

Criminal Law Amendment Act, 1985

that this amendment which is very much in line with Section 11(h) of the Charter of Rights is most important.

In the absence of this amendment, it might very well be possible for such individuals to claim that they were found guilty in another jurisdiction even though they were not punished and thus successfully evade the possibility of being brought to justice. That would be doing a very grave injustice to the victims of these crimes and to their families, many of whom are still alive and living in Canada and elsewhere.

With respect, I would suggest that it is most important that this amendment be adopted in order to ensure that these people do not avoid the possibility of prosecution and ultimate conviction. Hopefully this amendment will be adopted and in the near future, following the report of the Deschenes Commission, hopefully a system will be put in place in this country that will permit trials in Canada with proper Canadian judicial safeguards of those individuals against whom evidence exists of possible participation in crimes against humanity.

On Motion No. 7—

Hon. Bob Kaplan (York Centre): Mr. Speaker, I too wish to address Clause 5. I agree with the Hon. Member for Burnaby (Mr. Robinson). These amendments in Motions 5 through 8 were introduced primarily because of their relevance to the war crimes amendments with which my Party agrees and which we were hoping would be made part of the Criminal Code amendment package at this time.

Although that portion has been ruled out of order and Government Members have denied unanimous consent to make it possible for the Criminal Code to be amended at this time so that war crimes could be dealt with by domestic procedures under criminal law, the amendments in Motions 5 to 8 are still relevant and valuable. They apply to other extraterritorial crimes and, as my colleague has indicated and as I on behalf of my Party support, these amendments are here to remind the country that there is unfinished business and that our Party is in favour of adding war crimes to the catalogue of crimes within the Criminal Code for domestic prosecution.

I hope that members of the Government will support these amendments. Not only will they be relevant to war crimes if the Government decides to proceed by amending the law, but in connection with nuclear material crimes and diplomatic crimes, the issues addressed in Motions 5 through 8 may still be relevant.

Mr. Chris Speyer (Parliamentary Secretary to Minister of Justice): Mr. Speaker, I will be very brief. As I said in my argument to Mr. Speaker on the procedural matters, these particular motions are totally derivative of the main question which is whether or not there is going to be in this legislation the prosecution of war criminals in a retrospective sense. The determination of that issue will be made after the report of the Deschenes Commission. The derivative amendments which are Motions 5 through 8 will be considered at that time. We are not ruling them out of hand but they are totally inappro-

priate at this point in time, so the Government will be voting against those amendments.

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some Hon. Members: Question.

The Acting Speaker (Mr. Paproski): Shall I dispense?

Some Hon. Members: Dispense.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Paproski): All those in favour of the motion please say yea.

Some Hon. Members: Yea.

The Acting Speaker (Mr. Paproski): All those opposed to the motion please say nay.

Some Hon. Members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion, the nays have it. I declare the motion lost.

Some Hon. Members: On division.

Motions Nos. 5, 6, 7 and 8 negatived.

The Acting Speaker (Mr. Paproski): The next grouping is Motions Nos. 13 through 16.

Mr. Jacques Guilbault (Saint-Jacques) (for Mrs. Finestone) moved:

Motion No. 13

That Bill C-18, be amended in Clause 212 by adding immediately after line 35 at page 152 the following new subclause:

"(6) Section 5, subsection 40(1), sections 41, 56 and 59 and Schedule I of this Act shall come into force on the day this Act is assented to."

Mr. Jacques Guilbault (Saint-Jacques) (for Mr. Nunziata) moved:

Motion No. 14

That Bill C-18, be amended in Clause 212 by adding immediately after line 35 at page 152 the following new subclause:

"(6) Section 5, subsection 40(1), sections 41, 56 and 59 and Schedule I of this Act shall come into force on the day this Act is assented to."

Hon. Bob Kaplan (York Centre) moved:

Motion No. 15

That Bill C-18, be amended in Clause 212 by adding immediately after line 35 at page 152 the following new subclause:

"(6) Section 5, subsection 40(1), sections 41, 56 and 59 and Schedule I of this Act shall come into force on the day this Act is assented to."

Mr. Robinson: Mr. Speaker, I rise on a point of order. I believe that it can clearly be said that the next amendment is