

DAVID MATAS

Barrister & Solicitor

April 10, 2019

Re: Paramahansa Nithyananda

I am an international human rights lawyer based in Winnipeg, Manitoba, Canada. I have been asked to give my opinion on the human rights situation of Paramahansa Nithyananda/ His Divine Holiness Sri Nithyanada Swami (HDH) and the Adi Shaivite Minority Tradition (ASMT).

I have read the opinion of Geoffrey Robertson QC on this subject dated February 20, 2019. I have also considered several of the documents on which that opinion was based.

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In Chennai, Tamil Nadu, India, on April 8, 2019, I met with a delegation from the ASMT. I listened to and watched a slide show presentation of the victimization of HDH and the ASMT. I also met personally with and heard direct testimony from a sequence of victims of human rights violations, victimized by virtue of their association with the ASMT and was able to ask them questions and receive answers.

In light of this information and my own independent consideration of the subject matter, I have come to the conclusion that there is a *prima facie* case that human rights violations have been perpetrated against HDH and the ASMT based on religious intolerance against which the State of India has either been unable or unwilling to offer protection. I have been asked to conduct further investigations and write a report on this subject and I intend to do so.

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'D. Matas', written on a light blue background.

David Matas

Victimization by video

by David Matas

The Adi Shaivite Minority Tradition is an ancient minority tradition of Hinduism. Its current spiritual leader is His Divine Holiness (HDH) Sri Nithyananda Paramashivam.

The Tradition has become increasingly popular in modern times, in part because, its stance on equality has appealed to a large swath of people. The Tradition today and their spiritual leader promote gender equality, oppose caste inequality and support equal rights for those with diverse sexual orientation. The Tradition has a particularly large following in South India.

The popularity has led to backlash from three directions - majoritarian Hinduism, elements of which feel threatened by the loss of adherents who have moved to the Tradition, atheist secularism - elements of which feel the loss of their monopoly claim to promotion of equality rights and caste supremacists. The result is a sequence of violent attacks in South India against followers of the Tradition and their spiritual leader against which there is no effective state protection. Those hostile to the Tradition have been victimizing both followers and the spiritual leader with impunity.

Although there are many instances of attacks against followers of the Tradition and their spiritual leader, a particular focus of attacks has been a video of the spiritual leader supposedly engaged in erotic activity with a local actress. Forensic examinations have shown the video to be fabricated, super-imposing videos of the two individuals.¹

The video was subject to an extortion attempt which failed and the video became public. The video, once public, became the focus of attacks and official harassment directed against the spiritual leader and, by extension, the Tradition.

The official harassment was brutal. The spiritual leader was arbitrarily arrested and subjected to invasive medical examinations which caused him permanent damage. The attacks were even worse. After an alarming sequence of assassination attempts, he fled India to seek international protection.

For opponents of the Tradition, the video is useful, because it is directed against a major component of the appeal of the Tradition, its embrace of equality. Instead of appearing to support equality, the Tradition and the spiritual leader, by virtue of the propaganda around the video, are portrayed as exploitative.

Human nature remains constant, but technology evolves. Religious intolerance has existed since pre-historic times. Only today does it take the form of fabricated videos.

A comparison can be drawn to the practice in China of Falun Gong, a spiritually based set of exercises. Like the Adi Shaivite Minority Tradition, the practice is an updating of ancient traditions, in the case of Falun Gong, Buddhism, Taoism and the qi gong exercises.

Like the Tradition, the practice has a particular modern appeal, in the case of Falun Gong, benefits to health. Like the Tradition, the practice was targeted by those jealous of its success, in the case of Falun Gong, the Communist Party of China.

<http://www.nithyananda.org/sites/default/files/news/lenin-arrested/joe-yonowitz-report.pdf>

Like the Tradition, the targeting, in part, took the form of a fabricated video, in the case of Falun Gong, a video pretending to show practitioners of Falun Gong self-immolating, putting themselves on fire.² Like the Tradition, the video was aimed at a major appeal of the practice, in the case of Falun Gong, its health benefits.

Those victimizing through video the Adi Shaivite Minority Tradition and its spiritual leader may well never have heard of Falun Gong and its victimizing video. What we are seeing is not so much copycatting as the almost infinite ingenuity of humanity to adapt technology developed for human betterment to oppression and destruction.

Ancient spiritual traditions develop in modern guises to combat modern scourges. But a dialectic generates with outsiders who envy the success of the development. In that dialectic, no means are out of bounds. Anything can be turned into a weapon, including videos.

It is pretty hard to do much inside China about oppression by the Communist Party of China. China is undemocratic, a one party state with pervasive censorship, a propagandistic government which values unthinking loyalty above all else, absence of the rule of law, an insistence on conformity and a long history of brutal human rights violations.

India is different, with a free media, a vibrant democracy, an independent judiciary, a diverse citizenry and a system of remedies for human rights violations. India does have history of political appeals to religious groups. Nonetheless, the oppression of the Adi Shaivite Minority Tradition and its spiritual leader goes far beyond that. It is not, in India, business as usual.

This is the way, in a democracy, respect for diversity ends, by allowing free rein to those

² <https://www.youtube.com/watch?v=8nKjGYoXqc4>

who use any means to insist on conformity. India needs to target the incitement to hatred and religious intolerance directed against the Adi Shaivite Minority Tradition and its spiritual leader, not just to attempt to prevent further victimization of the already victimized spiritual leader and followers of the Minority Tradition, as important as that is. India needs to do all that to protect itself.

A handwritten signature in blue ink, appearing to read 'DM', with a stylized flourish extending to the right.

David Matas

April 28, 2019

Dr. DAVID MATAS

Former Canadian delegate to the UN General Assembly

David Matas is an international human rights lawyer, author and researcher based in Winnipeg and currently acts as Senior Honorary Counsel for B'nai Brith Canada.

Appointments:

- Member of the Canadian delegation to the United Nations General Assembly
- Task Force for International Cooperation on Holocaust Education
- Senior Honorary Counsel for B'nai Brith Canada
- Organization on Security and Cooperation in Europe Conferences on Antisemitism and Intolerance
- Involved in several different organizations, including the Canadian Helsinki Watch Group, Beyond Borders, Amnesty International, and the Canadian Council for Refugees
- The Director of the International Centre for Human Rights & Democratic Development (1997 – 2003)



Awards:

- Governor-General's Confederation Medal in 1992
- Outstanding Achievement Award from the Manitoba Association of Rights & Liberties in 1996
- League for Human Rights of B'nai Brith Canada Midwest Region Human Rights Achievement Award in 1999
- Vancouver Interfaith Brotherhood Person of the Year 2006
- Manitoba Bar Association Distinguished Service Award in 2008
- Appointed a member of the Order of Canada on October 23, 2008
- The Canadian Bar Association National Citizenship and Immigration Section Achievement Award in 2009
- For their organ harvesting work Matas and Kilgour won the 2009 Human Rights Award from the German-based International Society for Human Rights and were nominated for the 2010 Nobel Peace Prize
- The International Society for Human Rights Swiss Section Human Rights Prize in 2010

Publications:

- Justice Delayed: Nazi War Criminals in Canada (1987) with Susan Charendoff
- Closing the Doors: The Failure of Refugee Protection (1989) with Ilana Simon
- No More: The Battle Against Human Rights Violations (1996)
- Bloody Words: Hate and Free Speech (2000)
- Aftershock: Anti-Zionism & Antisemitism (2005)
- Bloody Harvest, The killing of Falun Gong for their organs (2009) with David Kilgour
- Why Did You Do That?: The Autobiography of a Human Rights Advocate (2015) Durban Conference: Civil Society Smashes Up, Bnai Brith Canada, 2002
- Aftershock: Antisemitism and Anti-Zionism

Human Rights Work:

Actively involved in the following human rights organizations:

- Director of the International Defence & Aid Fund for South Africa in Canada
- Director of Canada-South Africa Cooperation
- Co-chair Canadian Helsinki Watch Group
- Director Manitoba Association of Rights & Liberties
- Amnesty International
- The International Commission of Jurists
- Canadian Jewish Congress
- Canadian Council for Refugees.