

Another Somalia Cover-up? Law not followed

Subject: Another Somalia Cover-up? Law not followed

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To: McGuinty.D@parl.gc.ca, LeeD@parl.gc.ca, DewarP@parl.gc.ca, MenarSe@parl.gc.ca, ComarJ@parl.gc.ca

Dear members of the House of Commons:

The Government is not following the law and it involves the a review of the Military Police Complaints Commission and the House of Commons.

After the Somalia Inquiry report of 1997, Parliament adopted "An Act to amend the National Defence Act and to make consequential amendments to other Acts", Statutes of Canada, 1998, chapter 35,
http://www2.parl.gc.ca/content/hoc/Bills/361/Government/C-25/C-25_4/C-25_4.pdf (Bill C-25 at the time).

This is an important Act and it includes the establishment of the the Military Police Complaints Commission, a matter of interest to the House of Commons these days.

Under s. 96 of that Act, a report has to be tabled in the House of Commons every five years. That section reads as follows:

"Review

96. (1) The Minister shall cause an independent review of the provisions and operation of this Act to be undertaken from time to time.

Report to Parliament

(2) The Minister shall cause the report on a review conducted under subsection (1) to be laid before each House of Parliament within five years after the day on which this Act is assented to, ***and within every five year**** period following the tabling of a report under this subsection*." [emphasis in size and bold added by me]

The Act was assented to 10th December 1998. A report was tabled in the House of Commons on 5 November 2003 ("Journals", 5 November 2003, p. 1236,
<http://www2.parl.gc.ca/content/hoc/House/372/Journals/151/151Votes.PDF>)

No other report on "an independent review" has been tabled since in the House of Commons. The law is not being followed by the Minister of National Defence. Is this another Somalia cover-up? I believe in the rule of law. What about you?

I have a web site on Canadian military law at <http://www.lareau-law.ca/military.htm>, search for C-25. My MP in the House of Commons is David McGuinty.

Sincerely,
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(Member of Barreau du Québec since 1974)

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