

Fact Check: Ontario Bill 104, (Alleged) Tamil Genocide Education Week Act, 2019

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The United Nations Organization estimates that in May 2009 alone about 40,000 to 75,000 Tamil civilians were killed. Other estimates place the death toll at 146,679 civilians. These figures only reflect the death toll in 2009 leading up to May 18, the day on which the civil war ended. The loss of Tamil civilian lives during the genocide, which continued for decades in Sri Lanka, is much higher. Bill 104

- UN Secretary General announced the panel of experts.
 - Prof: Marzuki Darusman (Indonesia) – Chair
 - Steven Ratnar (United States)
 - Yasmin Sooka (South Africa)
 - **War ended May 18, 2009.**
 - Work started **September 16, 2010.**

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- **Issues on Casualty Figures estimation – Darusman Report**
 - 1. Number of Civilians in Conflict zone uncertain - Estimated: 330,000
 - 2. Lack of an accurate count of number of persons who emerged from *Wanni*
 - 3. Lack of certainty numbers of LTTE cadre
 - 4. Forced recruitment

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- Darusman report suggested 40,000 deaths, How??

Initial estimated	–	330,000	????
Emerged from Wanni	–	290,000	
Death:		(330,000 – 290,000)	
		= 40,000	

Not considered migration from September 2008 to May 18, 2009

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- United Nations Country Team
- Total death: 7,721
- Injured – 18,479
- Casualty Estimation Based on 1:3
- But report has not been published,
Tamil Net estimation dismissed -*Darusman* Report Para 134

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- No credible facts available to support any one of reports death toll 146,679
- MPP Vijay Thanigasalam has not released any demography
 - Names,
 - Gender,
 - Home address,
 - Age,
 - National ID card Numbers of death individuals.

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Unmeasured Heterogeneity

Control variables

Incompatibility

Intensity

International Involvement

Parallel Conflicts

GDP/cap

Economic growth

Political

stability/instability

Political regime

One way to address this problem is by using the frailty approach, whereby the association between failure times is explicitly modeled as a random effect term. Collier, Hoeffler, and Söderbom (2001) included a random effect, μ_i , to control for unmeasured country-specific heterogeneity. The unknown distribution is approximated by a discrete multinomial distribution with two support points, $\mu = \mu^*$, such that

$$\mu^* = \left\{ \begin{array}{l} \mu_1, \text{with probability } P; \\ \mu_2, \text{with probability } 1 - P \end{array} \right\}$$

Centre for Study Civil Wars, Norway

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$$\mu^* = \left\{ \begin{array}{l} \mu_1, \text{with probability } P; \\ \mu_2, \text{with probability } 1 - P \end{array} \right\}$$

Since they include an intercept, they normalize one of the support points, (μ), to zero. Thus they estimate one support point and a probability parameter in addition to the other parameters of their model. They then compare the estimation with and without controls for unmeasured heterogeneity. . .

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Modeling Based on Rwanda

$$[Pop_{t_0} \times (1 + growth_{t_2-t_0})^{t_2-t_0}] - [Pop_{t_2} + OMig_{t_2-t_0} - IMig_{t_2-t_0}] = Missing_Pop_{t_2-t_0}$$

To cite this article: Marijke Verpoorten (2020) How Many Died in Rwanda?, Journal of Genocide Research, 22:1, 94-103, DOI: [10.1080/14623528.2019.1703253](https://doi.org/10.1080/14623528.2019.1703253)

To link to this article: <https://doi.org/10.1080/14623528.2019.1703253>

Death Total: 6,264

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Thanigaslam Bill 104	Anandasangaree	UN Country Team Darusman Report	Lord Naseby	Tamil university teachers
146,679	70,000	7,721	5,000 est.	6,000 est.

Ontario Center for Policy Research - **6,264**

Include LTTE Tamil terrorists and Civilians

Claiming Genocide on Bill 104

- Convention on the Prevention and Punishment of the Crime of Genocide

Article II

- *In the present Convention, genocide means any of the following acts committed with **intent to destroy**, in whole or in part, a national, ethnical, racial or religious group, as such:*
- *Element of crime*
- *A mental element: the "**intent to destroy**, in whole or in part, a national, ethnical, racial or religious group, as such";*

Legal Question:

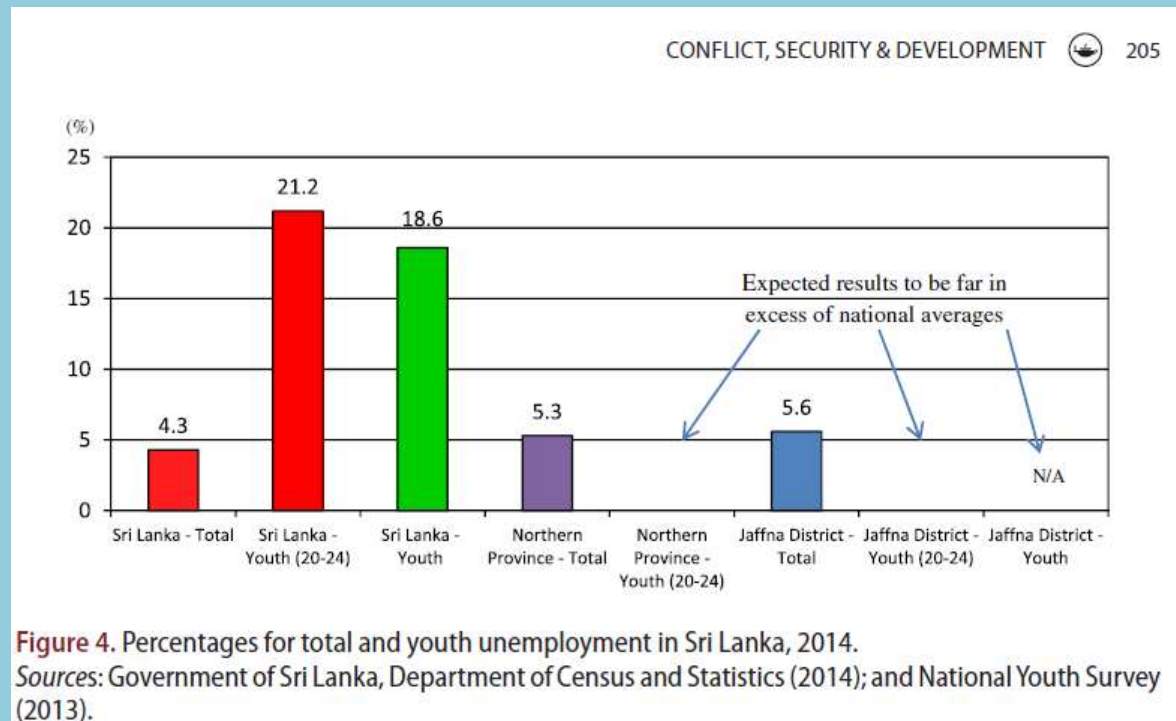
Does Sri Lanka intent to destroy Tamils?

Claiming Genocide on Bill 104



Figure 3. Kilinochchi water tower—bombed by the LTTE in 2009.
Source: Authors' Field Research (2015).

Claiming Genocide on Bill 104



Gilbert Bowden & Tony Binns (2016) Youth employment and post-war development in Jaffna, northern Sri Lanka, *Conflict, Security & Development*, 16:3, 197-218, DOI: 10.1080/14678802.2016.1179448

Claiming Genocide on Bill 104

56% Tamil living with Sinhalese in South

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - JAFFNA

**BOARD OF INVESTMENT OF SRI LANKA**



Name of Project : TILKO Jaffna City Hotel (pvt) Ltd
Type of Project : Tourist Hotel (41 Rooms)
Location : Jaffna
Status : In Commercial Operation
Proposed Invest. : Rs. 80 Mn.
Proposed Empt : 50 Nos.



Name of Project : Ready Build Lanka (pvt) Ltd
Type of Project : Pre-Cast Concrete Products
Location : Urelu, Jaffna
Status : In Commercial Operation
Proposed Invest. : Rs. 50 Mn.
Proposed Empt : 50 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - JAFFNA

BOI BOARD OF INVESTMENT OF SRI LANKA




Name of Project : TOKYO Cement Company
Type of Project : Cement Plant
Location : Murusuvil, Jaffna
Status : In Commercial Operation
Proposed Invest. : Rs. 143.41 Mn.
Proposed Empt : 121 Nos.




Name of Project : Northern Power Company
Type of Project : Power Plant
Location : Chunnakam, Jaffna
Status : In Commercial Operation
Proposed Invest. : Rs. 5600 Mn.
Proposed Empt : 82 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - JAFFNA

 **BOARD OF INVESTMENT OF SRI LANKA**



Name of Project	: Northern Central Hospitals
Type of Project	: Hospital
Location	: Palay Rd, Jaffna
Status	: Awaiting for Implementation
Proposed Invest.	: Rs. 57.25 Mn.
Proposed Empt	: 200 Nos.



Name of Project	: Lanka North Eastern Ice Company
Type of Project	: Ice Plant
Location	: Kurunagar, Jaffna
Status	: Awaiting for Implementation
Proposed Invest.	: Rs. 60 Mn.
Proposed Empt	: 60 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - JAFFNA

BOI
BOARD OF INVESTMENT
OF
SRI LANKA



Name of Project	: Sabin Blue Ocean Resort
Type of Project	: Tourist Hotel
Location	: Allaipiddy, Jaffna
Status	: Awaiting for
Implementation	
Proposed Invest.	: Rs. 350 Mn.
Proposed Empt	: 100 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - KILINOCHCHI

BOI BOARD OF INVESTMENT OF SRI LANKA



Name of Project : MAS Active (pvt) Ltd.
Type of Project : Garment
Location : Ariviyal Nagar, Kilinochchi
Status : Awaiting for Implementation
Proposed Invest. : RS. 400 Mn.
Proposed Empt : 100 Nos.



Name of Project : MAS Intimate (pvt) Ltd.
Type of Project : Garment
Location : Ariviyal Nagar, Kilinochchi
Status : Proposed
Proposed Invest. : USD \$ 6 Mn.
Proposed Empt : 100 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - VAVUNIYA

**BOARD OF INVESTMENT
OF
SRI LANKA**



Name of Project	: Omega Line Ltd.
Type of Project	: Garment
Location	: Rasenthirankulam, Vavuniya
Status	: Awaiting for Implementation
Proposed Invest.	: RS. 2000 Mn.
Proposed Empt	: 100 Nos.




Name of Project	: Orit Apparels Lanka (pvt) Ltd.
Type of Project	: Garment
Location	: Chettikulam, Vavuniya
Status	: Awaiting for Implementation
Proposed Invest.	: Rs. 100 Mn.
Proposed Empt	: 100 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - VAVUNIYA

BOI BOARD OF INVESTMENT OF SRI LANKA



Name of Project : Rebco North (pvt) Ltd.
Type of Project : Mesh Products
Location : Eeraperiyakulam, Vavuniya
Status : Awaiting for Commercial Operation
Proposed Invest.: RS. 124.56 Mn.
Proposed Empt : 120 Nos.



Name of Project : Thampa Tourist Hotel
Type of Project : Hotel
Location : Sinnaputhukulam, Vavuniya
Status : In Commercial Operation
Proposed Invest. : Rs. 60 Mn.
Proposed Empt : 25 Nos.

Claiming Genocide on Bill 104

APPROVED PROJECTS IN NORTHERN PROVINCE - VAVUNIYA

BOI BOARD OF INVESTMENT OF SRI LANKA



Name of Project : Rajah Fishing Goods (pvt) Ltd.
Type of Project : Manufacturing Fishing Gear
Location : Omanthai, Vavuniya
Status : Awaiting for Implementation
Proposed Invest. : RS. 149,96 Mn.
Proposed Empt : 121 Nos.



Name of Project : A M P Ceylon (pvt) Ltd.
Type of Project : Artificial Flower Making
Location : Omanthai, Vavuniya
Status : Awaiting for Implementation
Proposed Invest. : Rs. 20 Mn.
Proposed Empt : 55 Nos.

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Failure of Policy

- In the Bosnia case, the ICJ held that: Application of the Convention on the Prevention and Punishment of the Crime of Genocide
- "Neither the intent, as a matter of policy, to render an area 'ethnically homogeneous,' nor the operations that may be carried out to implement such policy, can as such be designated as Genocide. . . . [the] deportation or displacement of the members of a group, even if effected by force, is not necessarily equivalent to the destruction of that group
- *(Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007 (I), p. 123, para. 190;*

Claiming Genocide on Bill 104

- **Non- International Armed conflict**
- Geneva convention Article 3 (1949) and later added additional protocol II (1977)
 - Authority given to defend any action against the state.

Claiming Genocide on Bill 104

International Humanitarian Law

- **Collateral Damage**

- Providing civilian protection while simultaneously allowing military objectives to be fulfilled is a central goal of International Humanitarian Law. (IHL)
- Well established that “ Under IHL deaths of civilian in armed conflicts, no matter how grave and regrettable does not itself constitute a war crime.”

Claiming Genocide on Bill 104

- No genocide in Sri Lanka
 - Reject Bill 104

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Questions: office@policy-research.ca

