



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

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

SDIR • NUMBER 031 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, April 3, 2012

—

Chair

Mr. Scott Reid

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

Tuesday, April 3, 2012

• (1305)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order. Today is April 3, 2012 and this is the 31st meeting of the Subcommittee on Human Rights of the Standing Committee on Foreign Affairs and International Development.

[English]

We are having a one-off meeting, much anticipated I might say, to hear the delegation from the Philippines, the Stop the Killings Network.

We have with us today four witnesses. They will be presenting in the order they are sitting, starting with Angelina Bisuña Ipong, followed by Merry Mia-Clamor, followed by Reuel Norman Marigza.

I'm not sure if Shaun Fryday, with whom I've already chatted, will be presenting as well or if he's just here to provide some guidance.

He is presenting. Good.

I'll inform our witnesses before we start that we only have an hour. We can sometimes extend it a little bit with the will of the committee, but there is an absolute hard deadline a little bit past 2 p. m. Bear that in mind, because the longer your presentations are, the less time there will be for questions and answers. Often the questions and answers prove to be very fruitful in getting your message across.

I'll ask Angelina Bisuña Ipong to please begin testifying.

Thank you very much.

Ms. Angelina Bisuña Ipong (Coordinator, Association of Ex-Detainees Against Detention and Arrest (SELDA), Stop the Killings Network - Canada): Good afternoon, everyone.

Honourable members of the Canadian House of Commons subcommittee on human rights, we are happy to be here because we want to tell you our stories and concerns about the Philippines.

I am Angelina Bisuña-Ipong, a former political prisoner. I am from a peasant family. I worked as a school teacher, and for almost 40 years did community work with rural and indigenous communities.

I was abducted on March 8, 2005, on International Women's Day, and released six years later on February 17, 2011. Nine uniformed and heavily armed men, who introduced themselves as members of the criminal investigation and detention group, arrested me without

warrant. They blindfolded me, forced me into their van, and brought me from one military headquarters to another. I was detained with no benefit of counsel and held incommunicado for 12 days.

During this time, I was tortured and sexually molested. I was beaten about my head and on the rest of my body. They stripped me naked and touched my private parts while my hands were tied behind my back. I was subjected to ridicule and continuous interrogation. I urged them to stop subjecting me to indignities that they would not want their mothers and sisters to suffer. I demanded that they treat me with respect, but they continued to mock me. Later, they left me naked and shivering in the cold the whole night, with the air conditioner turned up full blast.

While in prison, in protest I went on a hunger strike for 12 days. After 12 days, they brought me to a regular detention centre, where I was informed of the charges against me: rebellion. After several days, I was informed of additional charges of double murder, double attempted murder, and arson. All of these trumped-up charges are non-bailable. It appeared as though they just wanted me to rot in jail.

After 40 years of serving the peasants and the indigenous people, I was considered a criminal, a terrorist, and an enemy of the state. But I told myself that it is not a crime to serve the poor. In jail I made myself productive by tending an organic vegetable garden. It was a way to bond with other inmates and it led to other livelihood projects. This kept us all busy. I learned that prison walls, iron bars, and barbed wire can imprison only the body, but not our minds, our thoughts, and what we stand for.

My case is just one of 347 cases of political prisoners in the Philippines today, who are experiencing the worst kind of torture, are arbitrarily denied liberty and due process, and are charged with the most heinous crimes to cover up the political nature of the arrests and detention.

Court proceedings move at an extremely and excruciatingly slow pace. Physical, verbal, and psychological torture in secret detention is practised with impunity and is carried out on a regular, systematic basis as a way to break the morale and spirit of detainees.

From 2010 to December 2011, human rights groups documented 55 cases of torture. These are in clear violation of national and international human rights laws, including the United Nations convention prohibiting torture.

President Aquino promised to “resolve the cases of extrajudicial executions and other violations of human rights”. However, human rights violations persist, and the number of victims continues to increase.

Of the 347 political prisoners held in high-security jails throughout the country, 28 are women, 10 are elderly, and 41 are sick. Eighty-one of them were arrested under the Aquino government. Many of those were arrested without warrants and charged with criminal instead of political offences. Twelve National Democratic Front consultants in the peace talks remain in jail, despite the Aquino government's obligations under international humanitarian law and the peace negotiation agreements to release them.

The government's persecution and intimidation of human rights defenders is pursued not only through imprisonment, killings, and disappearances, but also through vilification using the media. For example, on the island of Negros, the military have their own radio program and use it to broadcast accusations and threats against the staff of Karapatan, a national human rights organization.

The deployment and embedding of uniformed and armed soldiers in rural and urban centres, including Metro Manila, has resulted in massive rights violations of ordinary citizens.

● (1310)

Termed as “civic action” and “peace and development programs”, these military operations are part of the Aquino government's counter-insurgency program, Operation Plan Bayanihan. Similarly, the use of paramilitary groups to provide security and protection to mining and agribusiness companies has caused widespread displacement and worsened the human rights situation in communities.

The Philippine government's ratification of international human rights conventions and the passing of legislation are not enough to guarantee the rights of Filipino citizens. We urge you as the Subcommittee on International Human Rights to take our concerns to the Canadian government so that these inform the recommendations of the Canadian mission at the universal periodic review.

Thank you.

The Chair: Thank you very much.

We'll go to our next witness. Ms. Clamor, please.

Dr. Merry Mia-Clamor (Coordinator, Council on Health and Development, Stop the Killings Network - Canada): Honourable members of the Canadian House of Commons subcommittee on human rights, I am Dr. Merry Mia-Clamor. I am a medical doctor and coordinator of the Council on Health and Development. We are an organization of community health workers serving the poor and hard-to-reach communities. Our services are essential because the government is not providing basic health services in the communities.

Sadly, community health workers are among the groups targeted by the military in its campaign of vilification. Five years ago, the UN special rapporteur, Philip Alston, documented that a wide range of groups, including human rights advocates and lawyers, religious workers, women, indigenous people, farmers, and students, are

classified as enemies of the state, which makes them targets of extrajudicial killings, abduction, and imprisonment.

The human rights situation in the Philippines remains grim despite the election promise of our new President Aquino to resolve the cases of extrajudicial killing and end human rights violations. In fact, during the one and one-half years of the Aquino administration, human rights groups have already documented 68 victims of extrajudicial killings, over 55 cases of torture, and nine victims of enforced disappearances.

Under the government's counter-insurgency program, now referred to as Operation Plan Bayanihan, entire communities are militarized; people are threatened, harassed, arbitrarily arrested, and displaced. Even children and youths are subjected to harassment by military observers posted in classrooms. From a health rights perspective, this situation does not promote a safe environment for children in the development of dignified and healthy communities.

I am a survivor of the violence inflicted by the government's counter-insurgency program and vicious vilification campaign. On February 6, 2010, I was with colleagues during medical training in the rural area of Morong. All 43 of us were arrested by the state security forces using a faulty warrant. We were falsely labelled as members of the rebel movement, blindfolded and handcuffed, held incommunicado for six days, and denied counsel.

The military filed false charges against us for illegal possession of firearms and explosives to justify our arrest and detention without bail. We were detained in a military camp for almost three months, where we were repeatedly interrogated without counsel, subjected to various forms of coercion, intimidation, and indignities, as well as psychological torture. The detention centre was damp, overcrowded, poorly ventilated, and infested with rats. Two of my colleagues, Carina Oliveros and Mercy Castro, gave birth while in detention.

Some of our relatives also experienced threats and intimidation. We were denied their visits, and those who were allowed to visit us were interrogated and subjected to the indignity of being strip-searched.

On December 10, international Human Rights Day, as a result of strong pressure from the local and international human rights groups, including Canadian organizations, the Philippine president ordered the Department of Justice to withdraw the case filed against us. That we are free today shows the importance of international pressure in promoting justice and human rights in the Philippines in order to ensure that commitments to human rights treaties are implemented.

Together with five of my colleagues who endured this ordeal, I have filed a court case against the past President Gloria Macapagal-Arroyo and top officials of her administration for torture and violation of our constitutional and statutory rights, including illegal arrest and detention. We are taking this action not only to hold accountable the people responsible for these crimes but also to assert that we cannot and will not allow the current climate of impunity to continue.

My colleagues and I are here to appeal to the subcommittee to urge the Canadian government to speak clearly against the violence and abuses committed against innocent citizens. Canada has a role to play in ending the human rights violations in the Philippines because of its strong bilateral relations and significant investment interests in the country.

●(1315)

The vilification and arbitrary arrest and detention of innocent people like me must be stopped. Canada should ensure that the Philippines respects its human rights commitments, because this will also ensure that Canada's trade and investment, including mining, does not worsen the human rights situation in communities.

Thank you for your time today.

The Chair: Thank you as well.

Our third witness is Reuel Norman Marigza, please.

Bishop Reuel Norman Marigza (General Secretary, United Church of Christ in the Philippines, Stop the Killings Network - Canada): Honourable members of the Canadian House of Commons subcommittee on human rights, thank you for providing us with an opportunity to report on the state of human rights in the Philippines.

As general secretary of the United Church of Christ in the Philippines, which has more than 2,800 local churches, as well as vice-chairperson of the National Council of Churches in the Philippines, it is my honour to speak with you today and appeal for your support in bringing an end to the climate of impunity that prevails in the Philippines.

A member of the United Church, Rabenio Sungit, was extrajudicially killed on September 5, 2011. He is among 68 persons extrajudicially killed since President Aquino came to power. The reality that on average almost one person per week continues to be a victim of extrajudicial killing sobers any illusion that the human rights situation in the Philippines has been rectified under the new Aquino administration.

During the previous regime of President Macapagal-Arroyo, over 1,000 extrajudicial killings were recorded by the human rights group Karapatan, or Alliance for the Advancement of People's Rights.

According to a report by Al Parreño, a lawyer with the Asia Foundation who conducted an audit of 364 cases of extrajudicial killings from 2001 up to the present, only 1.37% of the 364 extrajudicial killings audited were solved as of August 21, 2011.

These killings are strategically carried out in the name of national security. Prosecutions often do not progress because witnesses are too intimidated or feel too terrorized to report or testify. Despite

repeated recommendations from different United Nations bodies, the government has not instituted a protection mechanism for witnesses.

International agencies with funding from governments, including Canada, train the military, the police, and the judiciary to promote human rights. Unfortunately, such training only provides a shield for military and police forces, who now claim to be national human rights defenders.

The state security forces engage in so-called civil-military partnerships and community peace efforts under the government's counter-insurgency program, Operation Plan Bayanihan. Military operations are particularly intense in areas where there is foreign investment, including Canadian agribusiness and mining projects.

As entire communities are militarized, civilians are subjected to intimidation, harassment, arbitrary arrest, and strafing. Under the name of national security, those responsible for human rights abuses are practically considered untouchable by the judicial system.

Even Christians and churches are targeted for living out the demands of their faith to love their neighbours. Pastors and leaders of the United Church have been gunned down—on their front steps, in their markets, while walking, or driving on the streets—by state agents, who are all, by all indicators, trained and directed by the state.

Imagine the feelings of loss, horror, and fear that pervade our cities, towns, and communities. Imagine the frustration at not having access to redress or justice, as it becomes an open secret—a truth dangerous to speak—as to who is responsible for the killings, attempted killings, disappearances, abductions, and torture.

The United Church of Christ in the Philippines has resorted to the historic action of filing a civil suit against past President Gloria Macapagal-Arroyo for her responsibility in human rights violations. This was done outside the support of the government.

●(1320)

In June 2011, together with the families of five victims of extrajudicial killings and a surviving victim of abduction, torture, and illegal detention, we filed a legal case. The suit cites 28 cases of UCCP members, lay leaders, and ministers having been killed, extrajudicially abducted and tortured, forcibly disappeared and believed killed, or surviving attempted killings.

The listing of the United Church of Christ in the Philippines and other churches as enemies of the state, combined with the climate of impunity promoted during the Arroyo administration, laid the foundation for human rights violations to proliferate. The legal suit filed by the United Church of Christ in the Philippines caused the former president to account for all the lives that were lost and destroyed. As president and commander-in-chief of the armed forces of the Philippines, former President Arroyo and now-President Aquino are responsible for the actions being taken by the military.

This legal suit is a concrete action to help them seek redress and to put an end to the continuing cycle of extrajudicial killings in the Philippines. Our faith compels us to continue our stand with victims of human rights violations in striving for justice. We are not alone in these efforts to hold the perpetrators of these crimes against humanity accountable. Hundreds of families of victims of human rights violations are committed to seeking justice and an end to impunity. We appeal to you to stand with us, demanding that impunity be ended in the Philippines.

Given that Canada has strong relations with and an interest in the Philippines, the Canadian government has a role to ensure that the Philippines upholds its human rights obligations. The United Nations Universal Periodic Review of the Philippines in June 2012 provides an opportunity for the Canadian government to press the Philippines to put an end to extrajudicial killings and other human rights violations. The other venue is to do it through the bilateral diplomatic relations with the Philippines.

Through the subcommittee, we ask the Canadian government to support and endorse the recommendation of Philippine churches and organizations to the universal periodic review, and we call on the Philippine government to immediately grant general, unconditional and omnibus amnesty for all political prisoners; to reform the judicial and criminal justice system; to address the pervading climate of impunity by instituting special laws, procedures, remedies, and courts that will effectively prosecute cases of extrajudicial killings, enforced disappearances, and other human rights violations carried out by state forces; and to urge the government to pursue peace talks with the National Democratic Front of the Philippines and the Moro Islamic Liberation Front.

The subcommittee may also consider sending a parliamentary delegation to the Philippines to investigate the targeting and attacks on churches and church people.

Thank you for providing this time to the Philippine Ecumenical Voice and the UPR Watch. Together we hope we will bring an end to human rights violations in the Philippines.

God bless us all.

•(1325)

The Chair: Thank you.

Finally, Shaun Fryday, please.

The Reverend Shaun Fryday (Minister, Beaconsfield United Church, Stop the Killings Network - Canada): Thank you, Mr. Chair and members of the committee.

My name is Shaun Fryday. I'm the minister of Beaconsfield United Church in Montreal, which is a congregation within the United Church of Canada.

In early January of this year, I led a 14-member delegation from across the country—from the five different regions—primarily made up of members of the United Church of Canada, to specifically look at the impact of Canadian mining on the lives of indigenous people in the Cordillera region. In the conduct of our study, we met with several governors, mayors, municipal councillors, members of the armed forces of the Philippines, local unions, community leaders, women's organizations, indigenous elders, and people's movements.

We specifically looked at Abra province, one of the five provinces of the Cordillera region. Eighty-five per cent of the land mass of Abra province is now under application for exploration from seven Canadian mining companies.

The 1995 mining act has attracted transnational mining investors and it is no wonder. It allows for 100% foreign ownership of mining projects. It allows for foreign companies to have enormous areas for concession, both onshore and offshore. It allows for 100% of repatriation of profit, five years of tax holidays—later extended to eight years—enjoyment of easement rights, mine leases for 25 years that are extendable for another 25 years, and losses that can be carried forward against income tax—among other things. When it's all said and done, the mining industry in the Philippines contributes 1% of the GDP.

For the affected indigenous communities that we met and stayed with for three days, deep in the interior, there is wide-scale resistance to any form of large-scale mining. I have with me a copy of the petition from the Municipality of Tubo, from the barangay captain, where 90% of the people of the municipality signed the petition, which calls for a complete end to all mining exploration by the two Canadian mining companies, CANEX and ADANACEX, that are presently exploring in the area.

As mining exploration development occurs, there are the vectors that my colleagues have spoken about: the vilification of individuals and organizations, the additional extrajudicial killings and enforced disappearances, the taking of political prisoners, and the culture of impunity. Just a word on that. Presently, the former president is also in custody in a medical facility, awaiting trial on various charges, and the Chief Justice of the Supreme Court of the Philippines, who was unconstitutionally placed in his position by that same president, is currently undergoing impeachment hearings in the senate.

There remains and exists within the mainframe of Philippine society a culture of impunity that is wanton and has a disregard for human life. If the vulnerable cannot have recourse to impartial judges who cannot receive accurate information from credible witnesses, then society is at risk, and lawlessness abounds, corruption flourishes, warlords prosper, and the people themselves bear the high cost and suffer.

Then there is the militarization of communities, which is particularly thorough in areas where there are large indigenous populations, because of the natural wealth of the land. The military will move into an area and bivouac, taking over schools, often the only public buildings. They abuse women and children, including sex crimes against women. In the case of Tubo, the community I stayed with for three days, along with other members of our delegation, they trampled entire rice crops, which deprives villages of their primary food source.

Also, in a new and disturbing development made possible in October of 2011, President Aquino has authorized the deployment of paramilitaries, known as the Special Civilian Armed Forces Geographical Unit Active Auxiliary, or the SCAA. Colloquially in the Philippines they are known as goons, and the three Gs combined—goons, gold, and guns—have mayhem breaking loose.

Presently, there is a request before the congress of the Philippines to conduct an investigation into the human rights abuses as practised by a paramilitary who has been hired by the Canadian mining firm TVRID, which is a subsidiary of TVI Pacific, a publicly traded Canadian mining company based in Calgary, Alberta.

● (1330)

It is an extremely disturbing development as mining companies now have the capacity to hire these private militias, which are armed and trained by the armed forces of the Philippines, and there is a total lack of accountability for any of their actions. Congressman Tinio, who has asked for the investigation in the Congress, alleges that the paramilitary engaged by TVI have committed human rights violations in preparation for establishing an open-pit gold mine, including demolishing people's homes, bulldozing subsistence plots, destroying small-scale mining equipment, performing illegal searches and arrests, setting up checkpoints, imposing blockades to prevent supplies from reaching isolated communities, and fencing off the only mountain stream that serves as the main source of water for the community. This example is duplicated throughout the Philippines. The private armies spell out, writ large, misery and suffering for the vulnerable groups like labourers, farmers, and indigenous people.

In closing, Mr. Chair, the indigenous people have for centuries resisted incursions onto their ancestral lands. To deploy professional armies, paramilitaries, and goons to advance corporate interests constitutes a form of depraved indifference, which is by definition an act so deficient in a moral sense of concern and so lacking in regard for the life of others, so blameworthy as to warrant the same criminal liability as that which the law imposes upon a person who intentionally causes a crime, and it rests really in the hands of a complacent and ill-informed Canadian public, a Canadian government that intentionally blinds its own seeing eyes to the fundamental injustices that we allow and do not call out.

We have three very simple requests and recommendations.

Concerning vilification, we ask that the Canadian government intervene with the Government of the Philippines and have removed from the watch lists and lists of battle the National Council of Churches in the Philippines, the United Church of Christ in the Philippines, the Cordillera Human Rights Alliance, the Cordillera Peoples Alliance, and the regional ecumenical council, as they are victims of torture, extrajudicial killings, and enforced disappearances, among other violations.

Second, we ask the Canadian government to actively seek to support and fund NGOs and people's progressive organizations that record and document these human rights violations. Further, that any company, Canadian company, or Canadian mining company that uses paramilitaries who violate human rights in their many forms in the Philippines have sanctions imposed upon them, including monetary sanctions and a withdrawal of our consular services.

I would strongly recommend—I've been to the area three times myself in the last two years, first as an international election observer—that the subcommittee be seized with an opportunity to conduct its own investigation and visit the area to hear first-hand what is taking place there.

Thank you, Mr. Chairman and members of the committee.

● (1335)

The Chair: Thank you.

I was just checking my watch as you were wrapping up there, and in order to give all six members of the committee time to ask their questions, we're going to have to limit the question and the answer in each case to four minutes. That's, of course, because the presentations were a bit longer than they normally are.

We begin with Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chair.

I think I'll begin with a topic you spoke about last night.

Bishop Marigza, you mentioned that pastors had been gunned down on the steps of their churches. Could you tell me what rationale was given by government spokespeople when this happened? Is there some aspect of religious persecution in this? This is a country of 80% Christian people, primarily Roman Catholic. Do they just say that this is because the church is aiding and abetting some of these evildoers?

Bishop Reuel Norman Marigza: Mr. Chair, the United Church of Christ in the Philippines has been put on a list used by the armed forces of the Philippines to vilify those who raise questions against government policies. There are two publications, one a PowerPoint presentation used by the military in their counter-insurgency campaign entitled "Knowing the Enemy", and a book printed by the armed forces of the Philippines entitled *Trinity of War*, which identifies the United Church, the National Council of Churches, the United Methodist Church, and other groups as enemies of the state. Therefore, when you are vilified as communist-leaning enemies of the state, it makes you an open target.

Mr. David Sweet: So, Bishop, you can get on this list by simply speaking out against the government?

Bishop Reuel Norman Marigza: Yes.

Mr. David Sweet: Well, that really goes to my next question. You've talked about the president and his lack of leadership in preventing these extrajudicial killings. What is happening in the House of Representatives, in the Senate? Are any individual members speaking up about this and making it public? Are they helping grassroots efforts to mobilize people on the street? Is there some significant movement in 98 million people who, when they see this happening, really want to try to stem the tide of this on their own streets and prevent the government from doing this?

Bishop Reuel Norman Marigza: There are efforts in Congress and there are some progressive elements there, but they are a tiny minority and therefore do not get into the majority's agenda as we would want.

There are what we call the “parliament of the streets” or street movements, organizations that are protesting. Often these protests fall on deaf ears, sir.

Mr. David Sweet: Thank you.

Ms. Bisuña-Ipong, two of your friends mentioned they are taking legal action to get some kind of recompense for the treatment they received. Have you tried to pursue any kind of civil redress for your imprisonment? You said you were imprisoned for five years. Have you tried to take some legal action to get some redress?

Ms. Angelina Bisuña-Ipong: My lawyer asked me if I wanted to go to court to file my case. I said that I spent six years in prison and it took so long for me to get justice. If I went to court again, I still don't believe I would get justice because I think it takes so long for justice to be given to us. So I told him I would not go to court. I think I would rather talk. Maybe this is a better way, to tell people about what's happening, because that is true for many other people like me. They stay so much in court that afterwards they don't get justice at all.

•(1340)

Mr. David Sweet: So there's no differentiation between the criminal courts and the civil courts; they all function the same way.

Ms. Angelina Bisuña-Ipong: I'm very sorry; the whole justice system in the Philippines is so snail-paced that I don't believe I could get justice from them.

Mr. David Sweet: You mentioned other aspects. Do you feel that the courts have a significant amount of corruption in them as well?

Ms. Angelina Bisuña-Ipong: That's what I thought and he thought. Maybe it would be better not to enter into that because it would take so much time and take so much of my effort and everything, yet I wouldn't get justice.

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

The Chair: Mr. Marston, go ahead.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair.

Ms. Clamor—I am relatively close to the pronunciation, I hope—do you believe your arrest and detention is directly related to the growth of extractive industries, the mining companies, in the area you're serving?

Dr. Merry Mia-Clamor: Yes. It may not be so direct because we are working in the far-flung communities, giving health services to people who don't get health services from the government. We are also teaching them their rights—

Mr. Wayne Marston: Just on that point, it appears from the testimony we're hearing that you are put on a list; you're vilified the moment you start dealing with human rights and teaching people what their rights are. My concern is the expansion of those extractive industries and the fact that, from the testimony, access to 85% of the land mass is going to be for seven Canadian companies, which brings it home very closely to us and the responsibilities we have here.

I'd like to go just a little bit further. It seems there's a pattern of vilification, then there's detainment, and then finally there's “enemy of the state”, and if all of that doesn't put you in line, death follows.

I'd like to go to the general secretary for the second question. We had the case of Jimmy Liguyon, who was recently murdered. I may have missed it, but I didn't hear in your presentation a call for our committee to comment on that, to call for an investigation in that particular case.

Bishop Reuel Norman Marigza: Yes, your honour, and that's the reason we have asked if the subcommittee would consider sending a delegation to see for themselves what is happening on the ground.

As Jimmy Liguyon was protesting...he was a holder of ancestral land. He was being pressured to sign a petition that would allow mining companies to enter his area. He resisted, and because of that, 15 paramilitary men barged into his house and shot him to death. The killer, who was identified, is still going scot-free.

Mr. Wayne Marston: What we're hearing at this committee on a number of different studies that we're doing is a pattern of the use of paramilitary as security for mining companies. Now we're starting to hear the same thing being said about Canadian mining companies, which concerns us here.

When you asked at the end of your presentation that this committee consider going to the Philippines, who would you have us meet? Is it a focus on meeting with the churches that are on the vilification list, or do you have a broader thought on that?

Bishop Reuel Norman Marigza: You could meet with the National Council of Churches in the Philippines, which is composed of 10 Christian churches. There are multisectoral organizations that we both work with in the Philippines that are standing for human rights. We could definitely host this visit.

•(1345)

The Chair: Be very quick.

Mr. Wayne Marston: No, I'll leave it at that to make sure to pass a little time on to others. If there is an extra minute at the end, you can always come back to me, Mr. Chair.

The Chair: Fair enough.

We'll go, then, to Mr. Hiebert.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you.

Thank you all for being here. I really appreciate your testimony.

The background documents that we were provided indicate that the Supreme Court actually adopted certain legislation in recent years to address these issues. One is titled the “Rule on the Writ of Amparo”, and the second is entitled the “Rule on the Writ of *Habeas Data*”. It's my understanding that these were intended to provide good rights to individuals.

Are you familiar with these?

Bishop Reuel Norman Marigza: Yes.

Mr. Russ Hiebert: Have they had any impact on the human rights situation in the Philippines?

Bishop Reuel Norman Marigza: Unfortunately, to a large extent they are basically ignored. For instance, in the case of the Morong 43, with Merry Clamor, a writ of *habeas data* has absolutely been asked for. They were not provided.

In the cases of the disappeared, as in the case of Jonas Burgos, who was abducted by military forces, the armed forces has not submitted to the court the data that are being required of them. We could not even visit the military camps.

Mr. Russ Hiebert: So when you bring these lawsuits that you are bringing against the government, what process are you using to bring about this kind of justice?

Bishop Reuel Norman Marigza: It's basically civil cases, but in the case of the Philippines, we even have to put up a bond to be able to sue relative to the claims we have. These are private initiatives, like the case of the Morong 43, the case we filed. These are civil cases. We do not get support from government prosecutors. We are on our own.

Mr. Russ Hiebert: Has the government acknowledged being behind these extrajudicial killings, or is it simply the commonly held belief that they are the ones directing these activities?

Bishop Reuel Norman Marigza: There have been investigations done by the Special Rapporteur of the UN Human Rights Council linking the government—the military, precisely—to the extrajudicial killings.

Elements and units have been identified that were responsible for the killings. Using this operational plan, this counter-insurgency plan, that targets organizations and groups that are critical of the government, they have perpetrated these kinds of violations.

The new president, by the way, before he sat down on July 1, met with representatives of the European Union, ambassadors and consuls. He promised to take a look at the extrajudicial killing and bring people who are responsible to justice. About two years have passed and nothing has been done about it.

Mr. Russ Hiebert: How far up the chain of command is the direction being given? Is it at the highest levels, or is it the military taking its own initiative?

Bishop Reuel Norman Marigza: If the armed forces of the Philippines can publicly publish books or PowerPoint presentations like the “Know your Enemy” guidebooks and use them widely, it goes way up.

Mr. Russ Hiebert: You've already said that you don't see any difference between the current President Aquino versus what happened with the previous president. It has basically continued as it was.

Bishop Reuel Norman Marigza: Yes.

Mr. Russ Hiebert: Are you familiar with the Oplan Bayanihan counter-insurgency program?

Bishop Reuel Norman Marigza: Yes.

Mr. Russ Hiebert: Has that made any difference?

Bishop Reuel Norman Marigza: It has not. It just provided a more democratic facade. It involves a lot of government units, but it has not reduced the statistics we have given. It has not reduced the human rights violations.

The Chair: We will go now to Professor Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

I want to express my appreciation to the witnesses. I happen to have a large Filipino constituency as part of my Mount Royal riding, and I'm very much engaged with them on these issues.

You have all spoken about what might be called a culture of impunity in the Philippines, particularly with respect to extrajudicial executions, torture, and forced disappearances.

The Supreme Court of the Philippines in 2007 instituted procedures regarding the writs of *amparo* and *habeas data*. These procedures do not appear to have been effective, even though they allow an individual who has been the victim of these violations to seek a judicial remedy.

How can one make the courts more effective, or are the courts really not all that independent? You mentioned also that the Chief Justice of the Supreme Court is right now being subjected to impeachment proceedings. My question is with regard to the independence of the judiciary. In relation to that, can the courts be made to bring the perpetrators of these violations to account?

• (1350)

Ms. Angelina Bisuña-Ipong: It would really be good if the courts would function well, but in the Philippines right now the courts do not function well. It takes so long. It is snail-paced to get justice from the courts.

Whether they are independent is a good question, because in many cases you don't get justice. Everything takes a long time. At the same time, only those who have the means, those who have the money, the power, receive satisfaction. But it's not justice. Actually, you can buy justice in the Philippines. That is what happened in many of the cases we have. We try to introduce these things in the courts, but nothing really happens. How many years would it take? That is why I said that justice delayed is justice denied.

We are very sorry. There is a lot to be done in the Philippine courts right now. They have to be challenged, made to do their work. They have to answer the needs of the people, especially the poor people, who will not get justice because they do not have the means. We must address the courts for them.

Hon. Irwin Cotler: I'm wondering about the use of United Nations mechanisms and whether these could be helpful—for example, having the Working Group on Enforced or Involuntary Disappearances come to the Philippines. I gather there's been a request for that. The government has not yet responded.

Would a UN mechanism help in the protection...even an inquiry by the United Nations Human Rights Council with respect to the commission of these violations and the culture of impunity?

Ms. Angelina Bisuña-Ipong: The United Nations actually can help very much, as with what the rapporteur on extrajudicial killing, Philip Alston, did. But there are many cases now where the observers are not even allowed to go to the Philippines to see what's really happening. We have moved for that also in the United Nations Human Rights Council.

Hon. Irwin Cotler: Did you want to add to that, Ms. Clamor? I noticed you were about to say something.

Ms. Merry Mia-Clamor: [Inaudible—Editor]

Hon. Irwin Cotler: Okay.

The Chair: We go to Madam Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair.

Thank you to all of you for your time and your presentations.

I have two questions. I'll be as fast as possible; my time is short.

The UN's declaration on enforced disappearances defines extensive situations of individuals being arrested or detained, even abducted against their will, and deprived of their liberty and various rights by several branches of the government. So this, as well as the extensive extrajudicial killings, seems to be an ongoing and grave concern for the president as well as the international community.

In your opinion, why are these extrajudicial tortures and disappearances such a prevalent issue within the nation? To the best of your knowledge, which groups do you believe are the most responsible for these crimes? Do you think these crimes are being perpetuated more by the security forces of the country, or private entities, or non-state groups? Furthermore, which types of groups and individuals are being targeted the most in these enforced disappearances and murders?

• (1355)

Ms. Angelina Bisuña-Ipong: Actually, all of those human rights violations, the extrajudicial killings, that we have presented here are perpetrated by state actors. There are many things we have made in terms of documentations wherein the state actors are the ones who are responsible.

The problem is that there's so much crime committed but no criminals are found. There is this climate of impunity. No one becomes responsible for these acts, and no one is prosecuted. No one is made to answer for the crimes that have been committed, even those who have already been targeted.

For example, we have a general who is considered a butcher; everywhere he went there was a bloodbath. The courts have said that he should be arrested, but where is he? He went to fly away from the country but then he was stopped at Immigration. Later, when he was supposed to go to court, he could not be found. Up until now he has been on the loose.

We feel there must be political will to be able to get these people to answer for the crimes they have committed, but it is absent. This is not what we want to happen. The climate of impunity can never stop if the government does not have the political will to get justice for victims.

Mrs. Nina Grewal: I understand that the Canadian mining company TVI, as you were saying in your presentation, has been active in Mindanao, Philippines, and that there have been various reports from human rights groups and activists criticizing their activities. There have also been extensive concerns from witnesses regarding their projects, mainly negative political, environmental, and social impacts, as well as their effects on indigenous land rights, and the use of military trained security forces. It has been stated that this has actually contributed to an increased militarization of the region and aided the violations of human rights.

In your opinion, do you believe the Canadian mining companies are responsible for these negative contributions to the human rights problems in the Philippines through their various operations and activities?

Bishop Reuel Norman Marigza: They may not be directly responsible for giving orders. They hire the paramilitary trained by our armed forces, our security forces. They are now even called the Investment Defense Force in the Philippines. They are the ones who are usually linked with human rights violations, especially against indigenous people.

Mr. Shaun Fryday: I would link them more directly. I would say yes, they are responsible. They do not live in a vacuum. If they hire the guns and the guns are used, who's responsible? You can't use Sherman's defence of burning Atlanta in terms of historical precedents or something. You are clearly implicated in this.

Mrs. Nina Grewal: Thank you, Chair.

The Chair: Madame Péclet.

[Translation]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): First of all, I would like to know whether the International Committee of the Red Cross has full access to the official and unofficial places of detention used by the government.

Can you comment on that? Do you know whether the International Committee of the Red Cross has access to the places under the control of armed groups, whether governmental or non-governmental?

• (1400)

[English]

Bishop Reuel Norman Marigza: The Philippine Red Cross has not been very active in issues like this, but I know for a fact that, as in the case of the Morong 43, not even our commission on human rights could enter the military town. The chief commissioner of the Commission on Human Rights for the Philippines was not allowed to enter the detention facilities. Imagine that. It was too much.

Dr. Merry Mia-Clamor: In addition to that, for those military camps and other detention facilities the International Red Cross can't really visit, but the problem in the country is that there are safe houses, unofficial houses, being used by the security forces to keep the detainees, and the ICRC or even the government institutions do not really know about them.

Ms. Angelina Bisuña-Ipong: In my case, I was brought from camp to camp, but they were not regular detention centres. We were tortured there. We were incommunicado there. They would not let any of my visitors come in. Why don't they bring us to the regular detention centre right away? But that is where they do all these tortures and where all these human rights violations are happening.

[Translation]

Ms. Ève Péclet: There was also a mention of laws passed by the State, including one against torture. Do you know if that has managed to prevent any occurrences? Does the government claim to be bound by that law?

[English]

Dr. Merry Mia-Clamor: We enacted a law against torture in 2009, but we were arrested and tortured in 2010. Even with the law, the implementation is very poor. Those who should be upholding this law and implementing it are the ones who do this.

Bishop Reuel Norman Marigza: It may interest the committee, your honours, that Canada has said that security forces must be trained in human rights and on responsibilities to put back human rights. But in the findings of Amnesty International...there's a quote from the handbook that says:

It is imperative that soldiers are conversant with the HR [human rights] standards in order to survive the ordeals of investigation in cases when he becomes involved in a HR violation.

It's not to tell them not to commit human rights violations but to make them conversant, so that when they are investigated they know what to do.

The Chair: We'll go now to Mr. Marston. After that we'll go very briefly to Mr. Sweet, and that will end the questions.

Mr. Marston, please.

Mr. Wayne Marston: Very quickly, it's not a question; it's a comment.

This committee is at kind of a watershed moment. We have an opportunity to visit this community, to visit the Philippines. Just visiting with the people, the churches, and those on that vilification list will shine a light on the situation and put the government of the day on notice that it's being watched.

We know impunity is something that's going to take generations to push back, but part of what we could do as a committee.... And it's important for us to give some consideration to it. Oftentimes we're asked to investigate and do things, but this is I think in a simple form. The Philippines are an ally with the west and have been since the Second World War. There are places where subtle pressures could be brought to bear, and we should be considering this as a committee.

Thank you, Mr. Chair.

•(1405)

The Chair: Thank you, Mr. Marston.

Mr. Sweet, please.

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

I have one last question in order to really make sure we have enough on the record. The bishop was just mentioning that he feels that some training that has happened—or at least some directives that have happened to security forces—were really to insulate them from any kind of prosecution they might face if they themselves were to be involved in human rights infractions.

But I wanted to ask this, or maybe it's almost rhetoric at this point. You're saying that after the universal periodic review, where there was a recommendation for the security forces to be trained in regard to human rights, the appropriate behaviour to ensure individual

citizens' human rights, they instead simply chose this directive to insulate themselves rather than actually training the people? In essence, this made no difference other than maybe making them wiser in their pursuit of these infractions. Is that what you're saying?

Bishop Reuel Norman Marigza: Yes, unfortunately, it is so.

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

The Chair: Thank you, Mr. Sweet.

Thank you as well to our witnesses today. We are very grateful. You've come a great distance. Your dedication is certainly unquestioned, and we appreciate that you've been able to bring to us as much information as you have on this very important subject.

That completes our hearing from you. But I understand Professor Cotler may have a motion on a different subject. Is that correct?

Hon. Irwin Cotler: It is correct, Mr. Chair. This motion has been before us for a while. Let me just sum it up.

It refers to two motions unanimously adopted by this subcommittee in the matter of North Korea on December 8, 2011. The first was regarding the brutal and inhumane treatment of the population of North Korea. The second concerned the fate of Mrs. Shin and her two daughters in North Korea. Basically the mover requests that these motions be presented to the Standing Committee on Foreign Affairs and International Development, recommending that it report on these matters to the House and requesting that the committee ask for a comprehensive government response pursuant to Standing Order 109 thereto.

It is just so that these things won't remain in abeyance, because since we passed those motions on December 11, the situation in North Korea, across the board, has worsened. Since we took an important action by indeed adopting those resolutions, we should just refer it now to the foreign affairs committee itself, so that it can report to the House and have a government response to them.

The Chair: All right. Very briefly, then, it's one motion regarding the reporting of two previously adopted motions.

Is there discussion on this?

Mr. David Sweet: Mr. Chair, the only thing I'd like to inform Professor Cotler of is that he has my 110% support on this.

The Chair: All right. Let's not get into a bidding war here.

We'll accept that—

A voice: One hundred and twenty....

The Chair: I was afraid of that.

Okay. That means it's passed.

(Motion agreed to)

The Chair: And that means we are adjourned.

Again, I thank our witnesses very much. It's been very useful testimony. We are grateful.

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and
Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les
Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à
l'adresse suivante : <http://www.parl.gc.ca>