

Anatoly Shcharansky—long-time Jewish activist and so-called "refusenik"; one of the founding members of the Moscow Helsinki Group and leading spokesman for the Jewish emigration movement. Sentenced in 1978 to three years in prison and 10 years in a labour camp for alleged "espionage" and "anti-Soviet activity."

Yuri Shukhevych—nationalist dissident; son of an anti-Soviet partisan commander. Sentenced in 1972 to 10 years of imprisonment and five years of internal exile for "anti-Soviet agitation and propaganda."

Oleksiy Tykhy—founding member Ukrainian Helsinki Monitoring Group. Sentenced in 1977 to 10 years of hard labour and five years of internal exile for "anti-Soviet agitation and propaganda." Is alleged to be in very bad health.

I want to say, on behalf of the government of this country, that we take a very deep interest in every one of these cases, and any other instance of alleged violation of human rights or violation of the spirit and the letter of the Helsinki Agreement; and at the Madrid meeting Canadian representatives will emphasize that the harassment and jailing of these and other members of the Helsinki Monitoring Groups contravenes the spirit and the letter of the principles of the Helsinki Final Act. Honourable senators and all Canadians can feel assured that the Canadian government is very aware of these alleged violations of human rights, and Canada's position will be one of a vigorous effort to work on their behalf.

Senator Smith: I thank the Leader of the Government for his informative and extensive reply. I thought I heard him say that the various instances which he enumerated will be the subject of representation by the Canadian delegation at the Madrid meeting, to which we have been referring. Did I understand him correctly?

Senator Perrault: Cases such as these will most certainly be brought to the attention of those governments concerned during the conference in Madrid by Canadian representatives there. In addition, honourable senators are aware of the fact that a parliamentary review committee was formed some time ago. It is chaired by Mr. Caccia of the other place, and includes Senate representation. The committee has been hearing representations from ethnic groups prior to the forthcoming Madrid conference, and it is my understanding that all of the delegates to that conference are fully prepared to focus attention on the plight of these and other people whom, it is alleged, have had their human rights violated. In this respect, I would turn for confirmation to Senator Haidasz and Senator Thompson who, among other senators, have demonstrated a long-time interest in the problem of human rights violations throughout the world.

THE CONSTITUTION DEBATE LEGALITY OF PROPOSED RESOLUTION

Hon. Jacques Flynn (Leader of the Opposition): Honourable senators, I have a question for the government leader. Yesterday I asked if it was the intention of the government to submit to the Supreme Court the question of the legality and constitutionality of the resolution it is proposed we send to

Westminster, its amending formula, and the Charter of Rights which it contains. Yesterday the Prime Minister dismissed the idea with the argument that this was a political debate.

I would like the government leader to say if it is the view of the government that, when there is a political connotation attached to a legal problem, that legal problem cannot be submitted to the Supreme Court. Can he amplify, explain or interpret what the Prime Minister really intended to say?

Hon. Raymond J. Perrault (Leader of the Government): Honourable senators, as I stated yesterday, the government is firmly convinced that it is proceeding in a legal manner. Further, we intend to proceed with the parliamentary schedule which has been established. The motion is under debate in the House of Commons, and I understand it will be a few days more before we can expect the message. The government intends to proceed with the debating schedule established.

● (1450)

As far as the legal implications of the honourable leader's question are concerned, I am not prepared to offer a legal opinion.

Senator Flynn: And I hope you never will. I did not ask for that. I was asking you to justify the validity of the argument that when there is a political aspect to a question the legal aspect cannot be submitted to a court. That was my question. Believe me, I wasn't asking you for a legal opinion. What I am trying to establish is whether the Leader of the Government is aware that when he tells me that the government is certain about the legality of its position he simply dismisses the opinion of seven, if not all, of the premiers, and many, many experts in constitutional matters who have not only expressed doubts as to the constitutionality of the resolution, but have also in many cases said it was clearly against the legal way of proceeding in this respect, especially when you bear in mind the decision of the Supreme Court in relation to the reference of the Senate provisions of Bill C-60. I am quite sure that legal experts like Senator Goldenberg, for instance, would have some reservations about that and would not entirely support the position of the government.

Senator Perrault: All I can suggest to the Leader of the Opposition is that he may wish to contact Mr. Yves Pratte, and request of him that the Honourable the Leader of the Opposition be called as an expert witness, or that his talents be employed in some other fashion, when the case comes before the courts.

Senator Flynn: You do not have legal experts appearing before the courts. That is something you should know. You should have spoken with Senator Goldenberg before replying as you just did.

[Translation]

IRAQI-IRANIAN WAR

SAFETY OF CANADIANS IN REGION

Hon. Fernand-E. Leblanc: Honourable senators, my question is for the Leader of the Government. It concerns the conflict or the war between Iran and Iraq.