

Adjournment Debate

Brazilian government to take this step to charge these military police with crimes associated with what they did.

However, one can hear and read about the indiscriminate sweeping of machine gun fire among all the prisoners. They had their hands up in surrender so that they would not be hurt, yet they were shot by these military police. This is a dangerous situation and it goes beyond an acceptable level. It calls upon the government to come to the aid of these two Canadians.

As I said, the Brazilian system of justice is different from ours and there are problems with some of their police and judicial systems, but what has happened with respect to those military police shows a positive sign on the part of the Brazilian government and we encourage that. However, please act now to save these Canadians.

Mr. Murray Cardiff (Parliamentary Secretary to Minister of Agriculture): Mr. Speaker, the Secretary of State for External Affairs has set out her views on this case in very great detail in letters dated August 13 and December 8, 1992 to the chairman of the Standing Committee on Justice and the Solicitor General.

It cannot be assumed that if Canada were to ask for the expulsion of Christine Lamont and David Spencer, that it would be granted automatically. While the Brazilian president had the discretionary authority to grant expulsion, it has been emphasized to us that there is a clear distinction between the authority as set out in the Brazilian constitution and the practice according to which the authority is exercised.

We have been told that in practice, expulsion would not be granted while appeals are under way or before the convicted prisoner has served his or her sentence. We have also been told that the Brazilian government would not agree to expulsion in these circumstances because it would amount to unwarranted interference by the executive branch of government in the affairs of the judiciary

and would discriminate against the other defendants who would not be released or expelled.

On many occasions the Secretary of State for External Affairs has expressed concern over the severity of the sentences received by Miss Lamont and Mr. Spencer. These sentences and the convictions are being appealed in the Brazilian courts and the Canadian embassy in Brasilia has been working actively to ensure that both the appeal of the convictions and the appeal of the sentences move forward as quickly as possible.

We understand the Brazilian courts recessed in December for the Christmas season and will reconvene in February. The embassy will continue to do everything possible to ensure the appeal process keeps moving expeditiously.

The embassy's efforts to hasten the ratification of the transfer of offenders treaty between Canada and Brazil which was signed last July 15 have also been achieving some success. The treaty was approved by the foreign relations committee of the Chamber of Deputies in December and will be considered by the justice committee when it reconvenes this month.

Finally, I would like to reaffirm that the consulate General in Sao Paulo is doing everything possible to ensure the safety and welfare of Miss Lamont and Mr. Spencer. The consulate general is monitoring the situation very closely and has met with prison authorities and with Miss Lamont and Mr. Spencer and their lawyers.

[*Translation*]

The Acting Speaker (Mr. DeBlois): Pursuant to Standing Order 38(5), the motion that the House do now adjourn is deemed to be adopted. The House therefore stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

The House adjourned at 6.26 p.m.