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Chair

Mr. Scott Reid

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

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• (1305)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order, please.

Welcome to the 54th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is October 30, 2012.

[English]

Today we have appearing as a witness, Neri Colmenares, who is a member of the House of Representatives of the Republic of the Philippines. He is accompanied by Connie Sorio, who is here to provide him with assistance. However it is Representative Colmenares who is actually our witness today. He will be the one making a presentation and he'll be the one to whom you ought to direct your questions.

I will just remind you all that today's session is televised and will be appearing on CPAC, and as I always encourage you to remember, your mother might watch this, so behave in a manner she would be proud of.

That being said, Representative Colmenares, I invite you to begin.

Mr. Neri Colmenares (Member, House of Representatives of the Republic of the Philippines, As an Individual): Thank you.

On behalf of my party and the Filipino people, I would like to thank the subcommittee for giving us the opportunity to share some insights on the Philippine situation today.

I was informed that the subcommittee has met several Filipino groups since 2007 on various issues concerning human rights and, to a certain extent, the possible involvement of Canadian firms in human rights issues in the Philippines.

I will not dwell anymore on the basic issues raised by the various groups, namely the church leaders, even members of Parliament who were here before, and recently, human rights advocates. I will just go into certain updates on the issues, but I would first like to reiterate that there are requests for the Canadian Parliament to conduct a study mission to the Philippines to look into human rights conditions in the country and, at the very least, look into whether or not Canadian firms are indeed involved in certain human rights violations in the country.

Maybe the most apt story to describe the current conditions in the Philippines today would be that of Merlyn Bermas, who was head of

a local government unit, called a barangay, in the Philippines. A few months ago, she condemned members of the 49th Infantry Battalion of the Philippine army for the killing of one of her constituents. Benjamin Mancera was killed, according to Merlyn's charges, by the 49th Infantry Battalion and when he was killed, his sons, 11-year-old Richard and 8-year-old Michael, were also killed. A few months later Merlyn Bermas was riding on a motorcycle, a public commute in the Philippines, when two men riding motorcycles pulled up and shot her dead. Unfortunately also, adding to the woes of the family of the victim, her four-year-old son, Gerald, was also hit in the head. They tried to revive him but one day later, he died in a hospital in Camarines Sur, a southern province in the Philippines.

In essence, the human rights conditions in the Philippines could be described by saying that the killings continue.

Unfortunately, Merlyn Bermas is but one of the 114 victims of extrajudicial killings since President Aquino came to power in July 2010. There are many statistics on the escalation of human rights violations, but I will send the committee the documents rather than discuss the statistics here.

You see, in the Philippines some of our public officials resent dissent. They are not tolerant of protests, especially those that expose corrupt practices in government, especially protests that show dissent on abusive policies, because after all, this corruption and these abusing policies are worth millions of dollars for these public officials. That is why they sometimes resort to repressive measures to stifle dissent.

The military, another corrupt institution in our country, is all too willing to implement these repressive measures. Those who are first hit, of course, are the sectors that bear the brunt of these abusive policies, the farmers, the indigenous people, the various urban poor communities, but in the end repressive measures know no bounds. Extrajudicial killings would target church leaders, church members, women, and in the case of Merlyn Bermas, children.

We come here with a story to tell that human rights violations continue to exist in the Philippines, and we would very much want the international community to express concern on the escalation of these human rights violations.

●(1310)

I would like to add, however, that the human rights violations, unfortunately, involve certain transnational corporations. Unfortunately, in the news today are examples, or charges at the very least of involvement of certain transnational corporations operating in areas where indigenous people reside. Canadian mining firms have been reported to have been involved in this issue.

You see, there are transnational corporations in the Philippines that hire paramilitary groups in the country, ostensibly for security reasons, but the fact is, as everybody knows, that the hiring of paramilitary groups is a recipe for disaster. Unwieldy elements of armed civilians are known to have committed serious human rights violations a long way back during the time of Marcos and the next Philippine presidents. I'm sure there are many reports in many Latin American countries and other Asian countries where paramilitary groups were used and had very disastrous effects on human rights.

There are many Canadian mining firms in the country. Some are in the north, as in Abra, which the committee would probably know about because a Canadian firm called CANEX, I think, applied for 85% of the total land area of the province, applied for and was granted a mining permit by public officials there.

The other Canadian firm that gained public attention recently is Toronto Ventures Incorporated, or TVI. TVI has been charged publicly for being involved in using paramilitary groups. This is not an unreasonable suspicion, especially since the president of the Philippines, in fact, was convinced to issue an executive order allowing paramilitary groups to be used by transnational corporations in their operations.

I'll share two stories on TVI. One is with regard to the report by the media that they were detained or held hostage, as they termed it, by members of the paramilitary group hired by TVI. They were on their way to cover a demolition of houses of indigenous people residing in an area where the mining operation of TVI was about to take place. According to the media, they were detained and prohibited by the paramilitary groups from covering the demolition.

To be fair to TVI, and to give you both sides of the story, TVI did come out the next day to deny the fact that they were hiring paramilitary groups. They also denied that they conducted a demolition of houses of indigenous people in their mining areas. The fact we cannot avoid is that in public perception, TVI is now involved in human rights violations, especially since they used a paramilitary group to suppress a legitimate coverage by the media.

The other story I'd like to share is the case of Timuay Manda, a known anti-mining activist from among the indigenous people in Zamboanga del Sur where TVI is operating. Timuay Manda was shot last September while bringing his son, Jordan, to school. Timuay Manda survived the attack and, unlike Merlyn Bermas, he was not killed. However, his son, Jordan, was hit in the back and died instantly. An eight-year-old child died in the process.

Again to give you both sides of the issue, because the event caused a public uproar in the Philippines, not only was there another attempt on the life of an environmental activist, not only is this another example of repression on indigenous people, but an innocent child was also killed in the process.

TVI, of course, also issued a denial, together with the military and the police, that they were involved in the shooting. They said that their paramilitary groups were not involved in the shooting, and in fact that Timuay Manda is actually not an anti-mining activist but is, rather, an illegal mining activist.

●(1315)

I would not claim to have personal knowledge of who is telling the truth here, but in my view, Mr. Chair and committee members, it doesn't matter anymore. The fact is that another child is dead, and the child was killed in this battle for resources and gold and nickel. I think it is one death too many for resources in the Philippines.

Whether TVI is involved or not is something that must be found out, but probably the recourse should be that there must be a response to find out whether or not Canadian firms are indeed involved in human rights violations in the Philippines. After all, it is not only the security but also the image of Canadian investments in the Philippines that is at stake.

In the end, there are many requests and expressions of concern on human rights conditions and various other requests, but I will reiterate what I said at the beginning and the requests by previous delegations to the subcommittee, that the subcommittee should, if possible, conduct a study mission to the Philippines to look into human rights conditions in the country, or at the very least, to look into whether Canadian firms are involved in these human rights violations. I do not think this is an unreasonable action on the part of a Parliament that is, I know, a Parliament also concerned with the image, and the security, of course, of its investments abroad.

I will conclude with a statement that for the Filipino people, the response of the international community has always been an effective means for us to alleviate the plight of our people. It has always worked, probably not in eliminating human rights violations or extrajudicial killings, but in holding at bay, to a certain extent, the perpetrators of these killings. An expression of concern, a study mission, for example, would go a long way in not only alleviating the conditions of the Filipino people, but also in saving lives.

I do not know whether the conduct of a study mission to the Philippines is easy or difficult for the Canadian Parliament to do, but because it is an opportunity to save lives, I am sure it is an effort worth working for.

Maraming salamat po. Thank you very much.

The Chair: Thank you very much, Representative Colmenares.

We have enough time to do six-minute rounds.

I invite Mr. Sweet to begin questions.

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

Thank you very much, Mr. Colmenares, for your testimony and for our previous conversations as well.

What did the President say when he signed an executive order for international companies to be able to use paramilitary groups? What was his justification for that? I'm certain there are many Filipino businesses that rely on the police to protect them. What was the rationale for these companies' being able to use paramilitary groups?

•(1320)

Mr. Neri Colmenares: The constitution itself actually looks with disdain on paramilitary groups, because of our experience with the Marcos government before. In the constitution there is a discouragement of the use of a paramilitary force, which was in fact the main criticism when the President signed the executive order.

I would like to add that our party is part of the majority coalition in the House of Representatives, but even we were forced to criticize the President for the issuance of such an executive order.

His reply was that there is an inability on the part of the police, because mining operations take place in upland areas very distant from urban centres. The explanation of both the President and the military is that they have a regular paramilitary group called CAFGU, but there is a special paramilitary group called Special CAFGU or SCAA. While the CAA is organic to the armed forces—they pay them and they have operational control over them—they cannot afford to pay the Special CAFGUs. That is why they said they would be asking for donations from concerned businesses who want to have security from the Special CAFGU.

However the President phrases it, the fact is that this unwieldy group of armed civilians under the pay of transnational corporations—and private corporations, at that—could actually lead to human rights violations. Despite the criticism, the President said that there is a need for such a special group and that the government will make sure that the special paramilitary groups are regulated and operationally under the control of the armed forces.

That was his reply, sir.

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

The breaking news from the Philippines right now is that the marines have gone after a group of militants called Abu Sayyaf for hostages that they took. There's also another group called the Moro Islamic Liberation Front, as well as the National Democratic Front.

How do you determine who is the source of these extrajudicial killings? The allegations that you make are very strong. But you don't feel that it's these groups, do you, who are guilty of those extrajudicial killings?

Mr. Neri Colmenares: Yes.

Mr. David Sweet: Who is it, and how do you determine that?

Mr. Neri Colmenares: Thank you for that question.

I would immediately take out the Abu Sayyaf. For me, at least, it has no political ideology to speak of. It is a group of bandits. However, with two other rebel groups, the government actually has signed agreements or treaties.

With the NDF, the government has signed what is called CARHRIHL, or an agreement to respect international humanitarian law and human rights in the conduct of their war, an application of the Geneva Convention. That's with the NDF. With the MILF, as probably you've heard, the government has recently had the framework of a peace agreement.

As a human rights lawyer, before I became a parliamentarian, we actually studied the accusations and charges of the victims, and the

families of the victims, that it was the military who committed these acts. We found three evidentiary tracks in these killings.

First, these victims are usually officially vilified by the military—in PowerPoint presentations, in public squares—publicly saying that these persons are, as they sometimes call them, destabilizers. At most, they call them terrorists, or communists. In the Philippines, if you're called a communist, you really can die. The person who's vilified, whether an activist or an environmental advocate or an anti-mining advocate or a church leader, will die or disappear one or two months later.

The second evidentiary track we noticed was the impunity with which the crimes were committed. These crimes were committed in broad daylight, most of them, at least, in public squares, in town plazas, as if the perpetrator was not afraid at all of being accosted by the authorities and the police.

The third evidentiary track we noticed was the complete lack of interest on the part of the military or the police to investigate and prosecute the offenders. This is one evidentiary track that leads us to believe, and to believe the charges of the families of the victims, that the paramilitary units, at the very least, or the military, are involved, or at least government personnel are.

Of course, there are also other cases now where the military was arrested. Perhaps I can take a short amount of time to discuss the case of Benjamin Bayles, a lay leader of a church in the Philippines. He was shot on June 14, 2010. Unfortunately for the perpetrators, it was the same modus operandi, Mr. Sweet. Two armed men on a motorcycle, wearing helmets, shot him at three in the afternoon. They were arrested by the police. Once they were arrested, they were accused and charged with the murder.

During a budgetary deliberation, because of the claims of the family of Bayles that these persons were actually army members, despite the fact that the two accused claimed they were mere fishermen, and they used fake names, I was able to wrangle from the Secretary of National Defense an admission that indeed the murder of Benjamin Bayles, a member of the church, an activist of the church, was perpetrated by the Philippine army. In fact he was forced to mention the name, rank, and serial number of both of the accused in the killing. Recently it has been officially declared so by the court.

In any case, there have been such allegations by the families, and we believe both: the evidentiary tracks, which could be called circumstantial evidence, and overwhelming circumstantial evidence at that, and of course the direct implication, as in the case of Benjamin Bayles.

I would like to add that even the Moro Islamic Liberation Front, for example, has actually issued a warning statement. It did not mention Canada or TVI, but it did mention mining operations in Mindanao, especially in the ancestral lands of the Moro people, warning them from conducting such mining operations.

•(1325)

To a large degree, the perception has always been that the paramilitary groups committed these crimes.

The Chair: Thank you.

That more than uses up the time. I let it go substantially over, because it was the answer from the witness rather than a further question.

Mr. Marston, please.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Chair, I appreciate your going over on that, because it's part of the discussion I want to have as well.

I understand that in those budgetary hearings you were able to track the paramilitaries. As I understand it, there are two groups of paramilitaries. Could you speak about that hearing where you sorted out the official paramilitary group from the one that's the real problem?

Mr. Neri Colmenares: Actually, to be light about this, sometimes it's nice that during budgetary deliberations members of the executive are forced to cooperate with Parliament. After all, we are the ones who approve their budget.

In one of those budgetary hearings, I was able to ask them about the existence of the CAA, because as I mentioned, the constitution prohibits paramilitary groups that are unregulated. They were forced to admit that there was the special CAA. They were forced to admit it, although of course, they phrased it in a nice way, saying that the SCAA, or the special CAA, is there to protect the people and the community. But because they don't have any budget, they ask for donations from the community and the companies operating in the area to help in the maintenance of these groups. "We assure your honour," they said, "that we will have operational control over the special paramilitaries."

•(1330)

Mr. Wayne Marston: That's an important phrase: operational control.

You made some very serious accusations about Canadian companies, and of course, that's very concerning to all of us around this table. You've talked about us potentially, as a committee, doing a study over there.

I'm really concerned, because you talked about a linkage with donations. That's different from a person having a contract with someone who is going to work as an employee. The idea of a donation gives the impression that it's an all-encompassing group of people who are not particularly tied to the Canadian company.

Would you like to speak to that? Are you aware that TVI or another Canadian company directly employs the CAA, the paramilitary group?

Mr. Neri Colmenares: Actually, I was very careful in my presentation. I said "alleged", because I have to admit honestly that I have no personal knowledge, and I don't think it is very easy to gain personal knowledge of whether there is direct hiring. That is why probably a Canadian study mission would have more power to obtain that information. I have to admit, Mr. Marston, that I have no personal knowledge of direct hiring.

Mr. Wayne Marston: We have had different companies from Canada in different countries suggest similar things, but suggestion is a long way from evidence. I appreciate your clarifying this,

because until we're sure to have direct evidence, we have to be a little bit cautious.

My next question has to do with your sense of a study we can do. How effective do you think we actually could be in another country, away from our home country, investigating? We're going to be, to some degree, at the mercy of whoever is around us guiding us and assisting us. How long do you think that would take?

Mr. Neri Colmenares: Our government has an economic strategy of luring foreign investors. That has been the economic strategy since the martial days of Marcos. Because of that, our government has always been sensitive to expressions of concern by the international community. In fact, I mentioned in my presentation that it's probably a small thing on the part of the international community to express concern, write letters, or conduct a study mission, but its impact on the lives of the victims and the families of the victims is really great. In fact, I would not be exaggerating if I said that it indeed saves lives.

I had experience, when I was a young student, of being imprisoned during the time of Marcos. Letters from Canada arrived in my cell. They were from members of Amnesty International in Canada. Once these letters arrived, the torture stopped. I was arrested when I was 18 years old, in 1978, and I still remember to this day Veronica McGuire of Toronto, a 75-year-old woman, who not only made life easier for me, but actually gave us comfort during those days in prison.

The international community indeed plays a large role, and Canada is very influential.

Mr. Wayne Marston: I'm going to interrupt you for a second, sir, because I'm going to be out of time here. I agree with you that having an interest from this committee, whether it be doing a study in Canada or writing letters of concern will have an impact. I don't disagree with you. I know historically that's happened.

I was really questioning if our purpose in travelling there, if we chose to go, would be symbolic, arriving there to have it noted that Canadians were taking interest as one stage, or would it be actual gathering evidence of the situation, which, to my mind, is far more complex. I was really asking if you have some kind of a plan in mind that would facilitate our doing that.

•(1335)

Mr. Neri Colmenares: The effect would be both. It would be symbolic in the sense that the presence of a study mission would, in fact, impact immediately on alleviating the attacks. Other than that, I'm sure that in the Philippines you would have better access to information, not just on TVI, but on other Canadian mining firms, because they're spread out all over the country. If allowed to, you would also have access to the communities themselves, and that for me is very important. I can discuss everything under the sun here, but they're the ones who really matter.

I'm sure that your concern is that your program or itinerary may be hijacked. I think the subcommittee has the discretion to do that. If I may add, sir, there are church groups in the Philippines, whether Catholic or Protestant, who would be happy to—

Mr. Wayne Marston: Again, sir, I'm going to interrupt you.

The Chair: You actually can't because you're out of time.

Mr. Neri Colmenares: Sorry about that, but yes there are church groups that would be able to also provide an itinerary there.

Mr. Wayne Marston: Thank you.

The Chair: Go ahead, Mr. Albrecht, please.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Thank you, Mr. Colmenares, for being here today.

First of all, I found most of your testimony very troubling when you indicated the innocent children being murdered, possibly coincidentally, and then the police not taking an active interest in apprehending or bringing to justice those who may have been responsible for it.

I want to focus on two primary areas. One is the political reality, and the other is the religious. I understand you're part of the coalition that is government right now, so I'm assuming that your party is not experiencing any overt oppression, or is that, in fact, the case?

Second, in terms of religious freedom, our government is very concerned about promoting religious freedom not only in Canada, but internationally, and that includes the right for someone to change their religion or convert. Have there been improvements in terms of the religious freedoms that are being allowed in the Philippines, or do you see an actual increase in crackdown, especially as we're leading up the 2013 elections?

Mr. Neri Colmenares: That is the very distressing part because during the time of Arroyo, many members of the church were victims of extrajudicial killings, but under the current dispensation, these continue.

Mr. Harold Albrecht: You say it continues?

Mr. Neri Colmenares: Yes. Out of the 114 victims of extrajudicial killings, five are members of a church of various denominations. The normal tendency of church people is to speak out on behalf of their flock, and there seems to be resentment on the part of public officials and the military for advocacies from religious groups on that.

If you look at the current conditions in the Philippines, the Catholic and Protestant churches are very much against the current mining being undertaken in the Philippines. That probably also earned the ire of certain elements who attack and harass members of religious groups there.

Mr. Harold Albrecht: On the political question, is your party particularly targeted?

Mr. Neri Colmenares: I have to admit that our party, which suffered 157 dead during the time of Arroyo, was not the victim of extrajudicial killings directly, but harassment of our members in the provinces does continue. There are still cases pending before the courts against members of Parliaments like us.

Mr. Harold Albrecht: Mr. Colmenares, you indicated in your comments how helpful the response of the international community is, the comments that we make, the letters that we write, and you gave your own personal story of when you were in prison. Certainly we want to continue with those kinds of actions. Are there specific things that you would recommend, in addition to the idea of this committee or a group visiting the Philippines? Are there other things

in addition to writing letters, or expressing our displeasure verbally, that this committee could be doing?

Mr. Neri Colmenares: I don't know how the process in Parliament goes, but a resolution or report expressing concern on these escalating human rights conditions would be very well taken. I'm sure it would have an impact, and people would tell the military to lay off a little if these expressions of support were to take place.

You can, if possible, also ask the Prime Minister to make representations to the Philippine government. If the Prime Minister were going to the Philippines, it would play a major part if he could express concern over this issue. The Canadian embassy in the Philippines could also look into the charges on these Canadian mining firms. An embassy is supposed to promote investment, but Canada is known for human rights, so there could be limits to that promotion. A privileged speech from a parliamentarian, if you have it here, would also make an impact. A study mission would probably be more effective in the Philippines.

• (1340)

Mr. Harold Albrecht: Okay, thank you.

The Chair: Thank you.

We go now to Professor Cotler.

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

I had the pleasure of hearing Congressman Colmenares yesterday in a meeting in Montreal. We may not be aware of the extent to which we have an authentic hero in our presence. It's one thing to criticize, but to do so at personal risk, as he has done, where his own party is at the forefront of combatting corruption, abuse, and impunity, is a heroic accomplishment. I am delighted that you are with us.

I should mention that yesterday he spoke about the importance of our having a delegation go to the Philippines and the impact it would have. I want to reiterate that as well. Also, we had with us Reverend Fryday, who spoke about a petition campaign that they are going to organize. They want to have MPs from all parties table petitions in the House about what is happening in the Philippines.

I want to address one related point. You described yesterday and again today the pattern of extrajudicial killings and disappearances. You described enforced and involuntary disappearances, and the culture of impunity. I have some questions in that regard.

What has been the impact, if any, of the adoption by the Philippine Supreme Court of writs of amparo or writs of habeas data with regard to these victims? How many applications have been filed? Have there been successful remedies given?

There had been a request that the United Nations Working Group on Enforced or Involuntary Disappearances make a visit to the Philippines. What's the status of that invitation? I know it came up during the periodic review, and some states endorsed it. Where do we stand on that point?

Mr. Neri Colmenares: Thank you.

The writ of amparo, a novel legal mechanism, was employed by the Supreme Court precisely to stem the tide of extrajudicial killings in the Philippines. Our largest human rights organization in the Philippines, the National Union of Peoples' Lawyers, actually supported the Supreme Court's initiative on that, and there were a few victories initially. In fact, the first two cases filed by human rights lawyers, when the writ of amparo was promulgated in September 2007, were victorious. The disappeared were surfaced by the military.

Unfortunately, the military began to study ways to get around the writ of amparo, and because of ignorance and possible corruption on the part of lower judges in the Philippines, the writ of amparo, I have to sadly admit, has begun to lose its effectiveness. Now the writ of amparo being granted, which is akin to a writ of habeas corpus, is no longer of major significance, so that is an unfortunate development.

With regard to the United Nations, I am informed that there have been various intimations from special rapporteurs, not only from the Working Group on Enforced or Involuntary Disappearances, but from other rapporteurs on the rights of indigenous peoples, women and children. However, the Philippine government, as far as I know, has not yet extended an invitation, and as we all know, the United Nations cannot come in as long as there is no invitation from the Philippine government.

It would be good to have comprehensive action by the UN or countries from abroad, but the UN aspect is not moving forward. That is why missions from other countries could probably take its place because that's less regulated, in a way, compared to the United Nations.

•(1345)

The Chair: You still have a little time, Professor Cotler.

Hon. Irwin Cotler: Do you think it would be helpful if the committee were to support a visit by the UN working group, to help bring about a favourable response by the Philippine government to receive their delegation? Would it help if they came?

Mr. Neri Colmenares: I see no reason why it would not help. In fact, it would help bring to the fore the issue that if we have transparency, then we should have no problem at all with UN mechanisms investigating.

I don't know if it will result in a positive response on the part of government because, after all, UN bodies would look into the larger field of human rights. A study mission can look into Canadian firms, which is probably a reasonable prerogative on the part of Canada, but for the UN, it would look into various aspects, so I'm not at all too sure if the Philippine government will immediately accede to that. I see no reason that would not be of help in the current conditions.

Hon. Irwin Cotler: I did not suggest it as an alternative to our going. It was in addition to our going.

Mr. Neri Colmenares: That would help a lot, Professor Cotler.

The Chair: Thank you.

Mrs. Grewal, go ahead please.

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

Thank you, Mr. Colmenares.

We are honoured to have you here as a representative of the Bayan Muna party in the Philippines.

Your party seeks to raise the quality of life for all Filipinos by establishing a very meaningful representative government as well as by fighting corruption in government. It is extremely disheartening, however, to hear that your party and its members have been targets of numerous violent attacks, including murder and arbitrary arrests.

As you know, the next elections in the Philippines are due to take place in 2013. How do you think your party will be affected in these elections? Regarding those who might otherwise have voted for you, how have the violent actions taken against your party had an impact through fear of personal attack? How has this affected those who are thinking about running as possible candidates in the coming elections? On a more personal level, what has been your experience working within a government that appears largely hostile to your party?

Please comment on that.

Mr. Neri Colmenares: The killing of the 157 members of our party in the previous election did have a lot of impact on our party. I would charge it to the very strong support of our constituents and the Filipino people that our party, Bayan Muna, survived the attack. Not only did we survive the attack, but we were still able to put members into our congress.

The current trend is no longer to the same extent, shall we say, as having 157 killed. Now we have some harassment cases in court. One member was killed last year. It's not the same. However, the impact of instilling fear in members and in our constituencies is still there. It does impact a lot, but maybe there are certain choices in life that you have to make. A lot of our constituents did make the choice of supporting and voting for us.

Does it impact on future members? It really does. In fact, I hope I don't sound arrogant, but I think we would have garnered more votes and more support had it not been for the various attacks on us. But I guess that's the price to pay for the continued principled position on the part of Bayan Muna to expose the atrocities committed by the military and the human rights violations.

On a personal note, I have been involved in human rights advocacy since I was in high school. As I mentioned a while ago, the Marcos government arrested us—including me, at the age of 18 years—and the four years in prison and the torture actually discouraged me. When I left prison, I was thinking that I would no longer continue, but as I mention in all my talks, the fact is that people continue to die, not just from bullets, but from poverty. That's probably the reason many Filipinos come to places like Canada, to escape the poverty, which I think should not be allowed to exist in a society.

As a personal choice, I made the choice to continue with that advocacy. Am I afraid of the possible threats against us? Of course. I don't think anybody can say that I'm brave enough to weather everything, but I guess there are certain moments in life when you have to make your choices, and I just have to go wherever this leads me.

• (1350)

Mrs. Nina Grewal: We heard testimony in a previous session from Bishop Marigza, who spoke on behalf of the United Church of Christ in the Philippines. He informed the subcommittee of the extrajudicial executions of ministers, leaders, and of course the members of the church, and noted that on average almost one person per week continues to be a victim of extrajudicial killings.

There was also an incident in 2008, when Muslim rebels forced hundreds of mainly Christian families off their farms in the southern Philippines. This incident was conducted by heavily armed members of the Moro Islamic Liberation Front, who were claiming that the lands there belonged to the Muslims.

Now, and in fact just this month, the government has signed a framework peace plan with the former group, so the Moro Islamic Liberation Front will set up an autonomous region in part of the south, where Muslims of course are a majority. Given the persecution of Christians that has been seen in the south in general, how do you think this newly signed framework will affect the rights and livelihoods of the Christians in that region?

Mr. Neri Colmenares: There has been an ongoing war in Mindanao where the mining firms actually are and have been for a long period of time, way back to the 1960s. That is an issue of the right to self-determination of the Moro people, who believe—and I would agree with the Moro people—that they were discriminated against by the central government for a long period of time.

The recent peace framework by the Philippine government and the Moro Islamic Liberation Front is something that we have to study ourselves. We want to find out whether or not it genuinely gives the right to self-determination to the Moro people and is not another peace agreement concocted between two groups that will not amount to anything.

In Bayan Muna, we've always been very supportive of any attempts at peace. I think a genuine and lasting peace in our country would do much in helping to alleviate poverty in the country, as long as it's genuine and lasting and, of course, based on justice. I think we would encourage any attempts and efforts to find that elusive peace in our country.

Mrs. Nina Grewal: Mr. Chair, do I have some more time?

The Chair: I'm afraid not.

We go now to the last round of questions. Mr. Marston and Monsieur Jacob have agreed to split their time, with Mr. Marston going first.

Mr. Wayne Marston: First of all, sir, I didn't begin my last round by saying how much I respect you and the risk you've taken. You've outlined it in a very clear way.

I agree with the fact that letters and interventions from government, from committees, all keep a focus on the activities of any government and they do have a positive reaction.

There was a misunderstanding about the difference between a study mission and an investigation. To be truly on the ground doing a proper investigation, I think will require the UN rapporteur or a group from there to succeed at a comprehensive study. On the other hand, a study mission by this committee would make sense, where it's more of a symbolic gesture than a physical investigation. The other side of it is we wouldn't be going there to investigate Canadian companies. We would be going there to look at the human rights situation in the Philippines. A part of it may well be Canadian companies, but we would be there if we decided to do that.

I want your comments on that. I believe the potential for doing some good with that is very much there on a study mission level.

• (1355)

Mr. Neri Colmenares: Yes. I would certainly agree with that. In fact, a study mission would look into human rights conditions. The committee can decide where the study would go. Yes, we would heartily support such a study mission. I'm sure it would create a lot of impact.

The Chair: Thank you.

Monsieur Jacob

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you, Mr. Chair.

I want to thank you, Mr. Colmenares, for appearing before us this afternoon to talk about the situation in your country.

You sponsored a bill to criminalize enforced disappearances in the Philippines; the bill is entitled An Act Defining and Penalizing the Crime of Enforced or Involuntary Disappearance and for Other Purposes.

During the Philippines' Universal Periodic Review, Canada recommended that the Philippines' government enact the version of the bill that had been passed by the Philippines' Senate.

You started to explain why this legislation had become necessary, and I would like you to elaborate a little bit. Is there a significant difference between the bill you sponsored in the House of Representatives and the bill that was passed by the Senate?

[*English*]

Mr. Neri Colmenares: Yes, we did file a bill on enforced disappearances. I'm very happy to note that sometimes you win small victories. The Philippine congress recently passed the bill on enforced disappearances. We now have a law that is very similar to our bill. We now have a law that makes enforced disappearance a crime in the Philippines.

[*Translation*]

Mr. Pierre Jacob: Is the bill part of a wider strategy to combat extrajudicial executions and enforced disappearances?

[English]

Mr. Neri Colmenares: Yes, Mr. Chair, it is part of our comprehensive efforts to address human rights violations. We file bills. We have advocacy forums and take other actions, yes.

[Translation]

Mr. Pierre Jacob: Thank you.

You said very briefly that, in the past, human rights groups had already criticized the actions of Canadian mining companies operating in the Philippines. Could you elaborate on the actions of these companies? Are they acting responsibly? Do you have concerns from a human rights perspective? Would you please elaborate on that?

[English]

Mr. Neri Colmenares: Yes, there have been accusations of involvement on the part of Canadian mining firms. To be fair, it is not just Canadian mining firms in the country, but other large mining firms from other countries as well. There were charges of their involvement in using paramilitary units and of course the eventual human rights violations that take place with the hiring or the use of paramilitary units.

● (1400)

[Translation]

Mr. Pierre Jacob: Do I have any time left, Mr. Chair?

The Chair: Yes, you have one minute left.

Mr. Pierre Jacob: In your opinion, are there steps that the Government of Canada could take that would likely have a positive impact on the human rights situation in the Philippines? In particular, is there anything Canada could do to improve the effectiveness of accountability mechanisms for military and paramilitary personnel or private militias?

[English]

Mr. Neri Colmenares: Yes, thank you.

Canada is known internationally for its respect for human rights. As we all know, human rights consider no borders. Any action on the part of a Canadian government study mission would very much impact on the lives of the Filipino people and the human rights victims.

[Translation]

Mr. Pierre Jacob: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Jacob.

[English]

Mr. Sweet has requested that he get a moment more to ask questions, so I'll turn the floor back to him.

Mr. David Sweet: Thank you very much, Mr. Chair. I appreciate the indulgence of the committee. It's an important point.

I have the universal periodic review in front of me, the most recent one, from July 2012. I think the previous one was done five years ago. There are some troubling statements in here, in contrast to your testimony. In fact, there are a number of them in the 128 bullet points. I'm only going to pick out two and ask you to speak to them.

In one case, in bullet point number 80, it says:

The Philippines is gratified by the recognition of member States as well as those with observer status in the Human Rights Council for its stepped-up efforts to address such complex issues as extrajudicial killings, enforced disappearances and torture. The head of delegation assured States that the Philippines considered them as priority cases and was addressing all such cases through its criminal justice system....

The other one is bullet point number 22:

Concerted interagency actions have resulted in a dramatic decrease in reported incidents of extrajudicial killings and torture in the Philippines. Task Force Usig, a special unit under the Philippine National Police, along with independent stakeholders and international partners have independently verified that incidents of extrajudicial killings have clearly declined.

Would you refute that, Mr. Colmenares?

Mr. Neri Colmenares: Yes, thank you.

The main proof is the fact that, for example, the identities of the two army men arrested in the killing of Benjamin Bayles had to be wrangled from the AFP and the government. In fact, sadly, despite subpoenas from the court, the government refused to testify in the court trying the case. For me that's probably the most blatant proof that government is not cooperating in stopping impunity. As long as impunity is not stamped out, this will continue. No death squads have been dismantled. The prosecution hasn't asked the Philippine government or even the Philippine embassy how many prosecutions and convictions there were. I'm very sure there will be a very minimal response to that.

I sense the government always reports that to the UN, but that is in contrast to the level of prosecution and investigation taking place and to their hospitality in receiving UN rapporteurs. After all, if you are not hiding anything you would be happy to open your doors to them.

The second point I can't remember now. I'm sorry.

Mr. David Sweet: The second point was a dialogue point in the document whereby the Philippine government thanked other countries that were involved in the universal periodic review for acknowledging that the extrajudicial killings have gone down, yet you're saying that's not the case.

Mr. Neri Colmenares: Yes.

While the report by Karapatan, one of the largest human rights groups in the Philippines, of 114 extrajudicial killings may not be of the same level as the 1,200 extrajudicial killings at the time of Arroyo, as I mentioned a while ago, one death is one death too many. The government cannot just say that statistically there are 114 dead while before there were 1,200. If the life of Jordan could have been saved, if the life of Merlyn Bermas could have been saved, we're politicians, we speak out for our constituents. Merlyn Bermas died because she was exercising her constitutional right to redress a grievance. That continues to happen. Even if the government compares statistics, the fact that the killing continues, I believe, is a serious concern.

Mr. David Sweet: I agree very much, Mr. Colmenares.

Thank you very much, Mr. Chair and members.

The Chair: Thank you.

With the indulgence of the committee I'd like to ask a follow-up question to that last piece of testimony.

If one looks at the number of extrajudicial killings in the past and the current number, we see it has gone down. That need not indicate that it's trending down toward zero. The impression I get is that you're working on the basis that the number is not trending toward zero, but is trending toward a new status quo, which, while not as bad as in the past, does not suggest that the problem will be resolved without further action.

• (1405)

Mr. Neri Colmenares: Yes. Actually, I termed it as escalating.

In the previous subcommittee, I think the delegation mentioned 68 cases of extrajudicial killings in April 2012. We are nearly in November and it has almost doubled to 114. Whether it's less than 114, there were 1,200 victims in the nine years that Aquino was in power.

Also, just by virtue of the fact that government was not able to dismantle the death squads, that means these death squads can be

turned on and off at any time. They can escalate or de-escalate according to the whims of the perpetrators. That's what really makes it more dangerous. If international attention comes, they will turn it off, and then they will turn it back on.

I guess a more lasting solution to the problem must be achieved by our government.

The Chair: Thank you. That was very helpful.

Thank you in general for all the testimony you've given. We are very grateful you've come to our country and drawn these matters to our attention. We're grateful in particular, as I'm sure all your constituents are, for the care you've shown for their lives and their interests.

With that, colleagues, the meeting is adjourned.

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