has been very generous. The Government of Canada has given 1.3 million euros. Thank you for that. It's being used at my discretion. It's not earmarked. Particularly, more than half the money is being used to transform the evidence management system that I alluded to earlier. We have seven secondees who have been provided by all of you, by the Canadian government, who have been, on a number of situations, in Asia, in Africa and also in Ukraine so that we can do better.

The simple truth of the matter is that the court is under-resourced. I would go back to when Judge Abella, your great Supreme Court judge, gave the inaugural Elie Wiesel lecture in 2020, conjuring up her own losses at the Holocaust, the memory of Raoul Wallenberg's heroism, and Elie Wiesel's, and the obscenity that has befallen mankind almost every decade since. The budget that I inherited was 49.5 million euros, and we had 16 situations. To put that in context, the budget I had in my last mandate as the special adviser and head of the UN team investigating Daesh, ISIS, in only Iraq was 30 million euros, so we are woefully underfunded.

I think there are two parts. If all of you, parliamentary legislators and budgetary committees and treasuries, think that the value of international justice is simply in the sound bite, and that these lofty principles we aspire to are like distant rainbows that we're trying to

find gold at the end of, we'll never vindicate those people whose emaciated bodies we saw in the gas chambers or we saw in Yugoslavia and elsewhere. We need to be properly resourced. It's an issue of peace and security. It's an issue of moral leadership. I actually think it's something we can do much better on.

I hope Canada will be right at the front this year as well in ensuring that the court is properly budgeted. Certainly, it's much cheaper than the 20-trillion or 30-trillion euro bill every year to military armaments. I think a very compelling case can be made that it's money well spent, particularly as the leadership of the court is trying to make sure the impact is felt by those who need it the most.

• (1245)

**The Chair:** Thank you.

We will now go to the next member.

Mr. Hoback, you have three minutes, sir.

**Mr. Randy Hoback:** Thank you, Chair.

Thank you, gentlemen, for being here.

I'm just looking at the Venezuelan situation and what your results are there. What can Canada do to assist you in our own hemisphere, in countries like Venezuela and perhaps Haiti? Have you looked at Haiti as another consideration? What are your ideas with regard to Haiti too?

**Mr. Karim Khan:** If I can back up, before Venezuela there was a preliminary examination open for 17 years in Colombia. At the end of 2021, within a few months of becoming a prosecutor, I went to Bogotá and signed an agreement with President Duque in which I closed the preliminary examination but didn't abandon Colombia.

It was a new arrangement in which the government committed to keep funding the JEP, the special jurisdiction for peace. They promised to respect his decision, to give financial support and to protect witnesses. I came into my office in a new posture, outside either an investigation or a preliminary examination, to try to support Colombia and the principle of dynamic complementarity.

From Colombia, I went straight to Venezuela. Of course, I'm aware that Canada is one of those groups of countries that referred the Venezuela situation to the office, but I commended President Maduro. He was vociferously against... I had three or four meetings with him over 48 hours in the first trip, and to my face he said that it was unfair and unjust for me to open an investigation in Venezuela when we had given 17 years to Colombia. I simply told him that I thought it was wrong to give 17 years to Colombia.

At the same time as opening an investigation, however—because I said it was required; that was my independent judgment—we created a new paradigm in which an MOU was signed by him in the presidential palace. It states that we will give every opportunity and try to support Venezuela with other actors if they are genuine and wish to translate certain legislative changes into practical effect in the courtroom. In that parallel track, as I've said, the ideal would be that they join. The state itself can devise something that works, that's effective and that's independent, like the JEP, but if not, we are here as a last resort, and we are moving forward to independently push forward our mandate.

Canada is important to all our situations. I think the general support for the finance of the office, the authority of the law is very important. I think general engagement in Latin America is critical.

I'm going on the 12th, in a few days, to the Association of Caribbean States. It's the first time a prosecutor has been invited. I'm trying to engage more with Latin America because one thing is certain. The physical distance between Europe, The Hague and other parts of the world—whether the Pacific islands or Latin America—can act as a way of disenfranchising those communities or making them feel that it's not their body of law.

Collectively, where Canada can help is to show that this law is everybody's law. It's owned by all of us.

• (1250)

**Mr. Randy Hoback:** Even a threat of investigation can bring about change and actions within that country. Is that fair to say?

**The Chair:** Go ahead very briefly, please.

Mr. Hoback, you're out of time.

**Mr. Karim Khan:** Yes.

**The Chair:** Thank you.

We now go to MP Oliphant. You have three minutes.

**Hon. Robert Oliphant:** Thank you, Mr. Chair.

I want to thank Mr. Khan for being here. I'm glad you are supported by two Canadians of great stature. I hope you feel supported and not surrounded, which would be a good thing.

As a preacher, I have probably quoted Elie Wiesel more than any other author. He wrote, "They are committing the greatest indignity human beings can inflict on one another: telling people who have suffered excruciating pain and loss that their pain and loss were illusions." I'm looking at Ukraine.

Canada has indeed added additional support to the court, guarding the independence of the court. It is very critical that, when we add funding to the court, you make the decisions about where the money goes. We do not make that.

You know, however, that Canada has a concern about sexual and gender-based violence in conflict. I'm wondering if you can talk a little bit about the evidence that you are trying to collect, where we have evidence that there are war crimes being committed.

**Mr. Karim Khan:** What I can say is that there can never be enough Canadians. Therefore, I don't feel surrounded; I feel supported.

The next point is that I've spent quite some time, and I have some fantastic special advisers.... We launched a new policy last Christmas at the Assembly of State Parties on gender persecution. We're rolling this out next month at the Bellagio Center, and also at a round table for civil society a few weeks later at the end of May-June, to give life to gender persecution because we say there's not a conflict in the world in which there's not gender persecution. We can just look at Afghanistan and what's happened to women, girls and others there.

In terms of sexual and gender-based violence, we are already reviewing the existing policy to make sure it's fit for purpose, and hopefully that will be launched this December at the Assembly of State Parties in New York. The same applies to the policy for crimes against and affecting children.

Children very often are the most invisible parts of the civil population. Far too often they are conflated with the general civilian population, or even worse, sometimes they're collated with crimes of sexual and gender-based violence. Until we start seeing clearly how children are affected and disaggregating the types of harm that are inflicted upon them, and the generational consequences of the aftershocks of those, we're not going to be able to properly investigate or to put forward proper cases.

In terms of Ukraine, I think what is known from a number of public sources are the types of allegations regarding crimes against children. However, in terms of the detail of those, I don't think it would be appropriate for me to say more at this time.

**Hon. Robert Oliphant:** If I have any time, I'll give it to Mr. Zuberi.

**Mr. Karim Khan:** Can I just add one thing, if you don't mind, Honourable Oliphant?

Partnerships are key.

In addition to many other new initiatives, for example, for first time in the history of the court, we've joined a joint investigative team with seven countries under the auspices of Eurojust. We also produced, with the genocide network—and Canada plays an important role there—a guidebook for civil society organizations for how to document sexual and gender-based crimes, crimes against children, to make sure we don't revisit the horrors of the past, namely the overdocumentation we've seen in Myanmar regarding the Rohingya or what we've seen in Iraq and Syria that gave rise to the Murad Code.

Really, we're trying to deal with many partners—universities, civil society and national authorities as well—and collectively build this common ground where everybody feels that they have a stake, because they do. Hopefully, if we have that inclusive approach, we can do better than we have in the past.

• (1255)

**Hon. Robert Oliphant:** Thank you, sir.

**The Chair:** Thank you.

We next go to Mr. Bergeron.

Mr. Bergeron, you have a minute and a half.

[*Translation*]

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

Ukraine and some of its partners have called for the creation of a special tribunal to prosecute crimes of aggression committed by Russian leaders against Ukraine.

Last December, at the Assembly of States Parties of the International Criminal Court, you acknowledged that there was a “gap” in the institutional architecture related to crimes of aggression, but nevertheless suggested that it should be possible to bridge this gap using the Rome Statute.

What did you have in mind when you made this statement?

[*English*]

**Mr. Karim Khan:** I think everybody, from Nuremberg onward, realized that the crime of aggression is a serious crime. It subsumes within it parts of many of the conflicts but not always. Rwanda had an internal armed conflict. In a hundred days, there was no crime of aggression. It was Rwandese against Rwandese. After the Holocaust, maybe there hasn't been such an intense period of killing since that period, that example. That wasn't a crime of aggression. That wouldn't have cured anything. In relation to that, it was a failure of early warning signals.

I start with a general proposition as a lawyer. It's a matter of equity. The law we apply against others is the law we should hold ourselves to. It brings law into disrepute, it increases marginalization, and it leads to a gap, a distance and a dissonance in parts of the world if they see unabated selectivity in which law is being applied as a stick, when it is not being applied to oneself.

The Rome Statute has the crime of aggression. It was drafted in Kampala. It is active. We have an active jurisdiction, but there were jurisdictional requirements for it to apply. If we have matured as an international community, and if we realize that there is a missing piece and that the law can be better than it is, for me, the obvious logical and equitable way would be to amend it through the Rome Statute.

However, what I'm focused on is the law we have. I think it is a little unfortunate that the law we have is not impotent. The law we have was sufficient for Milošević, Karadžić, Mladić, Jean Kambanda and Hissène Habré in Senegal, and for individual after individual to come before courts and to bow their heads toward justice.

As you can see, in terms of the Ukraine situation and the new warrants in Libya and elsewhere, we're trying to be less pedestrian

and to accelerate into action, be relevant and be on the front lines. I think focusing too much on the law we don't have can overshadow the law we do have. The challenge should be in making the law we do have as effective and as meaningful as possible. That should be something that binds us together.

**The Chair:** Thank you.

We now go to Madam McPherson.

You have a minute and a half.

**Ms. Heather McPherson:** Thanks, Chair.

This has been very interesting. Thank you very much for all this information.

I know many of us are very seized with the violence that is happening in Sudan. We're worried about a proxy war. We're worried about it spilling out of the borders.

In recent years, with key actors responsible for the violence now being waged against civilians, we've seen the “increase in violence” result, yet so far, sir, you haven't released any statement condemning the violence or reminding relevant parties that your office has an open investigation or pledging your solidarity with victims.

Why is that? Perhaps you would like to do that now.

**Mr. Karim Khan:** I don't think the police in Canada keep talking about what the law is. Their job is to investigate and to arrest people, and to bring them before the courts, which decide. Generally, my approach is different from my predecessor. There are many other parts—necessary humility, but also pragmatism. I'm not the High Commissioner for Human Rights. I'm not a special rapporteur in Geneva.

What preventative statements can do is show the impotence of international law. If people don't listen to it, every day of the week I'll be spending time giving statements on different situations that nobody heeds. I think this is a moment where we have to show them law in action. We do it by trying to do our job. Take the criticism, take the slaps of criticism, because it goes with the job, but in the end, as long as we act with fidelity to the law, over a period of time we'll show that the office has changed—it's building stronger cases and it's moving as quickly as the resources allow—and move forward.

That's my approach in terms of preventative statements. It's nothing against Sudan. I report twice a year to the Security Council, and then I say things quite openly. In my last report to the Security Council, I made it very clear that the co-operation had deteriorated, that the next period was going to be a litmus test as to whether or not Sudan was co-operating with the Security Council and whether or not the Security Council itself was willing, on its own decision, to be so flagrantly ignored, and the consequence of that.

If Sudan can ignore it, why can't every other country? But we will keep trying to work as well as we can.

• (1300)

**Ms. Heather McPherson:** Thank you very much.

**The Chair:** We next go to MP Epp.

You have three minutes.

**Mr. Dave Epp (Chatham-Kent—Leamington, CPC):** Thank you, Mr. Chair.

Thank you to all three of you gentlemen for being here today.

Mr. Khan, in your opening statement you referred to the rule of the law as “a shelter” for victims. In earlier questioning it became apparent—some of the effects of the lack of universalism—particularly in questions on Iran from my colleagues.

I am not burdened, as a colleague of mine says in the House often, with a legal education, so my questions might be a little naive. I have a daughter who has one, so don't confuse that with a lack of respect.

The 123 states parties have signed on. Does the lack of universalism affect any of your work in state party countries, given their relationships with non-state party countries? Is your work impeded at all?

**Mr. Karim Khan:** I think it's not helped. Richard Goldstone, the first chief prosecutor of the Yugoslav and Rwandan tribunals, was very fond of saying that politics lies at the centre and the margins of international law, and if one doesn't understand the politics, one will not be able to understand and grasp the law. International relations are multi-led. Every state will have its strategic partners, its most-favoured nations, bilateral relations and multilateral relations, and, of course, that will inform other areas of the international firmament, positively and negatively. At the same time, states have certain responsibilities.

What we've seen and what gives me hope is that, when the International Covenant on Civil and Political Rights—or the International Bill of Rights or the children's universal declaration—was signed in 1966, the United States, China, a large part of the rest of the world didn't sign up, but they did eventually. Then it may be an issue of signing but not implementing.

The point is that one has to realize the small step for mankind, the giant leap for humanity, or whatever, from going to the moon. The reality is that we have to make humble steps to get to the destination we want. I think the fact that we have 123 states, so the majority of the world, is something to applaud. Of course, powerful states, popular states, whether it's the United States of America or Russia or China or Pakistan or India...one has to work. This may be a generational project, but it's a project worth putting the effort into and aspiring to deliver on.

**Mr. Dave Epp:** I'm going to extend that question to the present question of Ukraine—the investigation of Ukraine with only 45 countries of the 123 having signed on. I perhaps didn't understand. You said that when countries sign on, they must sign on to the whole treaty.

Is there any impact that you're anticipating with your work in Ukraine now because only 45 countries have signed on?

• (1305)

**Mr. Karim Khan:** I wasn't clear on that. All of the 123 states are obligated, as a matter of treaty law, to co-operate with the court.

What happened was that I was in Cox's Bazar on the 24th, and the minute I came back to The Hague, I invited states to accelerate the opening of an investigation by their referring the matter to me. That was an accelerant. Instead of doing the normal process, it would give me quicker jurisdiction. Within 48 hours—unheard of in the ICC—39 countries referred the matter to us, and now it's 43.

That is a sign of positivity. It doesn't mean that the rest don't have to comply. It means that a third of the states felt sufficiently galvanized that they decided to refer the matter to make sure we could look into what was unfolding on the territory of Ukraine.

**The Chair:** Thank you.

Now we will go to our final questioner, MP Sorbara.

You have three minutes.

**Mr. Francesco Sorbara:** Thank you.

Good morning, gentlemen, and welcome, Mr. Khan.

Last week, I led the delegation to the Council of Europe meetings in Strasbourg. Mr. Browder was there, and Kara-Murza's wife was also in attendance and gave a speech to one of the European political parties that we attended. I listened to the remarks quite intently.

The Council of Europe is working on and proceeding on the establishment of a registry of record to document evidence and claims of damage, loss or injury as a result of Russian aggression against Ukraine. It's something that the secretary-general spoke about and the 46 member states are moving forward.

Would this registry of record be independent of anything that the ICC is currently proceeding on, or is there any sort of overlap...? The end goal is obviously holding Russia and the Russian perpetrators to account.

**Mr. Karim Khan:** As I understand, it is completely separate.

The ICC, as an institution, can award reparations in relation to people who are convicted. The registry of record I think is in relation to war damages that we've normally seen, in other historical scenarios, come at the end of the conflict as part of a peace agreement. That would be a different piece of architecture that will deal with the rights of Ukraine or responsibility of others.

**The Chair:** Thank you very much.

I'll—

**Mr. Sameer Zuberi:** I believe we have three minutes, which gives me a—

**The Chair:** You have one minute remaining.

**Mr. Sameer Zuberi:** I'd like to put two questions to you. One is picking up on what my colleague Ms. McPherson mentioned around your intent to go to the Middle East region in order to promote peace and justice. By having justice, then that leads to peace.

Secondly, on Tajikistan, there was a case I believe that was put forth to your court around Tajikistan and the Uyghurs. We know about the UN report saying that crimes against humanity might be occurring to its Uyghurs.

Would you like to comment on those two briefly?

**Mr. Karim Khan:** Yes, in relation to the second, I'm afraid it's the same answer—that I don't comment on communications in real time. There's a process in terms of communication, and I have to cut my suit according to the cloth we have, based upon a number of different situations but also jurisdiction. Evidence, of course, is not a small thing. The single biggest thing is to look at the quality of evidence.

In relation to peace and justice, I think that's a very broad question. Absolutely, there's a nexus between the two. They're different sides of the same coin, and we have seen in so many scenarios that, if one thinks there can be a sustainable peace without justice, it tends to be a cessation of hostilities as opposed to a peace. What we need to do is to make sure there's more justice. It can be done in a way that doesn't compromise peace, but certainly it can't be air-brushed away because it's inconvenient.

We need to realize, as a species, that what we're talking about is not politics. It's genocide, crimes against humanity and war crimes, and for goodness' sake, we need to speak with one voice. As we are sending telescopes to see distant galaxies, different universes, in fact, we need to do better here on planet Earth and make these types of crimes extinct. We fail to do that, and that's why I feel we should feel ashamed. We should really feel ashamed when you look at Holocaust survivors, at survivors of Cambodia—and I've represented those victims as well—and at the Balkans.

Nadia Murad's last book was called *The Last Girl*, and she's not the last girl. We talk as if it's light. We talk as if it's some kind of show we're watching and that next time we'll do better: We didn't win this game, so let's try to win the next game.

I think we need to feel offended and ashamed and decide what we need to do collectively, as every state, as every individual and as international institutions, so that we can actually make these types of obscenities finally extinct. If we do not do it now, we shouldn't have this illusion or this assumption that there will be generations in the future who will be able to cure our own mistakes of today.

We have the means of destruction that we've never had in human history. I think that's yet another reason why you have great responsibilities as members of Parliament to make sure we don't just pass the buck, because maybe there will be nobody to pass it to.

● (1310)

**The Chair:** Thank you very much. That concludes this session.

Allow me to say on behalf of all the members, Prosecutor Khan, that we're very grateful you made the time to be here with us. We are obviously very impressed by your commitment and your energy. Thank you for pointing out the challenges and reminding us of what we're supposed to do as well. We are also grateful that you were supported by two eminent Canadian jurists, and we're very grateful that you made time for us.

Members, before we adjourn, is it the will of the committee to submit witness lists for the study of Canada's sanction regime by 5 p.m. on Friday, May 12, 2023?

**An hon. member:** Yes.

**The Chair:** Excellent.

The meeting is adjourned.









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