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# **Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Tuesday, April 15, 2008**

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**Chair**

**Mr. Scott Reid**

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## Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

Tuesday, April 15, 2008

• (1305)

[English]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** I call the meeting to order. This is meeting eight of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

We have with us today two sets of witnesses. We have Firoze Manji from Kenya, and we also have a group of three witnesses from the Philippines.

I want to apologize in advance to all our witnesses. You are here on very serious matters. We are grateful to you for coming and we have, through surely no fault of yours and hopefully no fault of ours, very tight time constraints.

What I am proposing to do—our committee has agreed to this—is to deal first with Mr. Manji, and then after half an hour go to our delegation from the Philippines. This really does not leave as much time as you deserve. It is simply a constraint that is imposed upon us.

Mr. Manji has given a written presentation to our clerk. Unfortunately, it has not yet been translated, and our rules preclude us from handing it out at this time. We will have it translated and it will be given out within the next day or two by mail to all our members, who will then have the chance to read it.

With that, Mr. Manji, I invite you to start. I'm not sure if anybody has mentioned this to you, but our hope is that you can speak briefly enough that it will allow some questions to be asked. The floor is yours. You know your case best, so I'll allow you to begin. Thank you.

**Mr. Firoze Manji (Director, Fahamu-Networks for Social Justice):** Thank you, Mr. Chair.

Please excuse the fact that we've not had time to translate our statement into French.

[Translation]

I apologize for not speaking French very well. In Kenya, people do not even speak English well.

[English]

I'm very grateful for this opportunity to be here. I speak here as a political commentator on Kenya as well as a member of the Kenyans for peace through truth and justice, a coalition of civic associations

in Kenya. However, I speak on my own behalf and not on behalf of the coalition.

Ladies and gentlemen, over 1,000 people have been killed over the last three months in Kenya. Over 600,000 people have fled their homes in fear because of acts of violence against them by a politically motivated armed militia and because of actions of the state, including the police and the presidential paramilitaries, the government service unit.

This morning the United States of America announced its welcoming of the formation of a coalition government that has 43 members in its cabinet. This grossly inflated, large cabinet will cost the country considerable amounts. An estimate this morning of the amount that they will receive in salaries and expenses indicates that 43 cabinet ministers will cost the country approximately 80% of the Kenya national budget—which was approved last year—of \$10.2 billion.

I'm concerned that the international community has been rushing to recognize this government. Let us be clear: we have a government that has been formed by a person who is clearly, from the evidence, responsible for having carried out a civilian coup in Kenya, who seized power—rather as Mugabe is trying to do today in Zimbabwe—by fiddling with the votes. Mwai Kibaki also took power by rigging the election votes. He heads the government as a usurper president with no popular mandate in that position.

The fact he does so makes a mockery of the electoral process in which citizens participated, an election process which was largely peaceful, well run, and in which nearly 70% of the electorate participated. Canada's acceptance of the new government would essentially be acceptance of impunity for the crimes of election-rigging and carrying out a coup.

The Kenya government has paid lip service to the holding of an independent judicial inquiry into the process of rigging of the elections. There are no plans to disarm the militia or to bring to justice any of those who carried out extrajudicial killings.

There have been thousands of women raped. The Nairobi Hospital women's centre has been overflowing, and numerous rape crisis centres have had to be set up across the country. No word is provided on how those responsible for these crimes will be brought to justice.

Although there has been verbal commitment by this government to the formation of a commission of inquiry into the evictions from land in the Rift Valley province, this is unlikely to proceed since the last government, which itself was a coalition government comprising exactly the same group of people who will comprise this government, also failed to carry out that commission. In fact, the inquiry that was set up was prohibited from proceeding by the current President Mwai Kibaki. There are no plans at all for ensuring a safe return, a safe passage for the 600,000 IDPs.

• (1310)

We're concerned that people will be hasty in welcoming the formation of this coalition government. In our view, an interim government is certainly necessary—an interim government that has all the different political parties and all the players involved—to form a government that would oversee, in a limited mandate of perhaps one year to 18 months, and bring to justice those responsible for killings, to investigate the causes of the rigging of the elections, and to oversee the re-holding of the presidential elections.

Many are claiming that we don't want to see elections in Kenya again because they resulted in violence. I would like to remind the committee here that the elections themselves were extraordinarily peaceful. It was only once the coup had taken place, once Kibaki had announced that he had won the elections, that in fact violence broke out in Kenya. Even the European Union, in their international observer missions, reported that the elections, as far as they were concerned, were well run, and that it was only after the results were rigged that the violence broke out.

I would like to recommend to this committee that Canada should be cautious in recognizing this current government. It should be seen only as an interim government. Canada should request that the Kenyan government make clear how it will be dealing with the extensive violations of human rights, including the crimes against humanity that Human Rights Watch has alleged are taking place in the Mount Elgon region.

Canada should be careful in terms of its aid, since much of that aid is in danger of being used entirely to finance the ministerial positions. I would hope that Canada would take a position that would say that the way in which it will operate in relation to this government must hold to the principles of democracy, good governance, and human rights. If this government is recognized as a permanent government, then it breaks Canada's commitments to the principles of good governance, since the president himself is somebody who took power through a coup.

I will leave my statements there for the moment. I am open for questions.

• (1315)

**The Chair:** Thank you, Mr. Manji.

What we'll do is we'll proceed around the room and give questions to one member from each of the four parties here. Hopefully, if they're all concise in asking their questions, they will leave you adequate time to respond, and we'll be able to hear questions from all of them.

Mr. Silva.

**Mr. Mario Silva (Davenport, Lib.):** Mr. Chair, we'd agreed that the first turn would be for Mr. Dhaliwal.

**The Chair:** Oh, I'm sorry.

Mr. Dhaliwal, please.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Thank you, Mr. Chair.

Welcome, Mr. Manji.

You mentioned the pogrom in Kenya. You also said that the government should not recognize that government. Is there anything else besides that?

When it comes to Canada, we're a multicultural country in the true sense. It's my understanding that most of the people in Kenya affected were born there, but they were not necessarily considered Kenyan. How can we deal with that situation? Is it a race issue there too?

**Mr. Firoze Manji:** I'm not sure I understood your question, sir.

**Mr. Sukh Dhaliwal:** Do you think it's just one tribe against the other? That's what I want to find out.

**Mr. Firoze Manji:** I think it is important for the committee to recognize that in Kenya you have two major parties, PNU and ODM. PNU is the party of Mwai Kibaki, who is a Kikuyu. Some 23% of Kenya's population are Kikuyu. The ODM is led by Raila Odinga, who is from the Luo tribe. Only 13% of Kenya's population is Luo; however, the election results, both parliamentary and presidential, indicated that approximately 50% of Kenya's electorate voted for the PNU—for the Kikuyu party, so-called—and 50% voted for the Luo party, so-called.

No amount of mathematical gymnastics can show that this is an indication that Kenya's electorate voted tribally. Far from it; for the first time in its history, the election demonstrated that it actually voted on issues, not on a tribal basis.

What has happened since is a major outbreak of violence. That violence has had three causes. One is the spontaneous initial violence against the announcement that Kibaki had seized power, but the two other main sources of violence need to be understood.

First of all, they are carried out by armed, politically motivated militia that are funded by people on both sides. No side there is clean in relation to this. The militia operate there in order to attack people of a particular tribe, so as to make this appear to be a tribal warfare.

In practice, this is not what the elections have been about. They have been trying to instill and instigate a tribal war.

These people are not being disarmed. This morning we had news that six people were burned to death in Kibera. Several people have already been killed just today, and this was after the announcement of this new coalition government. People are out there to try to create a tribal conflict. The real danger is that if they play with fire long enough, we will descend into a civil war along tribal lines. I think that is still in the cards.

My main point to you, honourable members, is that the present permanent solution of this coalition government is not a solution for avoiding or preventing the descent into civil war that Kenya has been sitting on the brink of.

•(1320)

**Mr. Sukh Dhaliwal:** Mr. Chair, speaking through you to Mr. Manji, how can we as Canadians, or as the Canadian government representing the Canadian people, intervene, besides not recognizing the present government? And on the aid, what can be done for those 600,000 people who have fled and the families of those more than one thousand who have been killed? I understand there are businesses at risk, as well.

What else can we do? Is it that we can accept more refugees? There might be some people who want to migrate to Canada. Can we fast-track those applications? What do you suggest? Do you have something in mind?

**Mr. Firoze Manji:** I think an emphasis on the principles of good governance and human rights would be an essential component of that.

The international community, including Canada, has been generous in terms of providing support for the humanitarian cause in the crisis faced by internally displaced people. However, I think what Canada has to say is that if this is to continue, then the Kenyan government has an obligation to ensure safe passage and safe return of those internally displaced people to their homes.

That means, if this is to happen, that those who are responsible, the militia, have to be disarmed, and that those who are responsible for carrying out the killings and for evicting people need to be brought to justice.

I think Canada has a very important role to play in being able to hold the principles of good governance, the principles of democracy, the principles of human rights to the core.

**The Chair:** Unfortunately, Mr. Dhaliwal, given our time constraints, we have to move on. Thank you.

Madame Bourgeois.

[*Translation*]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Thank you, Mr. Chairman.

Good afternoon, Mr. Manji. I find it terrible that Kenya is suffering more after all it has suffered over the past few years. I have been to Kenya and I have seen how poor people are.

To begin with, I would like to know where the 600,000 people who have been evacuated come from. Do they come from those garbage slums where they lived in northern and southern Kenya?

[*English*]

**Mr. Firoze Manji:** I'm not sure I completely understood the question; *pardon*. Could you please repeat that?

[*Translation*]

**Ms. Diane Bourgeois:** Yes. I have visited Kenya and I find it terrible to see how much people are still suffering. They are caught up in what is practically a military situation. I was wondering about

the 600,000 people who have been evacuated. Where do they come from?

When I visited the country two and a half years ago, 97% of the population was extremely poor. Three per cent of the population eat three meals a day or at least they were able to eat. I am wondering where exactly these 600,000 people come from. Do they come from the north, the south, the garbage slums they were living in?

•(1325)

[*English*]

**Mr. Firoze Manji:** Thank you.

The majority of the 600,000 people come from the area known as the Rift Valley province. This has been the area where the vast amount of violence carried out by armed militia has taken place. It's interesting that in those parts of the country, even the northeast, some of the most poor parts of the country, even the coast, there are hardly any internally displaced people. And the reason there are no internally displaced people from there is that there are no armed militia there.

This has been created by these armed militia. It's not people having tribal warfare; it is the armed militia that are creating it.

I think you're right to speak of the disparity in income. Over the last 20 years, the rich have gotten extremely rich and the poor have gotten very poor. The average income today, in real terms, is now lower than it was at independence.

[*Translation*]

**Ms. Diane Bourgeois:** Canadian NGOs are doing an excellent job in Kenya. We could also include CIDA, which was very involved there a few years ago, when I visited. What is the situation now with these NGOs? Are they against the military government? Giving more help to them could improve living conditions for Kenyans.

[*English*]

**Mr. Firoze Manji:** Canadian NGOs have a long tradition of being supportive in Kenya. It's been always our experience of a very close relationship with them. Their support for civil society actions, their support for health care, their support for work in the area of human rights, has been normally outstanding.

I think they do face dangers when they work in these situations, but I don't think any, in the last period, in the last six months, have faced any direct threat to their lives. I may be wrong on that, but as far as I know they haven't. I think this an area where there could be very serious support provided by Canada, especially in the area of justice and human rights.

[*Translation*]

**Ms. Diane Bourgeois:** I have one final question, Mr. Manji.

**The Chair:** Please be brief.

**Ms. Diane Bourgeois:** Are there Canadian commercial or mining companies in Kenya? If so, could you please provide the committee with the names of those companies and indicate which sector they work in, so that action could perhaps be taken with the military government, the new government, instead of with the population?

[English]

**Mr. Firoze Manji:** I would love to be able to do so but I don't have the names at my fingertips. I should have come better informed. I would be happy to communicate with you later and send you details of those companies.

**The Chair:** Thank you.

I'll just advise you, Mr. Manji, that if you are able to send me further documentation, please feel free to send it to the clerk. He will then ensure that it gets distributed to all members of the committee.

Mr. Marston, please.

• (1330)

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** I'll be brief, because I think we're just about out of time.

Not recognizing the government right now is important because of the way it acquired office. As I understand it, you want a review of CIDA's moneys that are going there.

I was in a meeting previously and overheard some talk of some of this money finding its way into the hands of the congressmen or members. It's a terrible thought, especially with the way things have proceeded in that country.

Beyond that, you talked about disarming the militia. Who do you see doing that, and is there any other role that Canada might play, in your view?

**Mr. Firoze Manji:** Thank you.

I think disarming the militia could be carried out by a combination of the armed forces, but also with the presence of international observers there, because what has been clearly demonstrated in Mount Elgon region, where the army went out to disarm a group of militia there, was that they carried out with impunity large-scale massacres. The Kenyan army massacred people, civilians as well as alleged members of this.

Human Rights Watch published a report ten days ago in which they document the crimes against humanity that were carried out.

There has to be a way in which perhaps international forces can be used, or the African Union forces can be used, to oversee the process of disarming. Disarming is not an easy matter to carry out.

**The Chair:** Thank you.

Mr. Sweet, please.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** I'll be as brief as I can, although we could go on with questioning, with the big concerns there, for a long time.

The PNU, you said, was dominated by the Kikuyu. What is the percentage of population of that tribe?

**Mr. Firoze Manji:** The PNU is not dominated by the Kikuyu. Its leadership is certainly largely comprised of members of the Kikuyu tribe.

The Kikuyu constitute only 23% of Kenya's population.

**Mr. David Sweet:** So only 23%.

I have two questions. First, you had mentioned that the modus operandi was to incite a tribal war. Are you inferring that this is strictly for their cover, so that they retain power in government? I'm trying to think of what the motivation of just trying to incite that would be.

Secondly, as far as the elections are concerned, you had mentioned that they were peaceful and well run. Can you steer me toward some specific evidence that we can get our hands on as to how it was rigged, other than the impossible math that you already mentioned?

**Mr. Firoze Manji:** First of all, I think an inquiry would need to be held to be able to work out exactly the motives of those who were involved in the incitement, but there is no doubt that armed groups of militia do target particular constituencies of people to get rid of them, to get them out of a particular area.

This is surmise, but I think the motivation is that these are often areas where there is a shortage of land and there's access to quite remunerative land. If a member of parliament or a politician can offer his constituencies greater access to the goods, it's quite a strong incentive for them to support them in the future. That's number one.

The elections were remarkably peaceful. I recommend to the committee the report from the European Union observer mission, as well as the post-election analysis made by the Kenya National Commission on Human Rights, both of which are available on their respective websites.

If one looks at the events, on the 27th of December the elections took place. They were closed that evening. At every single constituency, at every one of the 70,000 polling stations, there were people from all parties there. Each of them signed off the results. Each of them maintained and kept records of that. Even the police kept records of how the voting took place, what the final results at the constituency level were. They were then transmitted by fax or other means to the Electoral Commission of Kenya at the Kenyatta International Conference Centre in Nairobi.

By the 29th of December, no results had been announced. There were rumours that something was going on. These rumours were confirmed when the government service unit, the paramilitary force that reports only to the president, took over that part of Nairobi, emptied the building, completely excluded all international observers, and excluded all members of opposition parties who were there and who had a right to be observers at the Electoral Commission. Having done that, the chair then went on television to announce that Mwai Kibaki had won the elections.

There was deep suspicion that something had gone wrong. This suspicion was confirmed 24 hours later when a parliamentary officer, who was seconded to the Electoral Commission, stood up at a press conference, on television, and said that the results announced by the chair of the Electoral Commission of Kenya were not consistent with the results actually obtained.

Twenty-four hours later, four commissioners of the actual commission, all of whom had been appointed by Mwai Kibaki, also stood up courageously and at a press conference announced that these results were being rigged, that they were not the correct results that had been announced.

Since then, Mr. Kivuitu, who is the chair of the Electoral Commission, also admitted that what he had actually announced was not consistent with the results that were given.

• (1335)

**The Chair:** Mr. Manji, we appreciate your coming here. We do apologize for the limited time we've had to hear from you. Thank you for enlightening us.

**Mr. Firoze Manji:** Thank you very much for your time.

**The Chair:** I would like now to encourage our next panel of witnesses to please come forward.

We apologize to our witnesses from the Philippines for the fact that we are running late. We didn't get access to the room until a little later than we anticipated. What I am intending to do is to have the meeting run a little bit past the time at which we had intended to wrap things up, so that instead of concluding at 2 p.m., we will conclude at 2:10 p.m. That will still give our members time, if they run, to go to the House of Commons, but it will also allow a decent amount of time for your presentation.

This panel has exactly 30 minutes at its disposal. In order to ensure there is time for one round of questions from each of the parties, my suggestion is that you attempt to keep your presentation to 20 minutes. That will allow 10 minutes for questions and answers, and this time I'll be much more strict than I was the first time around in enforcing tight time limits for the questions and answers.

With that preamble out of the way, I welcome our panellists and invite them to begin their presentation.

**Mr. Satur Ocampo (Member, Congress of the Philippines):** Honourable Chairman and members of the subcommittee on human rights, good afternoon.

We members of the Philippine House of Representatives appear before you to seek your help in urging the Canadian government to put more pressure on the Philippine government to end the extrajudicial killings and enforced disappearances in our country.

We appear before the committee both as representatives of the victims and as victims ourselves of political persecution and human rights violations by the Arroyo government.

In the seven years that Gloria Macapagal-Arroyo has held power, there have been almost 900 extrajudicial killings and 180 enforced disappearances. Of the 900 killed, 226 were members of the three political parties we lead and represent in Congress. We, the elected representatives, have been charged with spurious crimes such as rebellion, which have been justly ordered dismissed by the Supreme Court. Other charges, however, are still pending in the lower courts.

The victims of extrajudicial killings are renowned activists who include workers, peasants, students, women, indigenous people, the working poor, and journalists.

Two fact-finding reports were submitted to both the Philippine government and to the United Nations. Both reports make recommendations to the government on ways to put an end to the killings; however, none of the recommendations have been implemented by the Arroyo government.

The more definitive report is by the UN-commissioned special rapporteur, Philip Alston. The report directly attributes the killings and human rights violations to the armed forces of the Philippines and its counter-insurgency program called Oplan Bantay Laya, or "operation freedom watch". Professor Alston recommends the removal of extrajudicial executions as a component of this program.

President Arroyo is at the top of the program. Last year she ordered the full implementation of Oplan Bantay Laya by 2010, when her term of office ends. The counter-insurgency program implements the military aspect of a national internal security plan, or ISP, also approved by the president. This plan combines military campaigns to secure peace in conflict zones with poverty reduction and developmental objectives. It is worth noting that CIDA funds these building efforts in the conflict-affected Mindanao.

The Arroyo administration has stubbornly refused to assume accountability and act decisively to end the political killings and penalize those directly responsible. This is why it is important for us to ask for Canada's support to follow the lead of the European Union by taking definitive action toward inducing the Philippine government to end the killings.

I'll ask my colleague to provide his testimony.

Thank you, Mr. Chairman.

• (1340)

**The Chair:** Thank you.

**Mr. Crispin Beltran (Member, Congress of the Philippines):** Thank you very much.

I represent Anakpawis, the worker and peasant party-list in the Philippines Congress, a party that is being targeted in the current state of extrajudicial killings and human rights violations in our country.

Trade union repression resulted in the extrajudicial killings of 87 union leaders and members; 29 were tortured; and a number of our members have disappeared. There has been a total of 1,272 cases of labour rights violations, including systematic "no union, no strike" policies, union busting, violent dispersals, and illegal dismissal of striking union members.

I myself was a victim of trumped-up charges of rebellion. I spent 16 months in prison immediately after President Gloria Macapagal-Arroyo declared a state of national emergency in 2006. I was released after the Supreme Court of the Philippines dismissed the rebellion charges against me. However, the sedition charges against me are not withdrawn, and my colleagues in Anakpawis continue to be targeted.

We are here to appeal for your support and intervention. Canada provides support to the Philippines military and police training. This summer, Canada will be training 12 mid-level officers of the Philippines military here.

Canada provides development aid to the Philippines at about \$14 million a year, making it the eighth-largest official development assistance contributor to the country. About 60% of CIDA funds go to projects in Mindanao, where a Muslim insurgency has been active for the past few decades. We have good reason to believe that Canadian funds are used in internal security campaigns of the Arroyo government, such as the national internal security plan. We would like this committee to look into this and ensure that Canada is not complicit in, or contributing to, the violations of Filipino people's rights.

Last year the Philippines government enacted the Human Security Act. The Arroyo government continues to use the war on terror as a means to silence dissent, turning legitimate acts of protest into crimes punishable by 40-year sentences.

International civil society groups and governments are holding the Arroyo government accountable and demanding an end to extrajudicial killing. The European Union, the governments of Finland, Spain, France, and Japan, have all issued statements of concern or outright condemnation. We ask you to take a firm and principled position against the human rights violations of the people of the Philippines.

Thank you.

•(1345)

**The Chair:** Thank you.

**Mrs. Luzviminda C. Ilagan (Member, Congress of the Philippines):** Good afternoon.

Since Arroyo assumed power, 98 women have been killed for political reasons, with 30 abducted and 24 detained. My party, the Gabriela Women's Party, is a key target of the political repression. The president of Gabriela has been charged with rebellion and was forced to seek the protective custody of Congress for two months. She still faces charges of multiple murder. I am charged with rebellion and recently survived a bombing incident at the House of Congress that killed six people, including my driver. The bombing occurred on the day that my party and other opposition parties filed an impeachment case against President Arroyo.

I come from Mindanao, an island rich in natural resources and where Canadian mining companies are very active. Canada has filed major mining projects in the Philippines worth about \$1 billion in investments, and many more companies are engaged in exploration.

I ask the subcommittee to look into the link between the activities of Canadian mining companies in the Philippines and the human rights abuses, including extrajudicial killings. Eighteen women involved in community protests against large-scale mining have been assassinated.

In the Philippines, militarization is the evil twin of development projects such as mining. Even as we meet here today, military troops have been deployed to an indigenous community in northern Philippines and are terrorizing residents who opposed the mine project of Toronto-based Olympus Pacific Minerals.

Conducted under the guise of counter-insurgency, the military operation secures the area and allows the mining operations to proceed. Individuals and organizations opposing the mines are

labelled by the military as members of the rebel New People's Army and enemies of the state, making them legitimate targets of attack.

I will now ask the leader of our delegation, representative Satur Ocampo, to present our recommendations to the subcommittee.

Thank you.

**Mr. Satur Ocampo:** Thank you, Mr. Chairman.

On behalf of our delegation and the communities that we represent, we submit the following recommendations to the subcommittee.

First, we call on the Prime Minister to issue a strong and clear public statement condemning the extrajudicial killings and calling on the Philippine government to implement the recommendations of the report of the United Nations special rapporteur Philip Alston.

Second, we ask the Canadian government to disclose information and conduct a review of Canada's support for counterterrorism capacity-building, military and police training, and CIDA programs to ensure that they are not a component of the internal security plan and contributing to human rights abuses. We ask that funding for these programs be suspended until the review is completed.

Third, we call on the Canadian government to investigate the complaints against Canadian mining companies in the Philippines, and to enact legislation to make it possible for Canadian companies to be prosecuted in Canada for human rights violations committed overseas.

Fourth and finally, we invite the subcommittee to visit the Philippines for a fact-finding mission on the human rights situation, including the extrajudicial killings and the human rights complaints against Canadian mining companies.

Thank you.

•(1350)

**The Chair:** I thank all our witnesses today for an informative discussion. I know you've made a real effort to be succinct in your remarks. I would encourage our committee members to be equally succinct in their questions.

We'll start the round of questioning with the Liberals.

Mr. Silva.

**Mr. Mario Silva:** Thank you very much.

I want to thank all the witnesses who are before this committee. I just want to let you know that, first of all, even though the time is quite brief that you're before the committee, everything you're saying is also being recorded and registered, so we've taken note. In addition to that, the documents before us are quite comprehensive.



Professor Alston is somebody I have great admiration for. He is a world-known professor on human rights, a great academic, and somebody who has been with the UN also for a very long time as a rapporteur, so the fact that he's been assigned this is because there's an urgent need to gather information, do a fact-finding, and also do a proper report. He is the ideal candidate because of his world knowledge in terms of human rights.

It's very shocking what we read in the report, both Professor Alston's report and also Judge Jose Melo's report, on the military intervention and the military violations that are taking place in that country. We as a country, I think, have to speak out and say that this is outrageous, that a country that purports to be democratic has to also respect its democratic institutions, freedom of association, and labour rights. Right now what we've been hearing from these major reports of two very respectable people is very disturbing.

So I think you're right that it needs to come before our committee. We need to give it due attention, and we as a committee certainly will take forward your recommendations specifically about Canada, because we have involvement through CIDA, through our military training, through our partners, and also through our mining companies because we have interests there too.

Given all that, we do have a stake in this and I think there is also the fact that we care about the Philippines and the development in the Philippines. We have seen over the years that there's a huge community of Philippine-Canadians in Canada, and we recognize the fact of the urgent need for us to take action.

So we thank you very much for coming forward to the committee. I just wanted to make that comment. But I hear your recommendations and I appreciate them, and I've taken note of them.

**Mr. Satur Ocampo:** Thank you, sir.

**The Chair:** No further comments?

In that case, let's go on.

Madame Bourgeois.

[*Translation*]

**Ms. Diane Bourgeois:** Mr. Chairman, I have two questions and a comment.

Is the Mindanao mine that you were talking about TVI Pacific?

[*English*]

**Mrs. Luzviminda C. Ilagan:** Yes, TVI Pacific and Crew Development are in Mindanao.

[*Translation*]

**Ms. Diane Bourgeois:** Very good. Thank you.

My second question is for Mr. Beltran.

Unless I misunderstood, you seemed to be saying that Canada provides support to the military forces in the Philippines. Is that right?

[*English*]

**Mr. Crispin Beltran:** Yes.

**Ms. Diane Bourgeois:** I'm wrong or I'm right?

**Mr. Crispin Beltran:** You are right.

[*Translation*]

**Ms. Diane Bourgeois:** I had understood correctly. There is also the International Labour Organization which we met with at another committee meeting, where we were talking about helping the people of Burma. It seems that the ILO, because of its position, has excellent contacts with various governments. I would simply like to suggest that you contact that organization.

Mr. Chairman, I will now make a comment. The activities of Canadian mining companies in the Philippines and the situation of the Philippine people was examined in a study by the Subcommittee on Human Rights, which I was on along with Mr. Goldring and a number of others about two and a half years ago. We did an excellent report on the activities of Canadian mining companies in the Philippines, in particular TVI Pacific from Alberta.

I am very surprised to see that, despite the subcommittee's report two and a half years ago, the situation has not yet been resolved. I would like the subcommittee to be able to discuss what follow-up there has been by the Government of Canada to that report and what support it is providing to the Philippine military. The Conservative government had just been elected at that time. It is a terrible situation and it is not the first time that we are discussing it here. I hope that Canada will not lose face once again. I actually find this shocking, Mr. Chairman.

Thank you very much.

● (1355)

[*English*]

**The Chair:** Merci beaucoup, Madame Bourgeois.

Mr. Marston, please, you have the floor.

**Mr. Wayne Marston:** Thank you, Mr. Chair.

To our guests, I want to acknowledge something that's very crucial—the fact that you have put yourselves at risk to come here to speak as you have today. I am very respectful of the courage I'm seeing here and the responsible way you're standing up on behalf of your country. My congratulations on that.

Mr. Chair, I'm very concerned, because this isn't the first time we've heard that CIDA dollars may be used inappropriately in other countries. We need something to be done on that.

I personally am very troubled that 12 officers of this army—if this case is proven—are being trained in Canada. We need to get to the bottom of that.

The other thing that percolates to the surface is the corporate and social responsibility report. It's been over a year since it was completed, and we haven't heard of any action on it. It's time this moves forward.

I'm not going to ask a question, because we have very little time, and I had the good fortune of meeting these folks yesterday.

I repeat, I'm very impressed with your courage. Thank you very much.

**Mr. Satur Ocampo:** Thank you very much, Mr. Marston.

**The Chair:** We do have some time. People have been very prompt in this round.

Mr. Marston, you were particularly gracious in being brief last time, so perhaps, if we get to the end of this, we can come back to you for something else.

No? Okay.

In that case, Mr. Kenney or Mr. Sweet, go ahead.

**Mr. David Sweet:** Thank you, Mr. Chair.

I echo everybody's words on your great courage. I read your profiles prior to coming here. What you've endured so far is remarkable. I just encourage you to keep up your fight to bring human rights and justice to the situation.

Have there been any arrests or any convictions in the Philippines regarding any of these killings? Has anybody been brought to justice in any capacity, for either the kidnappings or the killings?

**Mr. Satur Ocampo:** In terms of the killings, the ones that have been prosecuted, with two convictions, involved journalists. But for all the political activists, no—none have been brought to justice, they have not been convicted.

**Mr. David Sweet:** These are foreign journalists?

**Mr. Satur Ocampo:** No, mainly local journalists.

**Mr. David Sweet:** Now, a couple of you still have charges pending, is that correct?

**Mr. Satur Ocampo:** Yes. Congressman Beltran is being accused of inciting sedition. There is a standing motion for dismissal, given the fact that such a charge is not supposed to be filed against a sitting member of Congress, because the penalty for that is less than six years. We, as members of the Congress, are free from such accusations.

In my case, it is a graver one. It is a capital offence. I am charged with multiple murder, 15 counts, of incidents that happened 22 years ago. At the time, I was under military detention by the Marcos dictatorship. We have pointed that out, and yet the prosecutors have not dropped the case. We brought it to the Supreme Court, and it is pending adjudication there.

**Hon. Jason Kenney (Calgary Southeast, CPC):** Mr. Chairman, is there any time left?

**The Chair:** Yes, there is, Mr. Kenney.

• (1400)

[Translation]

**Hon. Jason Kenney:** Mr. Chairman, I was not aware of the report produced by the subcommittee in the last Parliament. It would be helpful if the clerk could circulate a copy of that report so that we could read it. I do not know if it was examined by the standing committee. In any case, I am also interested in the report.

[English]

I do have a question for our witnesses. Thank you to all for taking the time to come here and inform us, and obviously for having courage in addressing this matter.

As part of your recommendations, you've asked that the Government of Canada investigate complaints against Canadian mining companies in the Philippines. My colleague Madame Bourgeois suggested there might be some connection between Canadian mining companies and some of this violence.

Could you briefly help to inform us on how that might be the case? Are you alleging, or do you have any evidence, that Canadian enterprises in the Philippines have in any way, directly or indirectly, been involved with those who have committed this violence? What sort of information, if any, do you have?

**Mrs. Luzviminda C. Ilagan:** The mining companies usually hire military and paramilitary personnel to be their security forces. So when these abuses are committed, the mining companies are involved directly or indirectly.

Cases have been filed in the local courts but no actions have been taken. Cases have even been filed by the commission on human rights against the military forces with the Southern Command—the armed forces of the Philippines—but still no action has been taken. So there is a connection in the sense that the mining companies have hired these military personnel to be their security forces.

**Hon. Jason Kenney:** Thank you.

**Mr. Satur Ocampo:** On a higher level, the possible connection I had cited earlier—it might not have registered—is that the overall counter-insurgency plan, in which Professor Alston said the element of extrajudicial killings has been incorporated, is one of the major initiatives of the Arroyo government. This program falls within the larger framework of the internal security plan that, strangely, combines military operations to establish peace in conflict areas with poverty alleviation and development projects.

Now, in Mindanao, which is a conflict area, CIDA is contributing to the peacekeeping work there. You would like to find out whether, by so putting these funds, the funds are applied exclusively to development projects...but since this is linked to the military operations, whether any part of the funds may have been channelled to the counter-insurgency program, which has involved extrajudicial killings.

**The Chair:** Thank you very much. We've gone a bit past 2 p.m., the time we had intended to conclude.

Is there any other matter that needs to be dealt with urgently? No?

In that case, I want to thank our witnesses very much for coming here. This is an important issue. You've been very gracious and informative. Thank you.

**Mr. Satur Ocampo:** Thank you very much, Mr. Chairman, honourable members of the subcommittee.

**The Chair:** The meeting is adjourned.







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