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Chair

Mr. Scott Reid

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• (1300)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): We are the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today, November 21, 2013, is the fourth meeting of the committee.

[English]

Further pursuant to our study of the human rights situation in Sri Lanka, joining us from Colombo, Sri Lanka, as a witness is Dr. Saravanamuttu. He is the executive director of the Centre for Policy Alternatives.

Welcome, Dr. Saravanamuttu. Please feel free to begin your testimony.

Dr. Paikiasothy Saravanamuttu (Executive Director, Centre for Policy Alternatives, As an Individual): Thank you.

When one looks at the situation in Sri Lanka with regard to human rights, one key feature comes to mind. That's the notion that Sri Lanka, as a multi-ethnic, multi-religious, and formally functioning democracy, albeit with flaws, is under serious threat at present. The directions of the threat are institutionalized militarization, the near collapse of the rule of law, and the culture of impunity with respect to human rights violations and rising religious intolerance.

At the present moment, the policy of the government with regard to governance in general is very much a focus on economic development which is highly centralized and in which any kind of discussion or relevance of civil and political rights in particular is seen as irrelevant at best and subversive at worst. This is seen particularly acutely in the north of the country, the province in which the last phase of the war was fought.

In this respect, the government's attitude toward reconciliation is very much an attitude of economic development and of forgetting and moving on. As some people argue, it is an attempt to build reconciliation on concrete, with a reference to a heavy emphasis on economic infrastructure.

Indeed, with regard to that emphasis on economic infrastructure, it is highly centralized. Mega economic development projects are designed and implemented from the centre, by the centre, without the participation or consultation of the civilians whose lives they directly impact. They see themselves somewhat as hapless bystanders in the decisions that affect their daily lives. This was

attested to very firmly in the results of the Northern Provincial Council election on September 21 when the government's campaign, based on economic development, was roundly and soundly defeated. The Tamil National Alliance won 30 out of the 38 seats in the provincial council.

As a consequence of all this, Sri Lanka is very much in what I would call a post-war situation, as opposed to a post-conflict situation. My definition of the latter is one in which the roots of conflict are not being sustained and certainly not being reproduced. Unfortunately, as I mentioned to you, with institutionalized militarization, with the collapse of the rule of law and the culture of impunity, and growing religious intolerance, there is both the sustenance of the roots of conflict as well as their reproduction.

Let me briefly take each one in turn.

The argument with regard to institutionalized militarization is one that has relevance across the country. The military is involved in the economy. It is involved in the educational sphere, where school principals are inducted into the national cadet corps, where security on university campuses is in the hands of the military, and where orientation courses for first-year undergraduates are run in military camps and by military officers.

Again, as I said, it is felt most acutely in the north, where the governors of the northern and of the eastern province are ex-military people. The government agents in certain divisions of these provinces are also ex-military people. According to some statistics, the presence of the military in these provinces, in the north in particular, is of a ratio of one soldier to every 10 civilians. The military is involved in governance in that it has the last word over development projects. It even goes to the extent of telling people in what language the national anthem can be sung. The military is present in private functions, from school prize-givings to sports meets. The military is involved in the economy, growing, buying, and selling vegetables, and running hotels, golf courses, etc.

• (1305)

Most importantly, it's the overbearing presence and the intrusion into the lives of the people that is of particular concern. Only in April, some 6,300-odd acres of private land were taken over by the military for military camps as well as for business enterprises. As a consequence, more than 2,500 people are in court contesting that acquisition.

There is a very powerful intrusion into the daily lives of people. There are also allegations of continuing human rights violations by way of abductions and disappearances, and in particular, with respect to assault.

Gender-based violence accusations have also been made against the military. The vast majority of them are hard to verify, insofar as there are cultural inhibitions on the part of victims and witnesses and their coming forth with hard evidence in respect to these cases, but such violence certainly does take place.

If you move from the question of institutionalized militarization to the collapse of the rule of law, you find that in a huge number of cases of egregious human crimes, violations in which there have been prosecutions, in which there have been indictments, there haven't been convictions. People are taken in, charged, and released on bail.

There are two cases in particular which were identified as well by the presidentially appointed Lessons Learnt and Reconciliation Commission: the killing of five students on the beach in Trincomalee in the east, and the murder of 17 humanitarian workers in Muttur in the east as well. We have had any number of investigations with regard to this, but no convictions.

We have a number of other cases like these. We had a case recently, after the end of the war, in which in the deep south a British humanitarian worker was killed and his partner was brutally raped. Because of CHOGM, the Commonwealth Heads of Government Meeting, and because of the earlier visit, the longest country visit paid by the UN High Commissioner for Human Rights to Sri Lanka, there has been a certain attempt at moving towards indictments and convictions, but it remains to be seen how far they will go.

The response of the government to these egregious violations seems to be to set up commissions. If you take the question of enforced and involuntary disappearances, of which Sri Lanka has one of the highest number of cases recorded with the working group in Geneva, you will find that at least four to five commissions have been appointed by this very government itself, but the reports have not been made public. Therefore, we have no idea whether or not the recommendations have been implemented, but we can safely assume that they have not, because the problem continues.

It continues also for the families of the disappeared. On any number of occasions, including when meeting with the High Commissioner for Human Rights, and also when trying to come to Colombo at the time of CHOGM to deliver a petition to take part in an exhibition on human rights, and in meeting with British Prime Minister David Cameron, ordinary civilians have been intimidated, threatened and prevented from participating in such events by the military.

The culture of impunity is widespread. It extends even into the south, where you have a number of cases in which local politicians associated with the ruling party got off scot-free in incidents that involve sexual assault, attempted murder, bribery, etc.

Some attempt is being made now, in the context of the CHOGM, the high commissioner's visit, and the pending sessions of the Human Rights Council in Geneva in March 2014, to clean up, as it were; however, there are big questions as to whether this is merely

being done as a cosmetic exercise to deflect criticism, or whether there is something much more serious and honest intended here.

I suppose that ultimately the whole question of the independence of the judiciary was epitomized by the process of impeachment of the chief justice earlier in the year, which was declared unconstitutional and illegal by all the apex courts of this country, the court of appeal and the supreme court.

• (1310)

Nevertheless, the government steamrollered it, and we now have a bizarre situation in Sri Lanka whereby there are in effect two chief justices, or to put it another way, one *de jure* and one *de facto*.

There has been a breakdown of trust as far as the judiciary is concerned and with militarization too. As a consequence, ordinary civilians do not have the level of confidence and trust required to enjoy the fullest measure of their rights as far as the institutions of governance and justice in the country are concerned.

This is also amply demonstrated in the rising tide of religious intolerance. We've had over the last five years a series of attacks on Christian places of worship. New fundamentalist evangelical churches have been attacked. Most recently, egregious attacks have been made on the Muslim community, involving mosques, prayer halls, prayer meeting places, as well as retail establishments. There has been Goebbelsian propaganda and hate speech injected into the public discourse by extremist Buddhist organizations, on the grounds that the Muslims are going to over-populate the country and that the country will cease to be a Sinhala country. They have targeted in particular the halal certification of products by the Muslim community in conformity with their faith.

Now, in none of the instances of attacks on mosques, on prayer halls, and on retail outlets has there been any indictment and conviction. In one particular case, the police announced that the owner of the establishment appealed that no indictment should take place, because it would bring the country into disrepute and because people allegedly involved in the act were also people in robes, that is, monks, and therefore, it would be unwarranted and unnecessary criticism of the situation in Sri Lanka. The police proudly announced this as an example epitomizing communal harmony and amity but did not take any action whatsoever.

There are on record now more than 150 acts between January 2013 and September 2013 targeting the Muslim community. This begs the question how acts of violence of this nature can happen without any action being taken by the forces of law and order, without any categorical condemnation by the government and by the politicians of these kinds of actions. People therefore point to the instance in which the brother of the president, who is the defence secretary in charge of the entire national security apparatus, was invited as the chief guest to the inauguration of a leadership academy by one of the key groups involved in perpetrating these attacks against the Muslim establishment, namely the Bodu Bala Sena, or force for Buddhism, otherwise referred to by the acronym BBS.

Put all these things together and you find that Sri Lanka, in terms of human rights, is facing a very critical situation at the present moment. The public at large, the polity, the citizenry do not have full enjoyment of their rights. They are treated rather as subjects, given that the structure of power is also dynastic. The predominant ideology of the day is very much triumphalist and majoritarian. It is underpinned by this militarization. Therefore, we seem to be moving away from that example of a formal functioning democracy and a multi-ethnic, multi-religious society to something that is much more homogenized, centralized, and controlled, and one which in this respect moves away from that idea of a boisterous, vibrant, dynamic democracy.

As the UN high commissioner noted in her final press statement when she left Sri Lanka and in her oral statement to the Human Rights Council, we are heading in an authoritarian direction here. Some of us would disagree and say that we are already in an authoritarian state, in which things in that respect are not very good as far as human rights are concerned, and something badly needs to be done about it.

•(1315)

That is why sections of civil society look yet again to the UN Human Rights Council sessions in March 2014 and the possibility of yet another resolution on Sri Lanka that will push and persuade our government to take human rights more seriously.

Thank you.

The Chair: Thank you very much.

Colleagues, we have time for six-minute rounds of questions and answers. As usual I will be using the timer. I'd observe that Mr. Marston has an even bigger timer at his disposal.

At any rate, Mr. Sweet, you are free to begin questioning.

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

Dr. Saravanamuttu, we're glad to have you here. Your testimony is very powerful and compelling.

You talked about the institutionalization of militarization. Your statement was about the overwhelming intrusion of the military, and then toward the end your words were that the citizenry do not have all their rights.

From our last witnesses there was an observation that the reason there isn't significant protest toward the government is that there have been so many years of fighting that the vast majority of the citizenry are prepared to tolerate this move toward authoritarianism.

Do you concur with that statement?

Dr. Paikiasothy Saravanamuttu: If one looks at the elections that have taken place since the defeat of the LTTE, general and presidential elections in 2010, and subsequent provincial council elections and local elections, it is very clearly the case that the president and the ruling coalition have won considerable majorities.

Now, certainly there is a great deal of appreciation and gratitude toward the government and the president for having ended the war, for having defeated terrorism. However, there are sections within

that community that are engaged in certain activities and are particularly targeted.

I think everyone lives different realities. If one is working in the press and if one dares to criticize the government, one would then be reminded of the number of journalists who have been killed, or who have fled the country, the self-censorship, which is the context in which the media operate in the country, or alternatively, the white vans that come and "disappear" people. It depends very much on what the individuals or sections of society are doing, and in which part of the country they are living.

Certainly, we can say, too, that with reference to the results of elections in the north, it's a very different story.

•(1320)

Mr. David Sweet: Is there a sense today that the general population is becoming wise to this, that the present regime is basically using its political capital? There have been so many years where the citizenry have been exhausted from fighting that the regime is using this to blur the lines between the judiciary, the military, and the legislature. For lack of better words, are people waking up to the fact that they're being slowly led down the path to authoritarianism?

Dr. Paikiasothy Saravanamuttu: I think so.

Again, since 2009 and the defeat of the LTTE, we've had popular demonstrations against government policy that have been met by the army and special forces using live ammunition, shooting to kill, and killing demonstrators. We've had it in 2011, 2012, and again in 2013. Villagers were demanding clean water. Three of them were killed, and scores of them were brutally assaulted as well.

There is, I think, a recognition that the authoritarianism is spreading toward the rest of the country too, but it is by no means a critical mass. The government does keep reminding the people that it is the government that defeated terrorism, and insists, therefore, that there be gratitude and appreciation that ought to be given to it. It constantly reminds them of this great achievement.

Mr. David Sweet: Yes, and certainly my observation is that they do this with a reckless disregard, with impunity.

The day before yesterday, I read the news report of how the government responded to Prime Minister Cameron's comments, that rather than taking any of them seriously, it just brushed them off because he wasn't following the right diplomatic protocol.

Dr. Paikiasothy Saravanamuttu: Absolutely, yes.

It's very much a kind of response that offence is the best form of defence. They will try to draw very much on the innate nationalism of the people and confuse the love of country for loyalty to government.

Mr. David Sweet: I asked our officials this a couple of days ago, but they weren't aware. Are you aware that there was a program going on of, for lack of better words, reprogramming the LTTE members after they were disarmed?

Is this going on, and do you have any particular concerns about that action?

Dr. Paikiasothy Saravanamuttu: There were rehabilitation programs of LTTE surrendees, of cadres who surrendered... [*Technical difficulty—Editor*]... Some of them, the majority of them in fact, have now been rehabilitated and sent back into society. One of the challenges, though, that they face is there is still a certain suspicion and mistrust among the community with regard to them. There is concern that they have been used as informers by the military as well. Most recently there have been allegations, and I emphasize they are allegations, that there has been abuse in the rehabilitation process, although for the most part, the rehabilitation process was seen to have been conducted quite fairly.

Mr. David Sweet: That was the sense I was getting from your initial comments. That is a good thing because, of course, when they're under their control, they are at a vulnerable stage in that rehabilitation.

Is there public sympathy towards the 40,000 war widows? Is the government treating them justly? What is their disposition at the moment?

• (1325)

Dr. Paikiasothy Saravanamuttu: I think the interesting point here is that, first, given the control and flow of information we have in the country, the government control in respect of it, and the self-censorship on the part of the media, I don't think many Sri Lankans will actually know that figure.

Second, there are no special measures being taken with regard to what are now female-headed households in terms of regaining livelihoods.

Third, there are obvious survival strategies that have to be pursued by these women in a context of high militarization, and there are all sorts of allegations in terms of sexual abuse as well.

One of the key demands at the end of the war was the whole question of the government giving precise information with regard to how many surrendees there were, how many detainees there were, whether these people were "disappeared", whether they are traceable, or whether they are dead. These women after all at the end of the day need to know whether they are actually widows or not, whether they inherit property, whether they can get married again, and all of these questions. There are practical dimensions to this as well as questions of emotional and personal closure.

The Chair: Thank you.

We'll go to our next questioner, Mr. Marston. I gather you will be splitting your time in some way with Ms. Sitsabaiesan.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Yes, thank you for that consideration. I appreciate it because many of the Sri Lankan diaspora are in the member's Scarborough—Rouge River riding, so it's important to ensure there's a direct access via this committee.

Doctor, I want to thank you. When you talked about the elections in the north, overall what is the validity of the elections? Are they being interfered with? It's almost as if you alluded that in the north they were running a little better than the ones in the south, or maybe I misread that.

Dr. Paikiasothy Saravanamuttu: Yes, what happened in the elections in the north is that, during the election campaign, there were a whole lot of acts of intimidation, threat and intimidation of citizens by the military in uniform and in civilian clothing as the civil defence force. This is not dissimilar to the type of thing that happened when Navanethem Pillay, the UN high commissioner, visited and those people who went to talk to her were also given this same treatment.

There was a fair amount of this kind of intimidation. In that respect, it took place in a context of institutionalized violence. The very presence of the military in certain districts of the north, such as Mullaitivu and Kilinochchi, is particularly intimidating, given the numbers and given the role it plays.

Furthermore, we had the situation earlier on in the year when, given the ratio of military to civilians I mentioned earlier, you had the distribution office of the key regional newspaper, the *Uthayan* newspaper in Kilinochchi, destroyed. You had the printing press of this newspaper in Jaffna again burned down. You had meetings of the Tamil National Alliance disrupted.

None of this would happen unless there is collusion and complicity by the military—

Mr. Wayne Marston: Perhaps I could jump in for a second. The actual structure and operation of the election machinery, do you feel that was straightforward, or was that interfered with?

Dr. Paikiasothy Saravanamuttu: As far as the electoral process, as far as the Department of Elections were concerned, the conduct of the election in that respect was fine. What was an actual impediment and what marred the integrity of the electoral process was the violence that I have been alluding to.

I think it was the popular backlash against that violence which produced a result that reflected the general will of the people.

Mr. Wayne Marston: Thank you.

I'll pass at this point, Mr. Chair. Thank you very much.

Thank you, Doctor.

The Chair: Ms. Sitsabaiesan, please.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you, Mr. Chair.

Thank you, Dr. Saravanamuttu, for joining us.

You have spoken a lot about the ongoing militarization of the communities in the north and the east, and the country in general. Mr. Sweet spoke of the 40,000 war widows. From the community members and from some of the newspapers you mentioned, I gather that the number is actually higher. I've heard that it's 90,000 widows.

Can you expand a little bit about the ongoing culture of impunity on the island, and how it is affecting the women and the ability of these women to continue their lives? Do they have real access to a form of livelihood to be able to run these households? As you mentioned, they are mainly women-led households on the island right now. How is the culture of impunity affecting it and the ongoing militarization in the community?

The rest of my time is all yours.

•(1330)

Dr. Paikiasothy Saravanamuttu: Thank you.

I think the figure of 40,000 is with regard to the female-headed households in the northern province. I think the collective figure for both the north and east is about 90...[*Technical difficulty—Editor*].

In terms of how this affects the women, I think the first point is with regard to their particular status within society, which has a whole lot of social, cultural, and economic implications.

In terms of their access to resources, there are no special provisions being made for women in particular with regard to rebuilding houses and getting on with their livelihoods looking after children. There are no special provisions that are really being made for them, so that creates a problem.

There is also the question about inheritance of property. There is a raft of issues associated with ownership of land, with the whole question of land that was owned by one particular family that, when they were displaced, was taken over by members of another community. It goes on like that, and that has an obvious impact.

Again, there is no special provision being made to focus in particular on the land issue and to expedite resolution of land conflicts. There have been attempts to come up with land circulars, etc., but they have been weighted very heavily in favour of the central government. In fact, in one case we as an organization went to court to get it struck because we felt it had discriminatory effects.

As far as the women are concerned, they are facing a lot of challenges and hardships in this respect. As I said, because of the cultural inhibitions, the full picture in respect to sexual abuse does not come out. A number of cases, we are told by civil society organizations on the ground, are not being reported.

Most recently there were also allegations, as far as three villages in the Kilinochchi district were concerned, of forced sterilization, of women being given contraceptives without their consent and without their being told what was actually going on. All of these things are happening at the present moment.

I think what is actually required is for there to be an honest acknowledgment of what's going on, so measures can be taken to redress it. By pushing it aside and not acknowledging it, nothing is happening. That, of course, further nurtures frustration, anger, and disappointment.

Ms. Rathika Sitsabaiesan: Thank you.

The Chair: Thank you, Ms. Sitsabaiesan.

We'll go next to Ms. Grewal, please.

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

In your testimony you said that the UN high commissioner was in Sri Lanka and sent a statement to the Human Rights Commission that Sri Lanka is headed towards an authoritarian situation. Has any action been taken by the UN after that statement was sent?

Dr. Paikiasothy Saravanamuttu: Yes, the high commissioner came in August of this year. She spent a week in Sri Lanka, which apparently was her longest single-country visit in any part of the

world. That particular statement comes from the media conference she had at the end of her visit. What she did do, and this is a requirement of a March 2013 resolution on Sri Lanka, was give an oral report of the situation in which she reiterated the remarks that she had made in Sri Lanka at the end of her visit. There is to be a complete report in March 2014 on progress made on the resolution of March 2013. There is then the possibility of a further resolution being made.

The UN, apart from assisting in the development activities of the country, has not taken any further steps. There is a human rights advisory section to UNDP that is based in Colombo, but the government resists any attempt to have a field office of the UN High Commissioner for Human Rights or to engage the UN more proactively in the human rights situation. What the government has done, on the other hand, was to come up with further commissions. This may well turn out to be more of a cosmetic exercise to deflect criticism in March 2014 than a serious and sincere effort to deal with the situation.

•(1335)

Mrs. Nina Grewal: From my understanding, the Sri Lankan government has invested in many development projects over the last several years. Has this development contributed to the process of reconciliation and developing national unity?

Dr. Paikiasothy Saravanamuttu: The focus of the development projects of the government has been on economic infrastructure, a lot of road construction, that kind of thing. The argument has been that, particularly in the north, there has been insufficient or no consultation with the people concerned to ascertain what their priorities are. They are largely fishermen or farmers by occupation. Therefore, there is this concern that infrastructure and tourism, which is the other emphasis in the government's economic policy, are being designed and implemented to serve the needs of people outside the provinces. There is a fear that if there isn't an investment in persons, the people required for these economic development activities will come from outside the province, possibly resulting in demographic change under the guise of development. This would be an instance of sustaining sources of conflict to reproduce sources of conflict.

Mrs. Nina Grewal: Like many other countries around the world, Sri Lanka experienced an economic recession in 2008 and 2009 and has since worked towards regaining positive economic growth. What effect does the current economic situation have on the reconciliation process and the general attitude towards human rights violations? Has it been conducive to economic growth?

Dr. Paikiasothy Saravanamuttu: I think the feeling in the country at large is that it has been insufficiently inclusive. Certainly with the emphasis on economic development in the north, I think the verdict of the people was registered in the result of that Northern Provincial Council election in September of this year.

At the end of the day, I think we have an unprecedented opportunity here, because of the defeat of terrorism, to move ahead with economic development. What will be key in that respect is foreign direct investment to bump up our growth figures into double-digit figures. That has yet to happen. We are targeting something like 2.5 million tourists by 2016. There is insufficient evidence to say that we will definitely be meeting that kind of target.

I might mention, of course, the view that outside of Sri Lanka there is a pot of money that belongs to the Tamil diaspora that should be tapped. However, I think there are reservations on the part of the Tamil diaspora of sending money to Sri Lanka that would end up in the coffers of the central government to pay for interest on loans that were probably taken to buy arms in the war, or used for other development projects. Also, there are still...you know, if the Tamil diaspora were to come and invest in Sri Lanka, that they should also be offered dual nationality, so that they won't have to pay the taxes that, for example, foreign nationals are supposed to pay when they come into the country.

•(1340)

Mrs. Nina Grewal: Thank you.

The Chair: Thank you, Ms. Grewal.

Professor Cotler, you are next.

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

Thank you for your presentation, Dr. Saravanamuttu, and for the work of the centre in particular.

Dr. Paikiasothy Saravanamuttu: Thank you.

Hon. Irwin Cotler: One of the things I find most disconcerting is not only the spate of human rights violations but really the accompanying culture of impunity, and the need to achieve accountability if we're going to achieve reconciliation.

First, what can the international community do? What's the most effective exercise or action the international community can take with respect to combatting the culture of impunity in order to move toward reconciliation?

I'm referring, for example, to such things as the implementation of the recommendations by the UN High Commissioner for Human Rights as decided upon by the UN Human Rights Council.

As a related question, what influence does Canada have in Sri Lanka, and how, in your opinion, could such influence be used to combat the culture of impunity, to promote accountability, and to move us towards reconciliation?

Dr. Paikiasothy Saravanamuttu: At the present moment, the forum in which the international community has been focusing on Sri Lanka has been the UN Human Rights Council in Geneva. The two resolutions of 2012 and 2013 have taken as their reference point the presidentially appointed Lessons Learnt and Reconciliation Commission and the recommendations that came out of that.

What the resolutions have noted is that on the question of accountability, there were gaps and shortcomings in that LLRC report and the recommendations, but with regard to the more governance-oriented and human rights-oriented recommendations, they're very satisfied with it and ask for speedy implementation. The international community is on record as saying that more needs to be done beyond the LLRC, too, in respect of accountability.

The response of the Government of Sri Lanka has been very much to have military courts and come out and say, "Look, these accusations are baseless and there's no factual backing to them." No action has been taken, but this of course is a rather weird situation,

insofar as the main accusations are against the military, and the military seems to be investigating its own case. There is, therefore, the need for pressure and persuasion to be brought to bear on the Government of Sri Lanka to have independent investigations.

These independent investigations, if there are insufficient resources within the country and inadequate trust in the credibility of institutions within the country, too, then call upon the international community to assist, and to participate as well, in that accountability mechanism; for example, if we were to go down the route of some sort of model or hybrid, no doubt, of the South African Truth and Reconciliation Commission, that there be very definite international monitoring of the progress, or lack thereof, made by that mechanism in respect of truth and reconciliation. Without the international dimension, and mandated by, say, the Human Rights Council, or better still by the Security Council, but there are international political implications which might well prevent that from happening, without that international component, there isn't going to be anything that's going to happen here.

On the second point in terms of the influence of Canada, I think that as a consequence of Sri Lanka taking over the chair-in-office position for the Commonwealth for the next two years, and given the declaration at the end of CHOGM in respect of human rights and rule of law, etc., Canada, as a key and influential member of the Commonwealth, should exert its influence to ensure that the declaration is not just a piece of paper and hot air and rhetoric, but that all countries do adhere to that. Whether it be within the framework of the Commonwealth or in the Human Rights Council, Canada can bring its offices to bear on countries it has good relations with to inform them and make them more aware of what's going on in the country at large.

Certainly, I think with regard to bilateral relations the point is continuously made that human rights protection is absolutely integral to meaningful reconciliation and unity.

•(1345)

Hon. Irwin Cotler: I thank you for your two fulsome answers on both those questions.

Let me ask you a question, if I may, relating to the question of accountability. It has to do with the involvement, of course, of the CPA and your public interest litigation involvement with regard to the issue of the removal of the former chief justice of Sri Lanka and the replacement by the former attorney general.

How might the removal of the former chief justice impact on the whole question of accountability and reconciliation?

Dr. Paikiasothy Saravanamuttu: I think what that impeachment process did was to create in the minds of the people a sort of completion of state capture. I think it confirmed to people that the judiciary, which they may hitherto have felt was an independent arm of the state and a protector of the rights of citizens, was also now being turned not into something that was executive friendly but into something that was very much an extension of the executive. The credibility of the judicial process, the trust and confidence of citizens in the judicial process, I think, has been more than just dented by that farcical impeachment process.

The Chair: Thank you.

That finishes that round of questions.

Mr. Schellenberger, you are next.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Thank you, Doctor, for your presentation. I must say that what happens when you get to be one of the last people to ask questions is that so many of the questions you had have already been answered.

The CPA conducts public interest litigation on language rights issues. Can you explain how language rights fit into the broader reconciliation process in Sri Lanka? How well are minority language rights respected in your country?

Dr. Paikiasothy Saravanamuttu: The constitution of Sri Lanka, since 1987, states that there are two official languages in the country, that is, the Sinhala language and the Tamil language. From 1956 to 1987, Sinhala was the only official language of the country. Now, very little had been done, and very little is being done in terms of making sure that the official language provisions of the constitution in the law are actually implemented on the ground, that is to say, to ensure that Tamils...[*Technical difficulty—Editor*]...to be able to make statements, and can make statements at police stations, for example, in Tamil, and that when they deal with state officers, they can deal with them in Tamil. In fact, in the north, in particular, where you have a heavy military presence and you have police officers, etc., who do not speak Tamil, it only accentuates and exacerbates the divide.

There is a Ministry of National Languages and Social Integration, too, which is a national ministry, but it has a paltry sum of money allocated to it in the national budget, which again reflects the importance with which this issue is being perceived and taken by the government. Earlier this year we had a situation where the military in the north were telling schoolchildren that they couldn't sing the national anthem in the Tamil language and that it should only be sung in Sinhala.

What I am trying to point out to you is that here is an issue that common sense simply tells us could be one that will bring communities together. It does require a diligent investment of a certain amount of resources to ensure that the state speaks to its citizens according to the laws enshrined in the constitution, and does not, in effect, alienate them by forcing them to be signing papers and documents, for example, in a language they do not understand. This is an area that will go quite far in ensuring there is conversation, dialogue, and communication among the communities, which will of course only enhance reconciliation and unity.

Mr. Gary Schellenberger: What do you see as the most promising avenues for promoting reconciliation and accountability in the country?

Dr. Paikiasothy Saravanamuttu: I think the most promising avenue is this. In my meetings and exchanges with people in the north, for example, they make a very simple point. They say the government is saying that we are all one people now, that we should not be talking about being Sinhala, Tamil, and Muslim, or whatever, that we're all citizens of Sri Lanka, that we all belong to one country and we're all equal citizens. They make the point that equality has to be founded upon self-respect, dignity, and mutual respect, and in order for them to have that mutual respect, etc., they can't be told to forget about what happened to them. There needs to be an

acknowledgement of what happened. What follows from that is we can debate the various mechanisms and processes, but what they want is an acknowledgement by the state, by the government, of the situation they went through and which they have come out of. It is only on that basis, on the basis of that acknowledgement, that they can even begin to think of themselves as equal citizens.

• (1350)

Mr. Gary Schellenberger: I know you've already commented on the media and how they are treated by the government right now, but how do you feel the media can contribute to creating an environment that is favourable to reconciliation and accountability in Sri Lanka? I know you do have concerns about the respect of freedom of the press. How do you, in your own words, feel that the media may be able to be involved in this act?

Dr. Paikiasothy Saravanamuttu: Irrespective of what the government has done and is doing and the issue of self-censorship, I think the media need to look inwards and ask themselves whether they are part of the problem or part of the solution, as it were. The media don't adequately report on the extent of human rights violations in terms of the problems faced by citizens in accessing the law, the problems faced by their living in a militarized context.

As I said earlier, for example, how many ordinary, average Sri Lankan citizens would even begin to understand that there are 90,000 or 100,000 female-headed households in the north?

For example, we did a survey recently and found that only 30% of those surveyed—it was a national survey—actually knew about the Lessons Learnt and Reconciliation Commission. If that is the overarching priority, reconciliation and unity, the government also should be putting its resources behind making everyone aware of the requirements of reconciliation and of unity. This is one way of bringing people together. The media in that respect can do a lot more.

Mr. Gary Schellenberger: Thank you, sir.

The Chair: Thank you, Mr. Schellenberger.

We turn now for our final round. I understand that Monsieur Jacob and Madam Sitsabaiesan once again will be dividing their time.

[*Translation*]

Mr. Jacob, you have the floor.

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

I would like to thank our witness for being here with us this afternoon.

My first question is as follows: as a civil society organization, just how free does your organization feel in commenting on and challenging what the Sri Lankan government, police and military do? More specifically, do the threats from armed non-state groups worry you?

[English]

Dr. Paikiasothy Saravanamuttu: As an organization, the Centre for Policy Alternatives has faced a number of challenges in the work that it does, but we feel very strongly that we need to continue to do it, to take a public role in respect of the defence of these rights, and hopefully that provides some insurance against a backlash.

For example, I personally have received death threats. I am constantly subjected to a campaign of vilification in the state media. The government has put up posters around the country condemning me and accusing me of being a secessionist and a Tiger, an LTTE sympathizer, for taking stands that they do not agree with. They named us as well in the charges of impeachment against the chief justice.

The space for civil society is shrinking considerably, and there are only a few organizations that are willing and able at the end of the day to stand up, but we are, in the public discourse, controlled by the powers that be. In terms of government, we are seen and branded as traitors, as agents of foreign powers, as supporters of the LTTE, etc., so there is always the risk, the danger, the possibility of being detained at airports, taken in, “disappeared”, threatened. There is also the everyday reality of being castigated as traitors and agents of a foreign power in the state-controlled media.

• (1355)

[Translation]

Mr. Pierre Jacob: Thank you.

Mr. Chair, do I still have some time left?

The Chair: Yes. You still have a few minutes.

Mr. Pierre Jacob: Mr. Saravanamuttu, I am going to ask you a second question. Your organization recently conducted a survey on democracy in post-war Sri Lanka. Could you talk to us about the results of that survey?

[English]

Dr. Paikiasothy Saravanamuttu: Yes. Thank you.

The results of such a survey do show that the views of people in respect of the institutions and governance are not particularly complimentary, particularly as far as the politicians are concerned. There is also a view that comes out that people feel they're not as well off economically as they were before, insofar as there were specific questions that asked them about the quality of food they buy and consume. They were also asked if they forgo medical treatment in certain cases because they can't afford it. The proportions of those respondents have increased.

What was also interesting is that you asked me earlier about language. For example, over 70% of those people who responded felt that being Sri Lankan meant also knowing the Sinhala language. An equivalent number also felt that the official language of the country was Sinhala. At one level you have some misunderstandings and misconceptions about what the law of the land is. You have concerns with regard the economy and with regard to physical security. You don't have an overwhelming feel good factor that comes out of the survey as far as the population at large is concerned.

I must stress that this was a survey that was done roughly in August and September. It's always likely that opinions could have shifted one way or another.

Ms. Rathika Sitsabaiesan: Thank you, Dr. Saravanamuttu.

I want to ask you about land grabs and changes to the living arrangements. I know there was a redevelopment. What I'm hearing on the ground is that there is redevelopment happening and housing complexes are being built. I'm also hearing there's recolonization of military families in these new houses that are being built and that the IDPs are not being put into these new houses that are built. What I'm hearing is that there is further permanent militarization of communities. Is this true? What is the reality on the ground that you're seeing and hearing being there? Are land grabs also happening?

Dr. Paikiasothy Saravanamuttu: Certainly the land grabs are happening. The most egregious one was the situation in which over 6,300 acres of private land was taken over in April of this year. There's a whole judicial process relating to that. The army is going to be stationed in permanent camps in the north and east. Families are going to be brought in as well. Housing and infrastructure is going to be constructed for them. For housing for the internally displaced persons, as you probably know, the Indian government is giving a grant of some 50,000 houses, of which only 1,000 have been completed and handed over at the present moment. The others are in the process of being constructed.

There were concerns about the beneficiary lists with regard to that housing as well. Certainly, there are still internally displaced persons who are living with host families and who are effectively living in transit camps. The condition with regard to housing is still quite acute.

• (1400)

The Chair: Do you want to say more?

Ms. Rathika Sitsabaiesan: Yes, thank you.

You said there were concerns about the beneficiary list. Is that because we don't know who is on that list, or is it because it may or may not be people who are internally displaced or because it's people who are being moved from other parts of the country?

Dr. Paikiasothy Saravanamuttu: It could be both.

The lists of beneficiaries have to be given by the Government of Sri Lanka. The Government of Sri Lanka in this context involves the military. These were lists that were compiled before there was an elected provincial council. There is certainly a series of allegations about people being brought in from outside of the northern province, of priority being given to relocation and resettlement of Sri Lankan citizens who have Sinhala ethnicity who resided in the northern province but were displaced as a consequence of the war. That allegation has been made.

Likewise, with regard to favouritism in terms of Sinhala fishermen coming up to do seasonal fishing in the northern and the eastern provinces, those allegations continue to be made. There is a whole raft of issues, as a consequence, that come under this fear that demographic change will be effected under the guise of development and national security.

Ms. Rathika Sitsabaiesan: Thank you so much, Dr. Saravanamuttu.

The Chair: Thank you very much, Dr. Saravanamuttu. I'm afraid we've used up all the time we have allotted for our meeting, but I can tell you that all the committee members are very grateful to you for taking this time to expound on these issues so fully.

Dr. Paikiasothy Saravanamuttu: Thank you very much for the opportunity to do so.

The Chair: All right, thank you.

Colleagues, at this point the meeting is adjourned.

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