There could, however, be a form of monitoring by Parliament. I have been, and still am, a member of the Sub–Committee on National Security, and I submit that this would probably be the ideal venue for reviewing, either from time to time or on an ongoing basis, as deemed appropriate by the committee, the entire witness protection system and its implementation by the RCMP.

The expertise of the Sub–Committee on National Security—which I would like to see become a standing committee of this House—would ensure that parliamentarians would be able to monitor the actions of the police in this respect, both discreetly and effectively, I would hope.

• (1040)

Those are some of the issues. I hope that in committee we will have an opportunity to hear witnesses, and we may be able to clarify certain points during clause by clause consideration.

In serious cases involving drug trafficking and organized crime, for instance, often the very survival of the witnesses is at stake. Under our legal system, the crown's case is usually based on the testimony of witnesses as opposed to confessions by the accused. That is the whole point of protecting witnesses. There are no spontaneous confessions. We live in a country that respects its citizens. We have reached a level in our civilization where we can treat people with respect. We cannot force people to confess. The crown often has to introduce circumstantial evidence by calling witnesses, and these witnesses must be protected.

The crown never knows, during the bail hearing, the preliminary hearing or, later, the trial—all of which may, or may not be, part of the process—whether it can count on these witnesses at a given time. We have to protect witnesses and we also have to protect the evidence that may be collected at some time or other. The very fact that courts across the country have a huge backlog of cases means that preserving evidence is a serious problem in Canada. Evidence collected at a previous stage may often no longer be valid at a subsequent stage if the witness is nowhere to be found. So, in addition to protecting witnesses, we must also protect the evidence.

The Crown prosecutors' big concern is whether they can keep their witnesses until the time of the trial. They wonder whether the witnesses will answer their questions properly, once on the stand. Time is often the Crown's greatest enemy in a criminal trial. Witnesses' memory is inversely proportional to the length of the proceedings. It is perhaps even directly proportional, that is, it fails as proceedings go on or the risk of failure increases. It is a bit like cigarettes. The risk increases with use.

At the moment, there are no ways to deal with this, since witnesses' memories often fail in criminal cases. People at home can see on TV what happens when witnesses do not want to remember anything or when they cannot remember anything, all the pressure that can be brought to bear on people who want to help in the cause of justice, but are unable to because of constraints imposed on them.

So Bill C–78 will remedy this to some extent. It should not be considered a magic formula, a miracle solution. I am one of those who believe that, in politics, nothing happens magically or gets done immediately, we progress by taking one small step at a time in the right direction. I consider this bill, Bill C–78, one such step and, in using it, we will see what sort of contribution it makes to changing criminal law, protecting witnesses and safeguarding justice in criminal matters.

I also think there are two times, in particular, when witnesses need help. Before the trial, naturally. At that point, witnesses' material security must be looked after, and they must be given effective protection. In some instances, they literally have to be hidden for their own protection—I hope it is with their approval—so they may give proper testimony, which will give a court of law the opportunity to assess the quality of the testimony and decide whether the Crown has presented beyond any reasonable doubt the necessary evidence. We must not forget that, under our system, the burden of proof is on the Crown. And the burden is enormous. The slightest failure in this regard inevitably leads to the acquittal of the accused.

• (1045)

In the case of heinous crimes—I will address drugs and organized crime later—the mere disappearance of witnesses can raise a reasonable doubt. Often, if witnesses, who may or may not show up in court, disappear, the prosecution will simply have to rise and tell the court that they have no evidence to offer. This can only lead to an acquittal since there is no evidence. We must then provide protection for witnesses before the trial.

Protecting witnesses before the trial is not enough, however, we must also protect them after the trial, after the verdict, whether it is a verdict of guilty or not guilty, because there is no guarantee that the testimony of a witness protected under the provisions of Bill C–78 will be enough to convict someone. The bill must allow witness protection authorities to assure witnesses that if they testify at the trial, they will be protected whether the accused is found guilty or not guilty, because witnesses' safety cannot be compromised whatever the verdict.

I mentioned it earlier but it always bears repeating: In some cases, because of our legislation—I am not questioning our Criminal Code in any way—because of the presumption of innocence and the resulting reasonable doubt, there may be an acquittal even if the witness is protected. We must therefore provide for the reintegration of those witnesses who have secured convictions or who have failed to do so through no fault of their own because of the way the evidence was reviewed.