

*Criminal Code*

It continues:

Indonesian officials have argued against the authenticity of the manuals largely on the grounds that it would, in the words of the country's Foreign Minister, Dr. Mochtar Kusumaatmadja, be "fantastic" that a manual prescribing the use of torture should have been issued. But the documents do not deal exclusively with torture. They are not "torture manuals" and Amnesty International has never referred to them as such.

First-hand evidence from other sources that military personnel have persistently resorted to torture and that people taken into custody by Indonesian troops have been arbitrarily executed tends to confirm Amnesty International's belief that the manuals are authentic.

The entire book is devoted to human rights violations in Indonesia. Amnesty International has published another book on violations in Indonesia.

I bring this to the attention of the House because it points out that this problem exists throughout the world. We must ask ourselves about our relationship with countries which carry on torture. We should consider the role our Government will play in diplomatic sorties in terms of our foreign aid. We must be concerned about the way Indonesia has been torturing its citizens and, even worse, invading other places, such as East Timor, and subjugating the rather primitive tribesman to cruel and unusual punishment. The whole story about the violations of human rights in Indonesia have been documented and I have turned these over to the Secretary of State for External Affairs so he may review them himself.

Other countries to which I have referred are, in some cases, also guilty of extremely gross acts of torture and cruelty. It is important for us today to make sure that Canada sets an example that will help build up that kind of moral and political power and persuasion to bring about a change in the way those countries deal with their prisoners.

I have singled out Indonesia, but one can also speak about the horrors of Chile. While I was in Geneva, a young lady and her mother who now live in Canada were there to testify. This young lady was cruelly beaten, covered in gasoline and left to die. She made her report to the United Nations. Other reports like that have come from Chile and the violations of human rights in that country are so gross that some of the descriptions are almost unbearable to hear. This young lady was burned almost to death. When one sees her, it brings not only a sense of pity and concern but the reality of the cruelty and torture taking place in other countries and makes one feel proud that we are today debating how we can play our part in preventing these gross violations of human rights throughout the world by adding the name of our country to those having ratified that convention against cruel and unusual punishment and torture.

There are some nations that will use the excuse in their laws that they were only acting on orders from higher authorities. For that reason, I commend those who wrote this Bill for including Clause 2(3) which states:

It is no defence to a charge under this section that the accused was ordered by a superior or a public authority to perform the act or omission that forms the subject matter of the charge, nor that the act or omission is alleged to have been justified by exceptional circumstances, including a state of war, a threat of war, internal political instability or any other public emergency.

When I confronted members of the Indonesian delegation in Geneva with their record of human rights, they expressed the view that if this was done in a local area it was because that person was simply obeying the orders of a local army official who was in charge there. Therefore, it was not really that individual's fault that the events took place.

That was precisely the kind of defence used in the Nuremberg trials following the gruesome holocaust that overtook the world during World War II. During those trials and subsequent war crime trials, there was the excuse of not being responsible because the person was just obeying orders. That is precisely what we want to ensure does not exist in our law or in the laws of other countries. It is simply an excuse, like saying: "The devil made me do it". Such an excuse should not be allowed in our law and that is why I am pleased this clause in the Bill makes it clear that there are no exceptions whereby people can claim they were told to commit acts of cruelty or torture against another.

Our legislation should be a model to other countries who often look at other legislation and sometimes copy it verbatim. It is important that this law include that kind of explanation and provide an example for other nations to follow.

We must ensure that nations like Argentina are not allowed to carry on under the excuse of the generals and admirals that they are following orders to kill, make disappear, or torture thousands of people, including young students who are the cream of the crop of Argentinian young people.

• (1550)

When we look at events during World War II, at events in Argentina and in so many other places around the world today, we realize the gravity of this subject. Our nation is very comfortable. We feel so far away from it all. I only wish my words could create some sense of personal involvement on the part of all Canadians. What we do with this Bill is a major part of what can be done throughout the world. Organizations like Amnesty International and the United Nations can show the example of Canada to other countries. The legislation we create here in the House of Commons can be put before them as an example to follow. Hopefully, after we pass this Bill, we will use our resources to monitor these human violations in other parts of the world, but we should also be concerned about what is happening in our own country.

There is a phrase in this Bill about which I am deeply concerned. It is a phrase which suggests there may be some escape hatch provided along the lines I just mentioned. It is always possible for people to say when they committed some act in the name of the government, in the name of police action or in the name of the state, that they were simply following orders or that it was in pursuit of lawful sanctions. There is no lawful sanction under the fatherhood of God and the brotherhood of man, no lawful sanction which can override the issue of torture and cruel and unusual punishment. There is no law above the law of God. There is no law above the law of the brotherhood of man. There should not be in our