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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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• (1300)

[*Translation*]

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

We are the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is November 26, 2013, and this is our fifth meeting.

[*English*]

We have with us today, live from the U.K., where it must be getting into the evening, Frances Harrison. She is joining us to provide further information with regard to our study of the ongoing human rights issues in Sri Lanka.

Ms. Harrison, I turn the floor over to you.

Ms. Frances Harrison (As an Individual): Thank you very much, indeed.

I should probably mention that I've written a book of survivor stories about the end of the civil war in 2009, so I'm quite happy to answer questions about that period as well.

At this point I'm going to tell you a bit about the research I did for a recent BBC documentary looking at ongoing rape and torture in Sri Lanka. This is based on the testimony of asylum seekers and refugees in the United Kingdom on the whole, though a few were in other countries in Europe. I can't be specific as to which countries, for the sake of their safety.

Initially, I was actually looking for people who I'd heard had been sexually abused in detention at the end of the war, and I knew of a couple of cases. In fact, what I ended up finding was much more than I expected. I found a large number of cases from this year in the U.K. of men and women who alleged they had been repeatedly raped and tortured in detention by the Sri Lankan military and the CID.

I found 12 cases, eight females and four males, who had already arrived in the U.K. after rape this year, so that's pretty quick. Some of them were people who had student visas, or who got them quite quickly and managed to get out to the U.K. and then claimed asylum. Others left by boat to India, then went on false passports through the Middle East to the U.K.

Of those 12 cases in which the rape occurred in detention this year, they say, nine already had medical/legal reports—so independent expert medical reports—that looked at the psychological and physical damage these people had sustained, and corroborated their

story of torture. Almost all of them had scars that were consistent with torture, including.... I think everybody had cigarette burns. One woman had 30 cigarette burns on her body, to give you an example, including on her genitals. That was very common.

I also found quite a lot of cases from last year, although eventually I was overwhelmed with the number of cases. I didn't need them all for the documentary. But I knew about eight from last year, and there were a lot more out there, and those were different from the 12 from last year that Human Rights Watch had documented. Obviously, I'm concerned that these cases are the tip of the iceberg of what's going on, because those people have to have the money, the luck, and the way to get to the U.K. and so quickly.

The pattern of stories that I heard was quite chilling, because it was more or less the same thing again and again. These tended to be people who had some tenuous link with the LTTE. They were not, in my opinion—and I didn't say they were—hard-core LTTE fighters.

I used to live in Sri Lanka. I was there during the peace process period, so I spent quite a bit of time with the LTTE. I've interviewed a lot of Tigers, and I don't think these were hard-core fighters. These were people who had joined them in Jaffna or in Colombo, who had helped them pass messages, find safe houses, stitch uniforms, those sorts of things. They were not people who really fought with guns, most of them. If they had been in the war, then they said they had been forcibly recruited in the last few months.

The typical pattern was that they were stalked, often in the north of Sri Lanka, blindfolded and handcuffed, and thrown in the back of a white van. They were driven for some hours on a smooth road, then driven on a bumpy road into a more remote area, and taken inside a building. They never ever saw the outside of the building, either when going into it or coming out of it. They were kept in a solitary room. They were blindfolded when taken to the toilet or to the interrogation room, where there would be instruments for torture. The women all talked about hearing other Tamil female voices screaming, and they supposed they were being tortured or raped.

All of them were fingerprinted and photographed. All of them were forced to sign a confession in Sinhala, a language they couldn't understand. And the torture and rape would be before and after the confession. There was no sense of it being geared toward getting a confession alone. They were generally held for... One woman I met was held for four months, but generally for 20 or 30 days. They were held until their family members could find someone, an intermediary, quite often from the Tamil pro-government militia party, EPDP, to negotiate a trade, basically a giant bribe to get the person out of detention. Everybody had paid that bribe to get released.

● (1305)

In one case, a girl said she was held naked actually in the cell for the last three days and raped just before she was released, and the women talked about being raped repeatedly throughout the time they were held there by men in military uniform and in plain clothes. These were quite young women, so they were deeply traumatized by that.

Their release tended to be the same story again and again. They would be blindfolded in the cell. They were not told that they were being released and they would be taken out in this van, driven on a bumpy road, and then a smooth road, and then a bumpy road again, and when they were kicked out of the van at the other end, they assumed that they were going for execution. So they were terrified. And then they would have the blindfold removed and see an uncle or a father or somebody standing there. Some of them saw money changing hands. Others didn't. The trade had been done before. In most of the cases they didn't go home. They didn't go and see their mothers, for example, and they've never told their mothers quite what had happened to them. They were put in hiding somewhere and smuggled out of the country as quickly as possible.

So that was one category that I looked at, that was ongoing rape this year.

I also looked at the issue of torture and sexual abuse in the government rehabilitation program for former combatants. I don't know how much you know about this. We think approximately 12,000 former fighters or suspected fighters were detained or surrendered at the end of the war and put in any one of up to 22 camps at that point, and now there are only four of them left.

I got the case documents of seven men and I met some of them. Four had medical reports establishing torture, and government documentation proving that they had been in this rehabilitation program. Just to give you an idea, one of the men I met was very young. He had been forcibly recruited by the Tigers at the age of 17 and he fought for six months, well, not even fought, he helped them move ammunition and dead bodies, and then was so scared at the

end of the war that he surrendered to the army, thinking he'd be better off to own up to what his role had been. He was actually kept for four years in rehabilitation. Considering he had only been with the Tigers for six months against his will, four years of re-education was quite a lot. He said he had been kept in four places, and in all of the four places...there is some lack of clarity about which are detention centres and when they become rehabilitation centres because it's...the whole program, but certainly some of the places he was kept in, Welikanda, for example, in the east, is definitely a rehabilitation centre. He says in all of those he was tortured, including sexually abused. He was really quite graphic about some unpleasant things that happened to him but I won't trouble you with them at this point. He was very young and basically after he was released, he was continually harassed and forced to inform on others to the police, the local police and army camp, and basically his life was made a misery. His family finally said he should leave Sri Lanka. It was a very similar pattern to the other men I met who had been in that rehabilitation program and who had been in that camp at similar sorts of times.

Interestingly, they also talked about being forced to smoke cigarettes and drink alcohol because that broke the LTTE prohibition on smoking and alcohol and they found that quite distressing.

Seven cases in the bigger picture of 12,000 is obviously a drop in the ocean, but I am aware that there are many more cases that I haven't documented in the U.K. Also, I recently went to Paris and I was told about more cases there.

The other thing that I looked at was a particularly nasty form of torture branding which you might be aware of: a hot metal rod is used to brand diagonally somebody's back. You will see in the U.K. now men, and some women too, who've got anywhere between two and 15 of these branding marks on their backs. It can be anything up to literally 50% of the skin surface of the back. I know, just from two doctors who work on this, who specialize in torture and the charity Freedom from Torture that helps survivors, they together have a hundred cases now from Sri Lanka of Tamil men and women who've been branded like that after the war, and that's in the last two or three years. There are probably lots more cases out there in the U.K. alone that we just haven't counted. Certainly some of the people I met had not gone to lawyers or doctors and so haven't been picked up and haven't gone to charities.

•(1310)

To give you another sense of the scope of this... and also Freedom from Torture have been doing a forensic study looking at the branding to ascertain if there was any way this could be self-inflicted. I think that's going to be published soon in a forensic journal. It will say it's not possible. To sustain that kind of torture you'd have to be anesthetized or tied down to be able to cope. Many of the people discussed passing out because of the pain. That's the branding.

In other cases, the charity I mentioned in the U.K., Freedom from Torture, has documented 120 cases of torture overall since the end of the war. As you are probably aware, Human Rights Watch has documented 62 cases of sexual abuse postwar.

To give you a sense, one of the independent expert medical witnesses, who testifies to the Home Office in the U.K. for asylum cases and who's very well respected, told me she had documented and done these medical reports for 200 Tamils in the last five years and established torture in those cases. The scale of it was quite shocking.

I should also point out briefly that everybody I met talked about continuing harassment of their families after they left Sri Lanka. Their family's been visited and questioned by the security officials. Certainly I'm aware that there has been a crackdown post CHOGM, the Commonwealth Heads of Government Meeting, of those people who helped the media, particularly people connected to the program that I made that was broadcast worldwide and also some of the other British TV programs. I can't go into too much detail because it would obviously identify those people who faced harassment, but I know of five cases where people's families or the interviewers themselves have been questioned or threatened in the last week.

BBC put the evidence that I gathered for this documentary to a senior human rights lawyer in the U.K. She looked at the case studies and the background information and said that in her opinion it appeared to be systematic and widespread, and that it could constitute a crime against humanity. In my opinion, looking at it politically, we're seeing an ongoing mopping-up operation of anyone with even the most tenuous links to the LTTE. That's being enabled by the climate of impunity and the lack of accountability for what happened in 2009.

That's probably enough at the moment. I'll take some questions, if that's okay.

The Chair: That's absolutely okay.

We have enough time to do seven-minute question and answer rounds, as long as I am ruthless in cutting you all off.

Ms. Grewal, please begin.

•(1315)

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

Thank you, Ms. Harrison, for your time and your presentation. All of us highly appreciate that.

During the civil war thousands of Sri Lankans were displaced because of violence. I understand that while many have been able to

return to their homes, thousands and thousands remain internally displaced. From your research and investigation, how susceptible is this group to abuse and human rights violations?

Ms. Frances Harrison: I think the ongoing human rights violations I've documented are against people with a connection to the LTTE. Beyond that the one thing I did come across was a phenomenon that we documented through women's groups that work in Sri Lanka in the north, which is the general physical insecurity of female-headed households, the women who are widows or their husbands have disappeared or are in detention.

We've heard a lot about sexual harassment of those women, plus also what you might call survival sex. They pick one army officer to have a relationship with because it's better than being raped by all those men.

There's a serious problem with unwanted pregnancies now. This particular woman we spoke to, who had to hide her identity, said she was involved in trying to find them underground abortions because abortion is not legal in Sri Lanka unless the woman's life is in jeopardy. There clearly is a really serious problem in the former conflict areas where there are a lot of women compared to men and there's a very heavy military presence and there's a great deal of physical insecurity. What you hear, from people who visit that area, is that the houses in remote areas and paddy fields are shacks. They don't have proper doors that lock. So these women are very vulnerable, especially at night.

We also hear quite a bit about former LTTE fighters or cadres who are forced to sign in with the military authorities on a weekly basis and there are stories of sexual and physical harassment during those forced signings in.

Mrs. Nina Grewal: From your experience and your recent investigations, do you find Sri Lankans to be quite open about sharing and reporting their abuse, or is there a culture of fear?

Ms. Frances Harrison: There is a huge culture of fear. No, they are not open.

Everybody I spoke to was frightened for their extended families back in Sri Lanka. That goes for the people I talked to a few years ago, for the research for my book on the end of war. Most of them, even though they had asylum in the U.K. or in Europe, would not give their real names, and were terrified that their fathers or brothers could be identified. The same thing goes, yes, for the ongoing rape and torture.

It's pretty easy for the authorities to identify someone if they show their face. They seem to have extremely good intelligence. It's a small area, and you hear about each village having informers. There's a lot of pressure. I think there's an enormous amount of fear.

There's fear post-CHOGM, too, I think, amongst the journalistic community. There's quite a lot of anxiety about what will happen.

Mrs. Nina Grewal: After the civil war ended in 2009, the Sri Lankan government conducted an inquiry. The Lessons Learnt and Reconciliation Commission produced a report.

In your opinion, what are the positive and negative aspects of this report, and to what extent has the Sri Lankan government implemented the recommendations?

Ms. Frances Harrison: I think the most obvious problems with the LLRC were the composition of the body itself and its mandate, which was limited.

I think the surprising thing was that actually it provided an opportunity for many witnesses to come forward and demand information about where their disappeared family members were, for example. Some of the truth seeped out through the testimony. I think many of the recommendations in terms of human rights improvements were sensible, and there were positive recommendations that, if implemented, would have made a much better Sri Lanka.

Where it failed, of course, was holding anyone accountable for war crimes. It exonerated the army, as did a later military inquiry. We're told, according to the military press release, it exonerated the army, but we don't actually know if anyone's actually read that report. It has remained secret. Nobody has a copy, as far as I'm aware.

The glass is half full and half empty. If you take it as half full, the LLRC, if it had been implemented, would have prevented many of the things that are going on now. Clearly it hasn't been properly implemented, and the degree to which it's been implemented is constantly argued over. If you can see these sorts of appalling ongoing crimes continuing, and we're now getting enough evidence coming out of the country of that, then clearly it hasn't been implemented.

• (1320)

Mrs. Nina Grewal: I understand you lived and worked in Sri Lanka from almost 2000 to 2004. In your assessment, has freedom in the media changed since that time?

Ms. Frances Harrison: Yes. I think it's gotten a lot worse—for my journalist colleagues, a lot worse.

Mrs. Nina Grewal: No, I'm talking about the media. How has the state of media freedom changed since that time? Or has it changed?

Ms. Frances Harrison: Yes. It's clearly a different country. When I lived there, there was a year of war and then there was the peace process, which really opened things up. There was a lot of freedom, freedom of movement, and I don't think so much fear.

Many of the people I used to sit with in press conferences and see on trips are now asylum seekers and refugees, working in factories and sweeping floors, not able to do their jobs as journalists. They are in Europe or in the U.K. They have lost everything, basically. This includes people who worked for the BBC or for Reuters or for major international organizations. They are literally reduced now.

We know that about 50 journalists fled from basically 2008-09. You have to remember what a tiny country Sri Lanka is and how Colombo-centric the journalism is. When you remove 50 of the best, and the most liberal, and the most open-minded journalists, then it's a huge dent in civil society.

You now have a situation where a lot of information doesn't really filter into Sri Lanka in Sinhala, because there aren't that many journalists who speak Sinhala and English well, and certainly Tamil on top of that. You'll find that most of them have probably left.

The Chair: Thank you.

Mr. Marston, please.

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

Welcome to our committee. I'm very pleased to have this opportunity.

A year or so ago—maybe a little more than that now, because time gets compressed when you're in this job—we saw Channel 4's video. In the video a couple of things stood out to me. One of them was the herding of the civilian population into areas that were subsequently bombed by the government. The Red Cross would go into hospitals, give the GPS location of the hospital to the government so that they wouldn't bomb them, and very shortly thereafter they were bombed.

Has anyone been held to account for those particular crimes? Those are very horrific crimes.

I know the answer, but I'd like to hear it from you.

Ms. Frances Harrison: Yes, to give you an anecdote in a way, when I was researching the book I wrote of survivors' stories on the end of the civil war, I knew that hospitals at that point had been hit, but I had rather assumed, naively, that they were hit accidentally, through carelessness. When I met one of the doctors who had escaped out of the country, he told me that he'd given the GPS locations to the ICRC, which passed it on to the military. These were protected humanitarian sites that had been hit within days or hours of handing over those locations. He said, I think, it was nine that he'd handed over the locations for, and an additional five, he never gave the locations for and they were not hit.

He concluded that they were being deliberately targeted. That is something I personally found very difficult to accept at first until I found so much evidence for it from people who were in the hospitals, people who were volunteers, patients. A huge number of people said, "If you're injured, don't go to the hospital unless it's desperate. First of all, they don't have medicine and they can't help you, and secondly, you're much more likely to be hit if you're in a hospital."

That was the common wisdom at the time, so nobody has been held accountable for repeated, deliberate targeting of hospitals, and not just hospitals, but food queues, humanitarian sites of refugee areas, food distribution points. Some of the worst stories you hear from people who have survived that period are about the shelling of milk queues, queues where pregnant mothers or mothers of very young babies stood waiting for rations of milk powder because there was no milk in that area. Milk powder was more precious than gold, and they had to have milk powder. Many of the women stopped being able to breastfeed because they were so starved. The injuries that the doctor talked about from those shellings of milk queues were horrific because there were a lot of dead, pregnant women, and small babies were being hurt.

• (1325)

Mr. Wayne Marston: I'm very curious about the book, *Still Counting the Dead: Survivors of Sri Lanka's Hidden War*. How has it been received by the different communities there and in the diasporas?

Ms. Frances Harrison: Good question. Initially, it was attacked more by the Tamil diaspora, especially in London and Norway because they didn't like the implicit questions about the LTTE. So they didn't like discussion of forced recruitment or child recruitment, which was rampant by the end. And they didn't like the portion in the book where I discuss why the LTTE wouldn't accept a Norwegian-sponsored surrender offer.

Actually, most Tamils won't even discuss that now. Many of them reject it and say it's ridiculous to even have considered surrender. I felt that it was a credible surrender offer, and nobody knew about it at the time, and they turned it down because they preferred martyrdom, really. They knew that this would have a scar on the psyche of Tamils that would make them want to continue to struggle long term. So that wasn't popular.

And then on the government side, obviously, they don't particularly like the fact that I've written a book, but it's quite difficult to argue with individual testimonies and individual stories. So what they tend to do is try to smear me and say I'm a white tiger and that kind of thing, as they do with almost any expatriate who has had anything to do with Sri Lanka and been critical of them. Also they try to say that I've said what the death toll is, which obviously I haven't because I don't know, but I've cited everybody's analysis numbers.

But what was interesting was the book has been translated into Tamil and Sinhala. And in Sinhala, with the help of Sinhala journalists and exiles, we pushed it out and serialized it for free on Sri Lankan websites in some of the country. In other words, they couldn't be blocked. They were extremely nervous about pushing out the first one. They ran a banner headline for a while to see what would happen, and then they ran the first excerpt. It was interesting. They said that they got calls from ordinary Sinhalese saying that they were horrified and they didn't realize what had happened and they didn't know that this had happened. That's extraordinary when you think that it's only 300 kilometres from the capital to the so-called killing fields. So I think there's a huge gap in knowledge still, a half-year later.

Mr. Wayne Marston: When I first came on this committee and I was speaking to people about Sri Lanka—and my information and

my awareness were not particularly good—it was described to me as a war where both sides were wrong. Then they went on to talk about the various things that took place in war, and nobody wants to talk about what happens 300 miles away when it comes to war. I think that would be similar in most countries, if we're truthful.

But what can this committee do, this Parliament do, to bring about accountability and some reconciliation there? Do you see any role for us?

Ms. Frances Harrison: I wasn't expecting this question. I think there's a lot that needs investigating and documenting. It's okay for journalists like Channel 4 or me to make films, but you really need lawyers to go in and take witness statements and categorize and look at the patterns of these historical crimes and the ongoing ones in particular. Obviously, with priority on the ongoing ones because one hopes they could be stopped.

I think it has to be that the Sri Lankan government responds more to pressure. It needs obviously a lot more pressure to stop what's going on, a lot more publicity about what's actually happening. The extent of some of the things that are going on is so horrific, and that happened in the war, like the deliberate targeting of hospitals, that it's actually very difficult for people to stretch their imaginations to conceive these things. Because it wasn't reported at the time, because we didn't have the BBC and CNN and what have you there, it sort of disappeared from public consciousness.

I personally think that what happened during the CHOGM meeting, with David Cameron going to Jaffna and sort of stealing the show and talking about the disappeared and the Channel 4 film and so on, certainly in the U.K. it pushed Sri Lanka much more into the mainstream consciousness. People who probably thought I was a little eccentric to be interested in Sri Lanka will come up to me and say, "Oh, great, now I can get why you were so worked up about this". That's a huge step forward, in a way. More moved in the last week or two than in the last four and a half years in terms of ordinary people being aware. That's something, but that was almost by accident.

• (1330)

The Chair: Thank you very much.

We'll go now to Mr. Schellenberger.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Thank you.

Thank you to the witness here today.

You have been critical of the UN's response during the final stages of the civil war in Sri Lanka, and you have reported that the UN knew of atrocities committed by the Sri Lankan government but deliberately told diplomats that the government wasn't responsible. What exactly happened that led to false reporting on the situation by the UN and what was the UN's agenda in Sri Lanka at the time? If the UN did ignore the atrocities, did this go to the top of the organization?

Ms. Frances Harrison: To answer many of these questions, you should probably study the UN internal inquiry. It's notable that it was leaked—and not published in full—last November. It's the Charles Petrie report. It talked about a grave failure of the UN in Sri Lanka, putting it in the context of Rwanda and saying all lessons that should be learned for other conflicts in the future. It talked about how senior UN staff didn't prioritize the saving of human lives. There was this constant debate about access and development as opposed to human rights.

The fact that the UN had two expatriate staff, independent eyewitnesses, because the government has basically smeared all Tamil eyewitnesses as partisan. It had two expatriate staff in late January in the war zone witnessing, documenting, photographing, and GPSing massive shelling of a humanitarian zone, an area where the UN was handing out food. They didn't put those people in front of diplomats, let alone on TV. They held back that information, and that was really first-hand, independent evidence of war crimes in January 2009, and to my mind that is problematic.

It may not have changed the outcome of the war. It may not have changed the behaviour of the Sri Lankan government, but I think we all had a right to know that when the UN had that information. There were very good people who worked in Sri Lanka, many of them were very dedicated and very traumatized, the UN expatriate staff, by what they were part of, and some of them set up a long-distance casualty counting system. Basically, they would telephone people in the war zone, and there were 240 NGO Tamil workers and the ICRC staff, the priests, the doctors. So there were quite a lot of reliable people inside the war zone, some of whom had satellite phones, and they would triangulate every death or injury report. There had to be three witnesses to every death, preferably one of them a UN staff member. They counted 7,700 deaths until about mid-April, when it became absolutely impossible for anyone to count. But they had a huge number that weren't corroborated and triangulated, so they knew of unconfirmed reports of dead and injured, at least 50,000 according to this UN report.

If you look at the UN report and you chart what the UN officials said in public compared to what we now know from this internal inquiry, what they knew in terms of death toll, you see that they always downplayed it. You chart the two lines and one is always lower than the other. I think that's really questionable if they had that information and they knew that it was triangulated and it was rigorous and not a very vague estimate as some people tried to say. Then they should have stuck by the figures and made them more publicly aware. In fact they were leaked to diplomats, because some people in the UN were unhappy about them being withheld.

Mr. Gary Schellenberger: In your estimation, what is the most accurate assessment of the death toll as a result of the civil war in Sri Lanka? I know I heard you earlier say there's varying numbers, but what's your best estimate?

Ms. Frances Harrison: I'm wary of putting a number on it because I've been so criticized for this. You're aware that the numbers vary between, on the government side, zero—and that's been up to about 7,000 now—and on the most extreme side, 147,000. This is this figure that a Sri Lankan bishop mentioned of people missing in the war zone. You know that 40,000 is the UN panel number, and the report talked about possibly 70,000.

The only thing I can add to that is that the information I got that's worrying was leaked by an expatriate. It's World Bank population data from the mid 2010 for the northern areas. It's very detailed spreadsheets that look at every single village giving estimated returns and actual returns. From that, if you look at the population data—and this is Sri Lankan government data—and you compare it with... It's data that was used for giving grants, so there is every reason to inflate it. But if you compare it with the previous numbers, before the end of the war, where people would also say the LTTE would want to inflate those numbers for rationed food...but if you compare the two, there's well over 100,000 people missing in that data. Most of them were from the Mullaitivu area, one of the areas devastated by the war, so the pattern of missing makes sense.

I'm not saying those people are all dead, but I have not seen any explanation for where they are. Some of them may have moved within the country. Some of them may have escaped to India, but I don't think you can account for tens of thousands of people.

I can't really be more precise than that.

● (1335)

Mr. Gary Schellenberger: Thank you.

Prime Minister Harper did not attend the 2013 commonwealth heads of government meeting held in Sri Lanka because of the country's poor human rights record. Some close Canadian allies, including Great Britain, Australia, and New Zealand, chose to attend. In your view, what was the effect of the decision by Prime Minister Harper, the Prime Minister of India and the Premier of Mauritius, not to attend the Commonwealth Heads of Government Meeting, and what is your assessment of the impact of British Prime Minister David Cameron's efforts to call attention to continuing impunity in Sri Lanka at the Commonwealth Heads of Government Meeting?

Ms. Frances Harrison: I think the announcement by Canada that it wouldn't go was very positive in focusing attention on the obvious problems of a country like Sri Lanka chairing the Commonwealth and hosting this meeting. Certainly, in Sri Lanka it was seen as their opportunity to be on the world stage, to be accepted back. There was an awful lot of pomp and excitement about it. For anyone who follows Sri Lankan human rights records, or those who feel that this would be an opportunity to whitewash its war crimes record, I think the announcement.... Obviously, the Indian Prime Minister and the Prime Minister of Mauritius didn't go, but that was really at the last minute. I think the fact that Canada made this position very clear in advance focused a lot of attention.

When you look at the British media, for example, which did a lot of stories in the run-up to CHOGM—and I'm talking about domestic TV stations, not channel 4 of the BBC, but ITV—all the major newspapers, whether they're on the left or the right, did stories about human rights in Sri Lanka in the run-up to CHOGM. I think the fact that Canada had taken this very public position focused the news agenda in a way on human rights.

I was really surprised that the Mauritian Prime Minister didn't go. That seemed to follow on from the Indian decision. Those were quite surprising to many people, and then of course the decision by Mauritius not to host the next CHOGM—not to be the next chair—was I think absolutely shocking to Sri Lankans. Looking at social media at the time when it came out, I think even the more liberal Sri Lankans found that an absolute slap in the face. They were horrified. They couldn't believe it.

David Cameron's performance in Jaffna was a surprise, I think, to many of us when he talked about engagement being the way forward. I think we were quite skeptical when he did, in a way, steal the show. Perhaps, again, it was because of the problems that the British media had before they arrived and the fact that the families of the disappeared were so brave, yet again, to go out in Jaffna and show themselves, as they had done when Navi Pillay went there. That seemed to strengthen his resolve to be more outspoken, and that was surprising. So I think it can work quite well, the two countries' different positions. I think we got the best from both.

The Chair: Thank you.

Professor Cotler, please.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you for being with us, Ms. Harrison.

I was truly touched by an article you wrote in *The Globe and Mail* a year ago in speaking about the UN's grave failure in Sri Lanka and demanding an answer. You were writing then about how this was "Ban Ki-moon's Rwanda moment" in terms of what occurred there; as you said, it was "a little-reported war three years ago on a tiny Indian Ocean island where tens of thousands of civilians were slaughtered, waiting for the United Nations to come and rescue them".

My question to you is, what is there from your writing... I know that elsewhere you speak about this whole investigation on your part and how difficult and painful it is. What is it that you might have learned in your investigation also about what the UN needs to do in terms of the training of its officials, sensitizing them about the

responsibility to protect, which they did not appear to appreciate that this was something they were obliged to do?

● (1340)

Ms. Frances Harrison: I think what's important about the UN internal inquiry report is the preamble, which puts the conflict in the context of 9/11 and the global war on terror. I think that whole labelling of the LTTE as terrorists, and you can argue about that... But I think the fact that the war was positioned as a war on terror—and the Sri Lankan government still does that, they talk about the "terrorists" still—made it very complicated and very difficult for the UN in engaging with them.

Perhaps the UN got a lot of the blame; obviously, many of the member states supported the elimination of the LTTE, too, it looks like. The problem is that, somehow, nobody had a plan for after the war. I don't think anybody reckoned on the extent of civilian casualties being quite as grave as it was.

At the end of the war, there was a lot of talk about devolution-of-power packages, but it has become apparent that the Sri Lankan government has absolutely no interest in that. The failure to hold them accountable for these appalling crimes has led to ongoing crimes, and perhaps ongoing crimes against humanity in terms of the scale of rape.

I don't know if that answers your question. I mean, what more could the UN do? I think it needs to take more notice of its staff on the ground. It was problematic that it withdrew from rebel areas when the ICRC didn't. It could have stayed on in more of a witness capacity.

From what many UN people say, the decisions were made in New York, not in Sri Lanka, and clearly the Sri Lankan government bullied and intimidated the local agency heads. They selected people they thought had less human rights knowledge and experience and less conflict experience, so they could bully them. They bugged all their computers and telephones. I think they harassed them to the nth degree, so that it became very difficult for them to operate. But it needed very strong leadership in Colombo to champion those organizations, and that wasn't apparent.

Hon. Irwin Cotler: This leads me to a next and somewhat related question, but this goes beyond it now. You've made reference through the discussion here to the culture of fear in Sri Lanka. To me, this is not unrelated and is bound up with the culture of impunity, which is ongoing. It's a culture of impunity that relates to the commission of crimes against humanity.

My question is, what can the international community do to combat this culture of impunity? The International Criminal Court does not have jurisdiction. Sri Lanka will not agree to it having jurisdiction. The UN Security Council is not likely to refer these crimes to the International Criminal Court. What are some of the initiatives or mechanisms that can be undertaken by the international community to combat this culture of impunity?

Ms. Frances Harrison: I'm no lawyer, but I'm advised that, for example, the UN Panel of Experts report by Yasmin Sooka and the other two lawyers has never been actually formally tabled at the UN Human Rights Commission. Certainly Ms. Sooka has said that any country could do that and then it will become a formal UN document, in the way that it doesn't have that status at the moment. So that would be something to look into. She certainly thinks that's possible.

There's a lot of frustration amongst diaspora Tamils at least about the reliance on the Geneva process, on the Human Rights Council there. After the immediate aftermath of the war, it congratulated Sri Lanka on its glorious victory against the terrorists. It has been a very slow and painful process moving forward. Even if one day it were to call for a commission of inquiry there still wouldn't be any punitive powers. I think probably the sensible route for victims who want redress is to go the route of individual prosecutions, using universal jurisdiction for torture.

Different countries in Europe have different rules about whether you need the victim or perpetrator to be a national in order to bring a case. I know that in some countries...in one country at least in Europe, the prosecutor's office has opened a case. There are British lawyers who have told me they are potentially willing to take on a case if I can find a victim who could identify a perpetrator. That's quite difficult because in the recent cases everyone's blindfolded. But it is possible theoretically to do that.

There might be a case of documenting a lot of these...taking testimonies and witness statements from people and figuring out, for example, patterns of abuse. If we know that there's a lot of rape and torture in a particular police station then you could potentially bring cases against the person who was in charge. We already know anecdotally there are several of them. But you'd really have to go with the pattern and the time period and a lot of allegations of rape and torture. At the moment there's no system to document it.

• (1345)

Hon. Irwin Cotler: One of the reasons I'm struck about the fallout from the culture of impunity is not only with regard to Sri Lanka, it's that when bad behaviour goes unpunished and it's not held accountable. You have in the situation, for example, in Syria where you have the bombing of bakeries and the bombing of hospitals, almost as if a page was taken out of the Sri Lankan war notebook, because if it was done in Sri Lanka with impunity it can be done by Syria with impunity. And it is being done by Syria with impunity, which is what disturbs me so much when you get this culture of impunity accompanied, understandably, by a culture of fear.

I was wondering if you might want to add anything to that?

Ms. Frances Harrison: If you look at the UN Panel of Experts on Sri Lanka they talk about the conduct of the war in Sri Lanka

basically being a grave challenge to the entire regime of international humanitarian law. It's not just one or two war crimes. It's basically threatening the entire system.

You compared Sri Lanka and Syria. There are many other countries that are eyeing Sri Lanka's model and thinking, okay, maybe we could use what's called the Sri Lankan option, which is the scorched earth tactics, not distinguishing between civilians and combatants.

I've heard, for example, anecdotally, of the Colombian government talking and threatening that in talks with FARC, or certainly you hear people in Pakistan who talk about it in the context of the Baloch or you've heard about it in Burma and in other countries looking at it and saying, "Okay, maybe we can learn from Sri Lanka's defeat of terrorism militarily".

Certainly every year they have this military conference where they invite other countries' militaries to come to Sri Lanka and they talk about their example, their learning from the destruction of the LTTE. That's rather worrying if you are concerned about human rights as well as defeating terrorism.

Hon. Irwin Cotler: Ms. Harrison, I appreciate your responses to the questions.

The Chair: Thank you very much.

We go now to Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Chair, before you start my time, I was wondering is the clerk in possession of the internal inquiry report from the UN that was leaked out? I don't recall us ever having any kind of documentation in that regard. Was it leaked out in its entirety?

The Chair: The clerk wouldn't be in possession of it. Perhaps our analysts would be able to assist us with that.

Mr. Miguel Bernal-Castillero (Committee Researcher): We would be able to circulate it to the committee. We should be able to find it.

Mr. David Sweet: It was leaked out in its entirety?

Mr. Miguel Bernal-Castillero: I wouldn't know. I can find out.

The Chair: I think our witness has something to say on that subject.

Mr. David Sweet: I'll have that as my first question then, Mr. Chair.

Please go ahead, Ms. Harrison.

Ms. Frances Harrison: I have a copy of the full document and I would definitely say that you should read it, the annexes as well. Quite a lot of the very important information is buried in the annexes. People don't often read those, but there is a redacted copy on the UN website. I think then some NGOs actually found that when the UN redacted the text, if you copied and pasted it, you could actually read the redacted portions and what was redacted were all the bits that were fed to senior UN officials in New York.

I can easily give you my draft or you can go and read the redacted version, whichever you wish.

Mr. David Sweet: I'm certain the researchers would be happy if you saved them the trouble and submitted that. That would be great. Thank you very much.

I didn't get a chance, because of the way my first questions started. I want to thank you very much for all the great work that you've done in Sri Lanka. I don't doubt that it's been more than emotionally painful to do it.

I have before me some notes. I think they were entered as testimony. I'm not certain at this time, because it was some time ago, so I'll just say that they're notes from the Sri Lankan High Commission.

The concluding remarks in these notes are:

The need of the hour is to focus on reconciliation issues. The people in Sri Lanka and especially the Tamils in the North and East want to live in peace. Sri Lanka needs the time and space to address these huge challenges.

From your testimony today, I think there is little to no sincerity in the regime that's presently in Sri Lanka, in regard to that statement of needing reconciliation.

Is that an overstatement?

Ms. Frances Harrison: No. I think for many Tamils "reconciliation" has actually become a dirty word, a tainted word. When you look at the rehabilitation program—even seven cases of torture are far too many, and there well may be more out there—it goes to the heart of the issue of good faith on the part of the Sri Lankan government's commitment to rehabilitation and reconciliation. They say they need more time and space, but we're nearly five years after the conflict and we have a government in Colombo that's strong and powerful and able to make political concessions.

There's no government that's ever been in such a strong position politically to make those concessions, and yet they've done nothing. In fact, they've picked fights with Muslims, other minorities, Christians. Although there's been considerable Indian pressure to have some sort of very modest devolution-of-power deal, they've resisted that and centralized power, if anything.

• (1350)

Mr. David Sweet: There are other aspects of this note from March 2012, namely, that the "Government has spent over US\$360 million on its resettlement programme", and that there "were more than 11,951 former LTTE combatants and 595 child soldiers who had surrendered or were detained at the end of the conflict".

I asked the two previous witnesses about this. Fortunately, you seem to have some knowledge of it. I'm concerned that this rehabilitation program might be a euphemism for how they're actually treating these LTTE combatants.

Ms. Frances Harrison: The evidence I found raised very serious concerns. A lot more work needs to be done to show how extensive these cases are. Seven cases in the UK amongst 12,000 is just a drop in the ocean. But the people I met had very compelling stories, with evidence to back it up, and those stories were pretty similar. I think it's of great concern if the rehabilitation program was really a place where there was torture.

The ICRC had initial access, and then no access. The International Organization for Migration had some access in the latter phases. Some of the people I met had IOM cards. IOM's program is funded by Norway, Britain, and U.S. aid, and I think Japanese aid.

But none of the people who said they'd been tortured said they could actually say so to either ICRC or IOM. They said IOM did screening, and it was with an eye to resettling people, or sending them home from those camps. They drove them away from the rehabilitation centres. But the people I've met had been through so much harassment after they'd been released, and they didn't seem think that IOM was a place they could go for help.

Mr. David Sweet: You mentioned that there were a number of cases—22, was it?—where you documented individuals who were subjected to rape, torture, and cigarette burns.

Ms. Frances Harrison: There were 12 cases that occurred in 2013. Being a journalist, I'm looking for the most contemporary thing. I'm looking at the ongoing situation. In the U.K. alone, I found 12 men and women, many of whom had evidence proving that they had been raped this year in Sri Lanka. Then there were eight from last year. Human Rights Watch had 12 different cases from last year. I think there's a lot more from last year, because there's a time lag in people coming out of the country.

But I was surprised that I could find quite so many people already in the U.K. alleging rape in, basically, secret military camps and similar places. It was systematic. It was a standard operating procedure of abduction and release, and it affected how they were treated in detention. So in no way could this have been rogue officers just doing their own thing. There was no sense in which they abducted these women and took them off into the jungle or anything. It was a very similar pattern again and again, and quite chilling as a result.

Mr. David Sweet: We have heard numbers of 40,000 to 90,000 war widows. Have you heard any kind of intelligence from on the ground about their disposition, what they're going through right now, or if there is any effort on the part of the Sri Lankan government to house them and resettle them?

Ms. Frances Harrison: People were resettled from the Menik Farm refugee camp, but certainly one hears of a lot of poverty and lack of income amongst these women, and the physical insecurity as well, especially amongst those who are in some way connected to the LTTE. The community shuns them now, too, for fear that they bring the scrutiny of the security forces.

Also, for the women who are released from some kind of detention or rehabilitation, who had some association or presumed association with the LTTE, the communities don't want to have them. They treat them like tainted goods. They presuppose that they have been sexually abused even if that's not the case, and they assume they will bring the scrutiny of the security forces, so that makes their lives doubly unpleasant.

• (1355)

The Chair: Actually, you've used up your time.

Mr. David Sweet: Thank you, Chair.

Thank you very much.

[Translation]

The Chair: Mr. Jacob, go ahead.

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

Ms. Harrison, thank you for joining us to speak to the human rights situation in Sri Lanka.

Here is my first question. According to your research, how is the Sri Lankan government treating public servants who have accused security forces of committing war crimes, crimes against humanity or serious violations against international human rights?

[English]

Ms. Frances Harrison: By government workers, are we referring to any particular employees?

[Translation]

Mr. Pierre Jacob: No, I am talking about government workers in general.

[English]

Ms. Frances Harrison: Well, to take one example, there were five civil servants—government doctors, Tamils—who stayed on during the war in the war zone, and were extraordinarily brave. They probably saved tens of thousands of lives with no thought to their own.

Of those, four were detained at the end of the war and forced to basically renege on everything they'd said during the course of the war. They were put under extraordinary pressure and forced to recant. They had previously talked about war crimes but were then forced to take that back.

I don't think that it's now particularly a category of government employees as opposed to just any civilian or citizen who can't really raise these issues. Certainly it's something that I think is very difficult for people to confront openly in Sri Lanka.

[Translation]

Mr. Pierre Jacob: Thank you.

I have a second question.

In December 2012, you wrote an article in *Huffington Post UK* about the opening of a new hotel operated by the Sri Lankan army and located, according to the official advertisement, in a place where thousands of war heroes, terrorists and others died.

Could you tell us about that project? Do you think the advertisement and the hotel are a unique case? Do they represent a trend in the government's measures to revive the development of northern and eastern regions?

[English]

Ms. Frances Harrison: Yes, this was a hotel called Lagoons Edge. It was built as a resort hotel, a place for parties—it had a dance floor. It was right in the heart of the war zone overlooking the massive lagoon where hundreds if not thousands of people probably died. When I talk about people, both sides, soldiers as well as LTTE and civilians, would have died there. It's a place where Navi Pillay, the UN High Commissioner for Human Rights, wanted to sprinkle flower petals in commemoration of the dead. It's one of those quite

eerie places where a lot of blood has been shed. To have a sort of party hotel there, owned, run, and promoted by the Sri Lankan military, was pretty crass.

On top of that, the military has been grabbing land from civilians for, it says, future hotel developments in that area. You have to remember the coast along that eastern stretch is stunning. It's very beautiful.

As well, the military has created a sort of terrorism-tourist trail, where you can go as a Sinhalese tourist—primarily it's the Sinhalese who go from the south—and you can see the LTTE leader Prabhakaran's bunker and his various weapons, and you can see how the LTTE leader operated his prisons, and this kind of thing. In a way, it's run by the army, or certainly the facilities around it. There are souvenir shops and cafes. It's obviously a very one-sided view, but beyond that it's also, I think, about keeping the bogeyman of the LTTE alive. I think the government needs to keep the fear psychosis going among the majority of the Sinhala community, and that's what this is about.

There's a real problem about the military in the north more broadly taking over many of the economic roles that normally would be left for local people to do, and pushing them out of these areas. We hear about a lot of cultivation of agriculture in military camps, for example, which then puts local farmers out of business.

• (1400)

[Translation]

Mr. Pierre Jacob: Thank you, Ms. Harrison.

Here is my last question. How do you think the international community could best exert pressure to ensure the establishment of responsibility and reconciliation in Sri Lanka?

[English]

Ms. Frances Harrison: Broadly speaking, support an independent international commission of inquiry. It's very clear that kind of accountability process will not come from inside Sri Lanka.

What is worrying is the South African proposal for a truth and reconciliation commission in Sri Lanka. However that would look, I don't think the Sri Lankans would embrace that in the spirit of truth and reconciliation, basically, and it would buy them time. What we've seen is an approach that stalls for time, delays, obfuscates, and confuses the issue, in the hope that the international community will get bored, distracted, and deal with the next war, and eventually saying, "Okay, these problems are historical and why don't you just move on?"

I think that would have happened by now if the scale of what occurred in Sri Lanka in 2009 had not been so enormous and if the crimes had stopped. But they haven't.

[Translation]

Mr. Pierre Jacob: Ms. Harrison, thank you for your testimony.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Jacob.

[English]

Mr. Sweet, you were in the midst of asking a question that I thought was on a very promising avenue when you ran out of time. With the permission of the committee, I'd like to go back to you for a minute.

Mr. David Sweet: I'm sorry, Chair. This may disappoint you, but the question I had on my lips has now left the forefront of my consciousness. I did have another question, if you don't mind my asking that.

The Chair: Yes, please.

Mr. David Sweet: As Ms. Harrison said, we're both citizens of Commonwealth countries. I think it's safe to say that Sri Lanka's behaviour impacts the reputation of the Commonwealth, to a great degree.

Do you feel that decisive action by the Commonwealth is necessary in regard to Sri Lanka, in order to maintain a level of, for lack of a better word, respect for the institution itself?

Ms. Frances Harrison: Yes, it's absolutely damaging to the reputation of the Commonwealth if it's to stand for anything other than a club based on its historical links and its trade ties. I think that it's going to be extremely difficult for the Commonwealth now, or for CMAG, the Commonwealth Ministerial Action Group, to take action against any other country over its human rights record unless it's very clearly a violation of elections and a military coup. Other countries will simply say, "Look at Sri Lanka, your chair has done all these things. Why are you picking on us? We're not as bad as them." That will make it very difficult for Sri Lanka to be part of CMAG and be, in a sense, policing other countries' records.

The fact that Sri Lanka is going to chair the Commonwealth for the next two years and potentially might even get into a position where it chairs and hosts human rights meetings on Sri Lankan soil is a bit of a travesty, isn't it?

Mr. David Sweet: I would agree.

The Chair: Thank you.

I have a further question. I wanted to follow up on Mr. Sweet's earlier line of questioning and on the very first thing that was in your testimony. This relates to the women who had the experience of being confined, subject to sexual abuse, and then were dropped off in front of a relative after they thought they were being taken out for execution. In trying to posit a model that would explain this, nothing, not even horrible human rights abuses, happens without a reason.

It occurred to me that, if the goal was just to sexually abuse the women, it would be more convenient to dispose of them by killing them or just keep them perpetually imprisoned than to release them to relatives. There must be a value to those who are doing this in having the knowledge relatively widespread that if their wives or daughters have been imprisoned and the individuals are, then, approached to be informed as to where their loved one is, they would be aware of the kind of abuse that they've been subject to. That would create the same kind of incentive as a relative of a kidnapping victim's having an ear arrive in the mail would feel.

● (1405)

Ms. Frances Harrison: I think there are a number of reasons why they're doing this. Obviously, at a very simple level is a degree of sexual gratification for the torturers, or psychological gratification.

Sometimes it appears to be about getting information, and they're showing photographs of other people they might be able to identify, including in the diaspora. Generally, what you hear from people who've been in detention is that the authorities already have all the information and the intelligence, and that their intelligence is now excellent, which it certainly used not to be. It's less and less about information, but I think there's an attempt to get some.

I think there are two other aspects. I think it's about money. It's a torture industry because we're talking about thousands and thousands of pounds changing hands in order to release somebody. That's the value for them to keep the person alive. What happens when they're released is often the captors say that they haven't formally been released on the books, they escaped. So, if they get picked up again, they're in trouble. Obviously, part of the branding and cigarette burns is about literally leaving marks so that the next time you're strip-searched somewhere, the authorities will know that you've already been in detention once.

Also, for the women, it's about making sure their families know they've been sexually abused because the cigarette burns are in places where—you know, their breasts, their backs, their thighs—there's no way that could happen unless they were stripped naked, and often on their genitals as well. It's about humiliating them and letting families know what's happened to them.

When they say, "Okay, you will be picked up again" sometimes they're also saying, "You'd better leave the country". At a certain level, it's about driving them out. It's about revenge, it's about teaching them a lesson, it's about getting money out of them, it's about gathering information—if there is any—and it's a whole range of different things.

I have to say, actually, the money aspect is also interesting. I was given a so-called torture video by some diaspora Tamils who had paid for it from some policemen in Sri Lanka. It seemed to show people in police cells being beaten, tied up, and tortured—not to the full extent, but there was a woman with a plastic bag over her head with a man sitting on top of her, and it sort of suggested rape, although you didn't see that, thankfully, in the video.

I think that, basically, what was happening—with all the circumstantial evidence about it—was that the security forces in Sri Lanka were creating a torture video in order to make money. They knew there was money in war crimes videos so they thought they'd make a torture video and get lots of money from diaspora Tamils. The torture was real for the victims, but the reason for doing it was to make money, which is quite disturbing because that money now comes from Tamils abroad who are paying for fellow Tamils in Sri Lanka to be tortured.

The Chair: That is a theme that has occurred over and over again in different hearings we've conducted on a number of subjects from countries around the world: the worst and most alarming human rights situations occur when abuses of human rights become self-financing. As long as they're a budgetary issue, they suffer from the same problems that anything that costs money to the treasury suffers from, but once they can start financing themselves....

The worst example of this ever in the history of the world is the SS, which essentially turned the Holocaust into a self-financing

institution. One should always be careful about making such comparisons. I'm not doing that here, but that is a concern.

Thank you very much for what has been extraordinary testimony. I'm very grateful to you, as is every member of this committee.

Ms. Frances Harrison: You're most welcome. Thank you for listening.

The Chair: Colleagues, the meeting is adjourned.

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