

Press Statement: Haiti: More than a decade and still hiding

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Johannesburg/Berlin: Sri Lanka needs to respond openly to a Right to Information (RTI) Commission request for information about how it held accountable 134 UN peacekeepers sent home from Haiti a decade ago for alleged child sexual exploitation. The RTI request by a journalist (now online¹) asked for detailed information about the officers repatriated, the allegations against them, the findings of any Court of Inquiry or Court Martial process and details of disciplinary action or prosecutions.

EXECUTIVE DIRECTOR:
YASMIN SOOKA

"It is not acceptable for the military to hide behind arguments of national security when it comes to transparency about criminal accountability for soldiers sexually violating children they were supposed to protect," said executive director of the International Truth and Justice Project, Yasmin Sooka. *"It is ludicrous that the Ministry of Defence is claiming that full transparency - rather than the crimes committed - might damage the country's reputation a decade later; it is this secrecy that damages Sri Lanka's reputation".*

A confidential UN investigation at the time identified 134 Sri Lankans alleged to have sexually exploited nine Haitian boys and girls from late 2004 to mid 2007. The UN's inquiry report said, "the acts of sexual exploitation and abuse were frequent, occurred usually at night, and at virtually every location where Sri Lankan military were deployed".

"In its submission to the RTI request, the Ministry of Defence has failed to give any information about the domestic justice process required to be initiated once the soldiers reached home - instead they just claim they cannot reveal any information from the UN inquiry

¹ <http://www.rticommission.lk/web/images/pdf/rticappeal-70-2018/g-dileep-amuthan-v-min-defence-14072018.pdf>

because it is confidential,” said Bashana Abeywardane of Journalists for Democracy in Sri Lanka. “All this makes you wonder if there actually was any further investigative and judicial process in Sri Lanka – more so when you look at the discrepancy in numbers emanating from the Government.”

In its RTI submission the Legal Officer of the MOD said “roughly about 100 peacekeepers” had been repatriated “but only 3 had been involved”. This contradicts a previous statement by the Government of Sri Lanka to the UN Committee Against Torture, which said 23 men were convicted in connection with the sexual violations in Haiti². Bizarrely the MOD officer seemed to be aware there had been public statements about accountability but still contradicted them³.

There has also been an attempt to hide the fact that the victims in Haiti included young boys. The UN’s inquiry is entitled “*Investigation report on Alleged Sexual Exploitation and Abuse of children at MINUSTAH*” but the Sri Lankan Ministry of Defence refers to it as the “*Investigation report on Alleged Sexual Exploitation and Abuse of Minor Girls*”, obscuring the fact that male children were sexually abused. One Haitian boy in the UN report said he had both anal and oral sex with more than 100 Sri Lankan peacekeepers.

“Given what we and several UN reports have found about the extent of male sexual violence committed by the Sri Lankan Army, this comes as no surprise,” said Ms. Sooka. *“You can’t just make something you don’t like go away by re-naming a UN report”.*

The RTI appeals process reveals delays by the military and attacks the credibility of the applicant. First the Army asked for the identity card of the applicant even though he had already supplied it and later said they were hesitant to release the information to him because they had a Military Intelligence report on him. The RTI Commission has however stated the background of a person making a request is not grounds for refusal.

“This is the typical approach of shoot the messenger – attack the person asking pertinent questions you don’t want to answer,” said Bashana Abeywardana. *“The Government won’t say what happened to 23 soldiers allegedly convicted in connection with sexual violence in Haiti and instead hides behind the usual excuses, namely saying:*

- 1. these are internal procedures;*
- 2. the information could be misused for propaganda or to tarnish the image of the country;*
- 3. it was a long time ago;*
- 4. only 3 people were “involved” (not 23 as previously stated);*
- 5. the information is already in the public domain;*
- 6. there are privacy concerns regarding releasing any information from a Court of Inquiry;*

² CAT/C/LKA/5

³ “He further claimed that the actions taken by the SLA with regard to these allegations were already in the public domain” (P.4).

7. *the UN investigation report is confidential and cannot be shared;*
8. *this could damage international agreements.”*

The RTI Commission meets again on 7 August.

Please also see:

JDS/ITJP Report: *Sri Lanka's UN Peacekeepers: Let the Punishment Fit the Crime*, 13 November 2017, at <http://www.itjpsl.com/assets/press/haiti-FINAL.pdf>

Press Release: Sri Lanka is not a world leader in the Prevention of Sexual Exploitation and Abuse. 19 September 2017, <http://www.itjpsl.com/assets/press/UN.pdf>

Press release: ITJP sends UN list of alleged perpetrators for vetting, 23 April 2018, <http://www.itjpsl.com/assets/press/final-STF-press-release.pdf>

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