

Independent Report on Sri Lanka and United Nations Human Rights Violations

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During my time working in Haiti after the January earthquake in 2010, several humanitarian workers from various United Nations agencies approached me regarding what they viewed as a parallel situation between ethical problems within the UN mission in Haiti (MINUSTAH) and what they experienced in the final months of the conflict in Sri Lanka. Essentially several of these people, seeing that I was a volunteer and not politically or economically tied to any one organisation in Haiti, recruited me to write a report regarding what they experienced in Sri Lanka in the final months of the conflict. In working on this project I met with twelve different United Nations agency staff members and recorded their stories.

Part of the difficulty in recording such information is that some of the subject are afraid to lose their jobs or to have their reputations besmirched or questioned. Inasmuch as I am hesitant to use the names of those individuals who asked to be named, I have decided to do so in the interest of the integrity of this report. However, I am respecting those individuals who continue to work within the United Nations in the hopes of improving that organisation from the inside out by keeping their names out of this report. Similarly there are individuals working in other NGOs who have asked that their names not be mentioned given the repercussions of speaking out against an organisation such as the United Nations might have on their careers.

In the interest of transparency, I have not been paid for this report nor have I any vested personal or professional interests in any of the agencies mentioned. I attempt to relay the information of these interviews in the most objective fashion possible, allowing for the direct speech of the informants when possible. Notably absent from this report is any response from any of the United Nations agencies. I went to New York and made calls and visits in the attempt to have personal meetings with the head of various UN agencies who declined to be interviewed and declined to comment on the allegations made by their own staff. UNICEF claimed to have no knowledge of the incidents contained within this report despite the fact that the UN has investigated some of the human rights abuses in their report entitled “Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka” (31 March, 2011). Although the 2001 UN report elides most of the issues mentioned in my report below and deflects UN responsibility while indicating a greater responsibility with the Sri Lankan government, it does allude to certain ethical questions of various UN agencies. This report covers the information that is missing from the 2011 report of the Secretary-General’s Panel and that should have been included alongside any and all violations committed by the Sri Lankan government and that resulted in what is now estimated to be 40,000 deaths.

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Methodology

I interviewed eleven humanitarian workers who were posted with various agencies within the United Nations and one Internews staff member. These interviews took on an ethnographic format very quickly as I was learning from these informants about both their experiences in Sri Lanka and the workings of their specific agencies and mandates within the United Nations. The information I received verbally was often repeated other stories I would hear from different informants. In short, the travesties of what is contained in this report in my view are completely truthful simply based on the sheer precision of details that were reiterated from subject to subject. Moreover, the mixture of professional integrity and the candid manner of reporting their stories impressed me as these individuals were not out to “trash” the United Nations as an organisation. Every single subject in this report seemed to uphold very honourable beliefs in their field and in the humanitarian practice for they view the problems they describe herein as more related to institutional ills, albeit many ills. Hence, my task was to understand their individual stories as humanitarian workers in the field and to transmit this information in a clear and unbiased format in order to represent their individual experiences in the field and their collective commonalities when it comes to evaluating the mechanisms of the UN agencies that failed from one person to the next.

I attempt to adhere to the first-person singular format in reporting these subject’s words in order to keep the integrity of these people’s voices and lives. There are times when I use reported speech and this is due to the vast amounts of information that I condense. It is of great consequence that these individuals stood up to speak against an immensely powerful organisation and hence it is necessary that I defer to their wishes for complete or partial anonymity or in the case of a few, none at all. This is, in certain respects, an incomplete project as there are many actors who are afraid to speak out, who must defer my calls to interview them to their media office, and those whose avoidance of the subject was due to unexplained motives. The most troubling absence was that of the UN agencies whose representatives grew nervous when I called them up from midtown Manhattan ready to meet them.

The conclusions I draw from the interviews is based purely on what these individuals have experienced and witnessed. Although I do not cite the UN’s “Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka” (31 March, 2011) as part of this report, it must be stated that this report ignored the experiences of its very staff who supplied the information for this 2011 report. This indicates that the UN—given that these subjects had made written reports as part of their exit processes—willingly ignored crucial ethical violations of its own offices in a report that ostensibly looked for accountability in the final months of the conflict in Sri Lanka. This fact cannot and should not be understated.

Scope of Investigation

While doing relief work in Port-au-Prince in 2010, I was approached by several UN humanitarian workers present in Haiti. These individuals asked me to take their testimonies of what they experienced in the Sri Lanka because of the similarities they noticed between certain abuses within UN agencies operating in Haiti and Sri Lanka. I undertook this task and met with a dozen extremely qualified professionals who were all stationed in Haiti in 2010 and who had also been posted in Sri Lanka at some point during the final months of the conflict. Many of these aid workers still work for various UN agencies today while others work for other NGOs as a result of the events they narrate in Sri Lanka. I interviewed each informant individually and recorded their testimony. In discussing their experiences within their individual UN agency jobs, these informants relay what they professionally experienced and witnessed in the final months of the conflict in Sri Lanka between September 2008 and May 2009. Their stories, although some different in details, all have one similarity: they collectively point to the various symptomatic problems within the United Nations. This report will detail the following events as experienced first-hand by these twelve UN workers:

- Conflictual inter-institutional political ties the United Nations maintains with the governments in whose countries it is operating;
- Unhealthy relationships between the donors and various agencies which create an institutional tendency whereby agencies exercise their mandates in the service of donor funding;
- Intra- and inter-agency conflicts of interest;
- Elision of the mechanisms of inter-agency cooperation (ie. the cluster system);
- Blocking Resolution 1612 violation reports and refusing to examine the remaining 1612 reports which focussed upon child soldiers;
- Censoring information that was put before the 1612 task force by the UNICEF Representative;
- Discouraging all work on other MRM (Monitoring and Reporting Mechanism) cases;
- A subtle humanitarian blockade in that the UN only sent one protection staff to the Vanni in the course of 11 convoys of humanitarian aid to the North;
- Neglecting to speak out regarding the fact that the Sri Lankan government constantly changed the triggers of the “no fire zone” in order to force people to constantly move camps while also augmenting the casualties during shelling;
- Obfuscation of UN reports which demonstrate that since the UNHCR presence in Sri Lanka malnutrition had increased;
- Repeated hiring of senior level officials who were either incompetent or had no previous

experience in the field in their sector in a conflict zone;

-Attempts by UN senior level officials to discourage and even harass its staff members in order to discourage them from speaking out regarding the violations and misconduct they witnessed on behalf of the Sri Lankan government or UN agencies;

-UNICEF's exclusion of NGO participation for providing food, medicine and shelter for the eleven convoys that went through to the Vanni so that UNICEF could empty its warehouses of educational materials, cricket bats, and chalkboards while continuously maintaining a central role in the media eye as tens of thousands were malnourished and in need of shelter, medicine and food;

-Conflicts of interest in NGOs and UN agencies' mandates and the actions of other NGOs and/or their governments;

-Deception of UN staff by having them work on projects that the UN claims would be realised and funded, only to waste the staff members' time and talents on a project that the UN never intended to carry through;

-UNHCR remaining silent on crimes against humanity in the final months of the conflict in order to protect its presence in the country;

-Senior UN officials taking professional complaints from UN staff which underscore many of the ethics violations mentioned in this report and browbeating these individuals rather than allowing for a transparent and fair evaluation of the accusations and proofs;

-UNICEF's ignoring child protection reports;

-UNHCR's refusal to render public the shelling of hospitals and schools;

-Various UN agencies rewarding incompetence and reckless professional behaviour with promotions to high levels within the UN structure;

-Inter-agency spies, one which intercepted a letter containing legitimate critiques of the December 2008 UNICEF convoy and the "spy" sent the document to Colombo;

-UNHCR's silence on Menik Farm, and IDP camp which became a virtual concentration camp;

-Forcing UNICEF staff members to go to hospital to collect "life examples" of young children who were hit by bullets and to describe them in great detail in order for the UNICEF Representative to confirm for the international media that children had not been spared in this conflict; and

-The barring of Protection Officers from exercising their mandates for fear of their witnessing UN violations worrying these officers would write reports relating the facts of the violations they witnessed.

UNICEF & UNHCR: General Knowledge of Abuses

Many of these former United Nations workers whom I interviewed state unequivocally that UNICEF maintained its silence during most of the final months of the conflict where the total mortality rate is estimated between 80,000 and 100,000.¹ While some of my sources maintain that remaining silent while witnessing abuses and receiving reports of human rights abuses is not outright collaboration with the government forces, they categorically agree that UNICEF and UNHCR did nothing to speak out and use the power of the General Secretary or the media to denounce these acts. Instead, UNICEF congratulated the Sri Lankan government for its work at the end of the conflict. The inaction of the UNHCR and UNICEF spurred Profeta to resign her position. However Profeta was not alone as she was joined by Grove and five other sources with whom I have spoken many of whom resigned their posts, stating they could not ethically continue working in a capacity which was creating civilian deaths.

According to one source who was working for OCHA in Sri Lanka, “When I went up to the North, we had a focal point system whereby the main agency had a certain amount of power in each area...In Kilinochchi it was UNICEF. Quite frankly the programming of UNICEF was negligent. Their WASH wouldn’t function because wash did not have much coming into through the humanitarian blockade and with 1612 blocked they were hardly doing any child protection work. The only functioning part might have been education, but that is the exception.” He maintains that the Sri Lankan government policy of blocking supplies to the north, under the auspices of stopping all rebel supplies throughout the conflict was utilised as the government’s cover for starving the civilian population. While the transport of arms is a valid concern for any government, he maintains that the ongoing attacks on civilians, hospitals, schools and the human rights abuses of children were all acts about which agencies such as UNHCR and UNICEF tacitly remained silent. This informant saw much of the human rights abuses in Sri Lanka first-hand and he traces the origin of the problem to UNICEF’s chief stating, “Quite frankly, [this was a] deliberate, but unofficially slow progress of supplies. I think Philippe Duamelle is responsible, and it is a disgrace that someone like that can hold so much power. If that is the organisation that is supposed to look after children’s rights, then UNICEF is an absolute failure.” This UN worker told me about how Philippe Duamelle’s presence changed for the worse the performance of UNICEF in the region: “Things changed after Duamelle came on board and I know they had pressure. The first time I realised something was wrong was the anniversary of the ACF killings. John Holmes had written a speech we were going to read out in three locations—he would read it in Colombo, the focal point in Trincomalee. And someone else in Batticaloa. UNHCR didn’t want us to do this, so I said I would read it out and I was beat out in the area security coordination meeting. UNICEF would not only vote against me because they had had staff that participated in a commemoration ceremony for Sri Lankan Red Cross workers that had been abducted and killed... So that was always their reaction to retreat away from their

responsibility. The head of UNICEF was instructed to say that nobody was allowed to attend—they were welcome to attend as individuals, but not as UNICEF, not to wear any symbols. So that really defined the way it was going to be with UNICEF.”

This informant went on to discuss the way in which triggers were manipulated by UNICEF within a large geographical box which designated the no fire zone in the north of Sri Lanka: “They were basically trying to change the triggers. They wanted to designate the large box which we created on the map, say that movement on that inside would result in our moving the box around, hence forcing people to move around. It is my opinion that UNICEF used their powers to change the triggers so that knowing how things work in Sri Lanka, the government would shell as they wanted everyone out.”

1612 Monitoring and Reporting Mechanism

Barbara Profeta recounts her story to me with visible disgust, explaining how her job in Sri Lanka while she was stationed in the north of the island, consisted of processing 1612 reports which detail human rights abuses. UNICEF and the UK government were monitoring the violations of children's rights in Sri Lanka and Profeta tells me that suddenly these reports stopped being processed and that the necessary reviews of each report by committee were also ceased. In short, the 1612 mechanism failed. The filing of these reports was to ensure that certain abuses were not taking place, abuses such as the recruiting of child soldiers, maiming and murder, and attacks on hospitals and schools. This measure was enacted and carried out in Sri Lanka and the only authority ultimately responsible for safeguarding this measure and its implementation is the UN Security Council.

In mentioning the 1612 reports Profeta tells me that they were ordered stopped in September 2008. She infers that UNICEF was acting in compliance with the Sri Lankan government which resisted all external investigations into its alleged human rights abuses. There are claims by other UN workers with whom I spoke that these reports were purposefully kept from examination from September 2008 until the end of the conflict, May 2009, with those in positions of authority sitting on the files. The consensus is that UNHCR and UNICEF kept their mouths shut in order to maintain their organisations' presence in the country, remaining silent instead of denouncing the human rights abuses either internally through their formal structures or through the media.

Profeta turns to the subject of the multiple conflicts of interest within and surrounding the structure of the United Nations and its agencies such as UNHCR, UNICEF and IOM (International Organisation for Migration). She cites various examples beginning with the fact that members of the Sri Lankan government partially made up these 1612 committees; hence members of the government would investigate its very own structure. Equally problematic, these committees which examine the 1612 violations were appointed on the basis of dialogue between the United Nations and the local government, a process for which there was absolutely no transparency. So when in September 2008 these committees stopped being formed, many UN workers grew suspicious. Profeta informs me that there many conflicts of interest within the United Nations and as well problems directly related to the very structure of the United Nations. For instance, since the United Nations funds much of the UNHCR, there is an implicit conflict of interest in overseeing any abuses to the implementation of 1612 since there is no outside overseeing authority that is not a donor. Mirroring Profeta's complaints, other UN workers tell me of the many conflicts of interests between the donors and the representative of these organisations, notably UNICEF and UNHCR. Similarly there are conflicts of interest between donors and UN agencies where, for instance, the United States agency USAID funded IDP camps in Sri Lanka and strangely enough, it also shipped military equipment to the Sri Lankan

government.

Another UNICEF Child Protection Officer working on 1612 forms who asked to remain unnamed, tells me that the forms for reporting 1612 violations did not make sense upon her arrival in Sri Lanka in October 2008. She telephoned Colombo and asked the 1612 advisor about ambiguities in the forms, essentially questioning the mechanism for data collection. There was a focus on child recruitment and she sent through the reports only to realise that there were points of ambiguity to verify when these reports would go through the committee. For instance the Humanitarian Coordinator heads the task force and the Sri Lankan government sits on the task force to meet and review the cases. And these two parts to the task force—a technical working group and a task force meeting—report collectively to the security council. There is a country report that needs to be done annually and “horizontal notes” which occur every few months. One part of the task is to write up the notes. One group compiles the report working the year’s prior reports, trying to get their annual report done. But all of this is inevitably overseen by the task force which is comprised of Sri Lankan government members, so the outcome was less than objective.

One UNICEF Protection Officer discusses how UNHCR was aware that the Sri Lankan army engaged in human rights atrocities in violation of the Security Resolution 1612 as villages were destroyed and schools and hospitals attacked. Natalie Grove, a former UNICEF Child Protection Officer who worked in Sri Lanka in the last months of the conflict, documented 11 separate incidents of attacks on or near hospitals and medical facilities in the Vanni between 15 December, 2008 through 15 January, 2009. Of all the incidents in the final months of the conflict the Puttalam district was hardest hit, especially during March 2009 where eight separate acts of shelling took place, specifically the 7 March attack where 7 children were killed and 16 injured. According to Grove, Profeta and eight other unnamed sources, UNICEF did nothing to denounce these various acts of shelling and did not continue the analysis of the 1612 dossiers. She also claims that UNICEF workers were directed to stop working on 1612 reports as of September 2008.

Grove also drafted a briefing note entitled “Humanitarian Situation in Kilinochchi and Mullaitivu Districts: Newly Arrived IDPs in Mannar, Vavuniya and Jaffna” (3 April 2009) which documents 1612 Violations. In this briefing, there are 27 incidents reported to UNICEF of these violations which range from illegal shelling most of which point to the Sri Lankan Army as the perpetrator. There were also reports of violations allegedly committed by the LTTE (The Liberation Tigers of Tamil Eelam), but no allegations have been verified. Likewise there are sources who do not wish to be cited who have told me that UNICEF was aware that children were being recruited from the very spaces it established to protect these children. “And UNICEF did nothing,” says one source. “Philippe Duamelle [the head of UNICEF in Sri Lanka] was interested in visibility and not policy”, he claims. “The question is what are the 1612 for, but why is there a 1612? What is it supposed to change?”

Natalie Grove deconstructs the problem of child advocacy concerning the 1612 resolution: “It was very easy for UNICEF to advocate. What they had difficulty with was responding when the perpetrator was the state: the Sri Lankan army was recruiting children, maiming children, bombing children’s families. And when paramilitary groups who were associated with the Sri Lankan government were abducting children from the street, UNICEF was complicit. When it was the LTTE UNICEF’s flagship move was to advocate against the recruitment of children. So with the 1612 mechanism, the security council resolution and there are six violations...everything was going very well because it was UNICEF and the government holding hands. By the time I arrived the conflict was escalating and there were a group of civilians trapped within this area.”

Grove continues, “The LTTE was using people as human shields. What people were saying about the LTTE were true and they were condemned for that. But the Sri Lankan government decided the rules didn’t apply to them and they clearly ignored the no fire zone. The LTTE would allow people out—there is a pass system—and at one point the LTTE agreed that the staff could leave but the national staff could not. So people with satellite phones were calling down as they were being shelled... In January 2009 there was a new no fire zone, and the army would continue to fire upon people. UNICEF had a job to document the 1612 violations. So in the same way that when the child was abducted and recruited by the LTTE, UNICEF had to document it, expose it. This report would go to Colombo and eventually go to the Security Council. What they were supposed to do was monitor other violations: attacks on schools and hospitals, maiming and killing children, denying humanitarian access to children, and sexual and gender-based violence to children. That work ground to a halt when those who perpetrated the violations were not primarily the LTTE but instead the Sri Lankan army. We have detailed reports that state this child was killed here, at this place and time. As the war escalated towards its end there were debates about how many civilian casualties there were—our mission was to report child casualties. These files never were examined, the 1612 task force never met. Since between October 2008 until April 2009 the task force which was to look and review this on a national level, examining how Sri Lanka was conducting the war.”

Echoing many of the other officers who also worked on the 1612 Resolution documents, Natalie Grove gives her details of the task force which was to meet on 1612: “I was given a six month deployment and I was asked to extend for six months because of how things were going. In order to collect data, I stayed for three more months. The task force meets in country, in Colombo, headed by the humanitarian coordinator. UNICEF, Save the Children and other agencies sit on the task force. Surprisingly nobody thought a task force would be a good idea. I asked when the task force meets I would like to be present to learn about how this works. Obviously what was going to be contentious was that this child and this child was killed or maimed and we were naming perpetrators from the Sri Lankan Army. But of course, they would just say, ‘Prove it. Prove that it was not the LTTE.’ So, what do you do to build up a case that is not going to be open to debate? So I want to know about the discussions that happened and what

will be the proof to convince these people that it was not the LTTE but the Sri Lankan Army. Our job was like that of worker bees: get a case, fill out a form, send it to Colombo. But we never got any responses. And I would go back to the cases with pictures, with a blurb and I resend this to Colombo. It is never a good idea to present one case with no analysis and I had this for each and every case, in order to provide talking points to Philippe and for the media. We had information on these 1612 violations and nothing happened. At this point I am thinking that maybe everyone is overwhelmed? Maybe they need pictures? What's going to help us get this out there? Let me make it as easy as possible to let you to pick up which part of international humanitarian law you have violated. Let me do all of that work for you so it is all ready to go, so that you might make a statement on this, to respond, to advocate. I believed that if we made it easier for these people to do their jobs, they would do their jobs. But nothing worked. And it goes nowhere and these are complicated stories—what we collect is confidential, I can't share it with anybody. And if this ends up in the hands of Human Rights Watch then so be it.”

“There were two parts of the task force. There is an annual report to the Security Council. Then there were the horizontal notes, reports made every two months. One part helps write up the annual report and the other is the technical working group and the other works on the reports that are issued every two months. The part of the task force that was to be meeting in real time in relationship to the reports, well they never met. That side meeting was never convened. The part of the task force that should be meeting in real time regarding files from two weeks ago, they never met. The group working on the country report were still working on files from 2007. Nobody was reviewing our reports from last week or from Trincomalee. To be perfectly honest, I would have say that they sat on the files. I get into this debate about this subject: is it incompetent or is it morally bankrupt? And the truth is that sometimes it's a blend of the two.”

“Once the war was over we were able to get more staff. I asked for staff dedicated to 1612 because throughout the war I couldn't compile reports fast enough because of the lack of direct access to victims and their families. I had this worry about verification. So I wanted to send staff who could talk to the families. There was a 1612 expert from Nepal and her job was to explain the camp layout as we know when people in each section of the camp arrived as the camps filled chronologically. So at one moment in time, I told the staff that I wanted them to go into the camp with the Sri Lankan Army, and to show that the Sri Lankan Army was using a strategy of war that directly affected the civilian population. She was able to get on a daily basis 250 to 300 documented cases. It doesn't get more verified than this. This enabled us to have precise verification with details from families and this information goes into an Excel spreadsheet. This is why I ask, what is incompetent and what is morally bankrupt? So you would get a situation that what goes into the horizontal note is this, ‘Between x and y date, there were 300 children were killed and this many of them were boys and this many were girls.’ I said to her, ‘Did you not think in looking at this information, and instead of giving a gender breakdown, not to mention that the data shows that of all these deaths, the Sri Lankan Army was guilty of 90% of

the deaths.’ I was reaching my breaking point after redoing the analysis. There should be a mechanism in New York and we kept taking that mechanism back to the field as we could not trust that the data was handled correctly in Colombo.”

The consensus from every single informant with whom I spoke to on this subject is that many of the 20,000 dead in the final months was due to the failure in the system of the Resolution 1612 reports and their followup. There was a moral bankruptcy, according to every informant, of UNICEF’s and UNHCR’s role in keeping information of the atrocities marginalised and silenced while conterminously appeasing the Sri Lankan government.

Nutrition Study

There were several institutional problems related to malnutrition in Sri Lanka. One UNICEF officer told me of a study made on malnutrition in Sri Lanka; however this study was stopped midway through, according to this informant, because the study demonstrated that malnutrition *increased* rather than decreased after the UNHCR presence. Natalie Grove echoes this informant's position on this matter: "There was a nutrition survey commission..the results weren't shared. What I ended up learning was a statistic was on *severe acute* malnutrition. That, in a way, didn't implicate anybody. I remember the suspicion being that there were levels of chronic malnutrition detected by the survey that far exceeded what should have been. The Sri Lankan government strictly controlled humanitarian assistance and they controlled the amount of food for obvious reasons. WFP was supplying the food but there is no way to verify this. WFP was then giving out half-rations, that within those survey results. Now you are just running as aid agencies and the level of chronic malnutrition would indicate that the population was being sustained at just about starvation levels—alive, but not enough to keep up their nutritional needs. The study was completed and the results were known by the Sri Lankan government and UNICEF. Nutrition surveys are incredibly sensitive in conflict zones and we were given this one statistic, acute malnutrition in five year olds that were not publicly released." While in June of 2009, James Elder told *The Australian* newspaper, "The nutritional situation of children [in the camps] is a huge concern for UNICEF, and restrictions on access hinder our ability to save lives," Elder's comments do match the realities presented by these other UN workers whose experiences narrate how these UN agencies acted in complicity —albeit it a passive complicity—with the abuses of the Sri Lankan government.

Conveys to the Vanni

In meeting with these UN workers the one subject that resonated most tragically with them all was the subject of convoys. After the UN international staff left Kilinochchi, the United Nations Resident/Humanitarian Coordinator and the head of the World Food Programme (WFP) in Sri Lanka secured an agreement with the government of Sri Lanka which permitted the UN to continue its humanitarian assistance with weekly convoys into the Vanni in the north of the country to deliver food, shelter and medicine. The Ministry of Defence imposed extensive restrictions on convoy participants as well as on non-food items, such as tarpaulins which they thought could be used for military purposes. They also put limitations on food and medical supplies. The first convoy entered the Vanni on 3 October 2008 and a total of 11 convoys went into the Vanni over five months delivering a total of 7,435 metric tons of food which was not enough to sustain the civilian population in this region.

One informant from OCHA recounts her experience with the convoys: “I also remember getting a visit from USAID Food for Peace, they came a big delegation from the United States...and they asked me this is two months before the end of the conflict. I think it is important to acknowledge that WFP (UN World Food Program) was covering up the fact that they were only sending half the rations that was prescribed. There was a convoluted process where the Commissioner General would approve convoys in terms of trucks, then they would get to the military and there would be concern about one or two trucks and then the seals on the doors [of each truck which could not be broken]. Once in Trincomalee the USAID convey members were told that the government would not be sealing the trucks so they went to Varunya without any seals. Then of course they were told not to pass through because they didn't have seals on them. It was deliberate and the government agents in Kilinochchi had a terrible job between working for their own government and the LTTE (Liberation Tigers of Tamil Eelam). Then one of the USAID convoy members in Kilinochchi showed me a memo which said “You are not to share any memos on needs”, from the Commissioner General of the section services. “We will inform you of the needs and you are not to share any of this info—if you need any assistance you come to us. You are not to collaborate in terms of information with [the LTTE].” It was very clear, very threatening. The Commissioner General was to control the amount of assistance entering the north. Of course they had legitimate security concerns, but it was clearly extended to humanitarian services which was not legitimate.”

This informant comments on her own agency, OCHA (Office for the Coordination of Humanitarian Affairs), and the tragic decisions made in sending up much needed supplies to the north: “In OCHA, in response to the very murky policy decisions that were going on and the fact that the big UN agents were to a large degree operating outside of the cluster system and cutting their own deals, we set up something like the inter-cluster meeting where we would discuss policy, what was being set in Colombo, how to interact with the government, especially

when they were setting up camps that clearly were going to be military in nature. We also would discuss the convoys that would go up. People were in dreadful conditions and some had been displaced up to twenty times. This particular time I remember the area was flooded and the people were in rags. Medical supplies and food were being restricted. Also the half-ration since February 2008 had been implemented for the IDP and this was the last time was when people ate the recommended caloric values. UNICEF and UNHCR hated doing the umbrella group and they were very angry about it. Duamelle was very upset and said it was not needed—he was extremely angry. It was interesting because we discussed policy issues. There was a moment when a convoy actually came through. We had pressed really hard for shelter material and it looked like for once they would let five trucks up. It was ridiculous considering we had between 250,000 and 300,000 people and we found out that UNICEF was going to get cluster materials up there. And you know what was going to happen—the shelter materials of UNICEF would get bumped up so that they would get their name in the press. This is how it works. What was in the trucks? Not food, not shelter and other urgent supplies. Instead they sent educational materials, logo stuff, cricket bats, children toys and water tanks. Unbelievable shameless attempts for UNICEF to get its stuff out of its warehouse and it has this incredible ability to push its name around at the expense of real qualified needs. Blackboards were on those convoys! The convoys denied shelter materials. We wrote a letter to the humanitarian coordinator and UNICEF kicked up a massive fuss about our letter. There were two different letters presented—the other writer was more passionate and letter was dismissed and the blame game started vis a vis protocol. We insisted that the Humanitarian Coordinator needs to be reinforced and so Duamelle ordered the other draft of the letter, the least effective letter, and made this OCHAS' official draft.”

An unnamed UNICEF Protection Officer states: “There was a first joint assessment caravan, and they had to fill some of it with UNICEF trucks... in which were held cricket bats. It seems that they were getting rid of what was in their warehouse. You have an entire population trapped in a zone and have no basic needs met and you send this type of garbage. This entire UNICEF family was corrupted from Philippe Duamelle. There are no sanctions in UNICEF, you are just being moved to another country to screw up that country. This is how it works, the more you screw up you are just promoted and moved to another country. The honest people are the ones getting sick of it and they leave, they resign.”

The OCHA officer comments on the aftermath of this convey fiasco: “Duamelle was always looking out for himself, he was promoting the logo, never substance. When John Holmes came up to visit the very controversial camps, it was a great moment for advocacy and Duamelle toured the camps himself to make sure that UNICEF logo was present... This is a time when 60 children a day were dying, and when people were being crammed into military camps with no services, a great amount of disease and malnutrition. And Amin Awad, the head of UNHCR, those two socially and work-wise were the big two—they were the protection mandate. Awad

has quite a lot of power within UNHCR and these two were worrisome for all of us. Andrew Brooks, UNICEF Section Head, would come to me hoping I might tell him something comforting—you know when someone is asking your opinion but hoping you tell him what they want to hear. I told him the truth, that he made some huge mistakes. I was told we would have a debrief, but we never did. I think there are serious concerns about how we operate, how we interact.” This same informant finally met with John Holmes, the former United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, during his Sri Lanka visit in 2009. This UN worker took the opportunity to air his grievances with the head of the agency about the convoy issue: “I had time with him in the back of a car and I made use of it. But I get the feeling that—and he was in possession of the figures, of the deaths—he also was aware, as was the secretary general, that they were probably a lot higher. I bet my life that over 20,000 were killed in the last few months.”

Another informant who worked with Internews tells me what he knew about the convoys: “There were 11 convoys, plus the ones who were watching the convoys. And people chipped into the convoys. You need safer spaces and it never happened, the no fire zone was moved constantly. The General Commissioner for social services had to approve all convoys but problems emerged as the trucks travelled as they had to be inspected and seals were broken from the trucks. Eventually all trucks travelled to the Vanni without seals and then this caused problems. And then UNICEF pushed their materials instead of letting in food and water. Apparently this was in the pipelines and I don’t know how those non-humanitarian items got in instead of humanitarian aid. It was crazy. I just watched the annihilation of an entire group of people because of this!” With 300,000 Sri Lankans displaced and flooded and UNICEF staff convinced the government to let in UNICEF's trucks because UNICEF wanted the front page story despite that it had no tents in its trucks. So the government let five trucks through and UNICEF would call it a triumph. Children were dying and UNHCR admin Amin AWad was largely responsible for the fallout.” This informant contended that UNICEF and UNHCR so disliked the umbrella group (ICRC later replaced this with the cluster meetings) despite the was support for humanitarian efforts; yet UNICEF would usurp the authority of smaller NGOs to push through its goods.

Barbara Profeta witnessed first-hand the abuses of UNICEF having overheard a conversation between a UNICEF representative and a UNICEF field coordinator which made clear that the UNICEF representative played a crucial role in deciding who would be allowed to go on these 11 convoys whereby only one protection staff was allowed to join. This was strange given the humanitarian urgency of the Vanni. It was clear to Profeta that she and her colleague Natalie Grove were barred from going on further convoys because their last trip resulted in their collecting 90 cases of killing and maiming *without ever leaving the convoy*. These two child protection specialists were directly discouraged from writing any reports which would be critical of the Sri Lankan government and so the limiting the number of protection staff was UNICEF’s

way of acting in concert with the government's desires not to be criticised.

Another UNICEF Protection Officer also recounts how NGOs complained about not being allowed to participate in the negotiations with the MOD (Ministry of Defence) on camps and of not being allowed into the convoy. UNICEF negotiated the terms of the convoys with the MOD and managed to put a few extra trucks on the convoy. Colombo asked if Protection Officers would send clothes or toys from their warehouse in Vavuniya despite needs assessment conducted by the relevant field specialists demonstrating a need for only food, shelter and medicine. She learned one month later that UNICEF sent chalkboards, cricket bats, and clothes and that UNICEF had not even considered trying to get NGO materials onto the convoy. Instead UNICEF piled onto the convoy more non-essential materials. Of the letters that were mentioned by the above unnamed OCHA informant, she also had profound knowledge of these letters since these letters came out of a meeting of a coalition of NGOs who were criticising the UN. One group of NGOs in particular was so moved by the travesty of the convoys that they decided to write a letter to complain to UNICEF. One draft which was written by DRC (Danish Refugee Council) and Care International after they held an interagency meeting days after the convoy had left Vavuniya but an internal spy got hold of the document and it was diverted to Colombo. Then it took a few weeks for this group to write a letter that was acceptable to OCHA during which time this letter was intercepted by a UNICEF spy.

The consensus of every single UN informant who witnessed the travesty of the UNICEF convoys is that UNICEF was presumed to have all the power on the ground, that it co-opted the political scene on the ground and elided the presence of other NGOs, that NGO presence and input regarding the convoys and essential materials these NGOs wished to donate was completely ignored by the direction of UNICEF, that UNICEF's chief made final decisions without consulting his officers and without paying attention to the many reports which perspicaciously evidenced the severe degree of malnutrition in the North, and that the UNICEF field coordinator and other high official within UNICEF worked in concert with the government's desire to avoid criticism at the expense of not sending more than one single Child Protection Officer during all of eleven convoys.

Menik Farm and other IDP and Surendee Camps

Susan, an IOM Program Manager, whose job it was to work with managing suspected Tamil Tigers to report the situation of the IDP (Internally Displaced Persons) camps in Sri Lanka relates her knowledge of the IDP and Surendee Camps: “The government put civilians in IDP camps and separated suspected Tigers in separate camps, men of all ages and some women. Eleven thousand people were put in these camps call Surrendee Camps as the government wanted these possible Tigers to renounce their allegiances. The government then set up programs to brainwash them and the camps were closed, completely militarised.” Susan adds, “We should not forget the Tamil Tigers were pretty horrible to their own people...the government took a security, protective posture and considered those people to be the terrorists and in need of re-programming. Their proposal was to keep these people in the camps for an indefinite period of time. When I was there the debate was under what conditions are you keeping these people detained. The definitions of liberty were debated.”

Susan continues her critique the UN agencies on the ground: “There was a big schism between the UN agencies and IOM. IOM was working with the government to construct rehabilitation camps, to put programs in these camps. The donors were worried because the ICRC (International Committee of the Red Cross) didn’t have access to these camps. So funding wasn’t forthcoming and IOM had broken from the position of the UN as it was more supportive of the government’s position and of the integration of IDPs. While there I was trying to get IOM to tow the line and to be part of the UN system—that as long as the legal status of these people inside these Surrendee Camps was not conclusive, that the UN was not going to get involved. The UN didn’t say anything publicly. The High Commissioner of Human Rights said that they were essentially being detained under conditions of internment but there was never a statement from the UN Secretary General. I think this silence existed for a number of reasons, namely because of the resident coordinator, Neil Buhne, who was quite weak. In the United Nations the agencies form a country team and this is led by the resident coordinator and Neil Buhne was the Resident Coordinator.”

“UNOPS started compiling information on the casualties, lists with numbers. If you take the bureaucratic position, you will say UNOPS is not mandated to do this, that is to speak out. The other way of looking at it is that there were people who had access to information and they have the duty to share this information. The figures were leaked to the press and eventually the press used this information. But the number that was leaked was much less than that being compiled by UNOPS.” Susan concludes that the UN was weak on Sri Lanka because of the Resident Coordinator, Neil Buhne, who had previously never worked in a conflict situation. “He is UNDP and he doesn’t know how to handle this. But back in New York there was a lot of pressure not to really get involved in Sri Lanka—the Sri Lankan government is very strong on sovereignty and its own identity on the international scene as a way of putting back on the West and what they

perceive as the West's agenda.”

Another anonymous informant recounts how parts of schools were as IDP camps initially and the later became sites to transfer out those from IDP camps who were to be shipped to Menik Farm, one of at least twelve sites for surendees: “The children were taken to a particular place, the women separated. The biggest proportion were men. We were trying to advocate the separation of children from adults. Menik Farm held 300,000 IDPs.” Vanni was emptied of NGOs in September of 2008 so that nobody was able to provide support for those IDPs transferred from the Safe Zone to the camps. The LTTE surrounds this area of the Vanni which keeps the IDPs inside. She recounts how, “It was chaotic and more and more people would arrive. You would wake up one day and there would be a camp where there hadn't been one the day before. We had no access to information as there was no central management of camps as in Haiti. Everything was managed from the Sri Lankan government. The people were running away from the conflict, screened if they were believed to be part of the Tigers, then separated and sent to separate camps. The main body of camps which was a huge strip of farm cleared daily to provide space for the refugees. This was Menik Farm.”

Sophie Perreard, a colleague of Profeta and Grove, states, “We were a group of people working on the same project, in protection management in the camps. I had teams in the camps and there were also problems in protection, namely protection monitoring and displacement in conflicts. The camps were closed, militarised. I was in Vavuniya, there were 300,000 people I had to move—many children, injured and soldier children. Barbara, Natalie and I worked on this. We sent a report to Colombo to the UN and to the government. It never ended. In September 2008 the procedure of 1612 was stopped. Fonseka Bhavani, a Sri Lankan UN worker, also noted the attacks on schools and hospitals. “In Sri Lanka, the government was clearly interested in ending the war by any means necessary; however, towards the end, there was no distinction made between adults and children,” Perreard contends.

A former UNICEF Protection Officer discusses the manner in which the “In the Vavuniya field protection cluster, we constructed arguments around articles in applicable international conventions. For example the presumption of innocence: people in camps were supposed to be innocent until the government would find them guilty, but in fact the burden of proof was the opposite. We were stretching our minds to find conventions and articles we could use. We also went to other clusters to let them understand that they were buying into practices that would violate human rights. It worked on the field level but decisions were made in Colombo. Then suddenly, we in the field learned that IOM were building shelters in the newly identified Menik Farm 5, when we were still building Menik Farm 3 and 4 and already finding this process controversial. We sent all these arguments to Colombo and UNHCR transmitted the Protection cluster's information to the Colombo protection cluster. Of course, UNHCR supported the government in whatever they wanted to do.”

Protection Cluster Failings

One UNICEF Protection Officer notes that the protection cluster in Vavuniya had already existed before the conflict and it has always been lead by UNHCR. However, when this officer arrived in Sri Lanka the cluster did not resemble a meeting. “It was UNHCR calling its partners around a table to distribute figures, updates and give instructions,” she recalls. It was extremely unilateral and UNICEF took the bigger role at these meetings since October 2008, especially after the arrival of the Child Protection Emergency Specialist. “Initially, we met once a month, then once a week. UNICEF established an additional CP weekly meeting, because UNHCR was not keen to discuss Child Protection issues at the general meeting. Additional ad hoc meetings were added at the peak of the conflict, where protection monitoring teams were established in the camps it was necessary to share observations and recommendations.” She notes that the protection cluster was composed of UNHCR, ICRC as an observer, Save the Children and two local organisations. But then in December of 2008 the cluster grew to include another ten NGOs and the Child Protection sub-cluster which was headed by UNICEF met once a week. UNHCR had devised a monitoring programme and although it was not perfect, according to her, it worked. There were two databases: one was an Excel database for access to water, medical services and food and the other one was on specific cases, violations. Each agency had their own version.

One of the problems that this UNICEF Protection Officer addressed in her work was the denied access to camps which she recorded in position from which the final and agreed version between the various UN agencies would take about four months. Yet the conflict was in January and February of 2009 only perceived as a regional problem in one of five programmes of UNICEF and she worked to have this recognised as a problem for the entire country and not just Vavuniya. She analyses this problem further as a sign of the weak functioning of the protection cluster and the disagreement among agencies as to how much they should get involved in child protection: “There was lack of consensus among agencies because they were competing among donors. For example, they were competing for US funds and the United States clearly had the position to support the government to end the war by military means. The US political position in Sri Lanka with regards to the conflict was almost a publicly announced fact. Save the Children in Sri Lanka, for example, was not allowed to work in the Vanni on child soldiers’ issues (prevention, rehabilitation, reintegration) with US funds, because the engagement was ambiguous, given that the US was also heavily involved in supporting financially the SLA to push for a military solution.” Her analysis was partly corroborated by some internal exchanges of information—to include the feedback of some friends working in Embassies—related to the lack of consensus among donors themselves (particularly US versus European donors). “The European Union made a public statement at some point of the conflict, where it tried to mention protection issues and almost got kicked out of the country and this was a well known ‘anecdote’ in Colombo and

Vavuniya,” she relates.

The problem of donors was a common theme among many of the informants included in this report and she had detailed knowledge of how donors interfered in the mandate of Child Protection: “Among donors there were big differences of opinion. So, agencies would follow the line of a particular donor which resulted in a lack of common position and strategy among UN agencies. Certain agencies were scared they would be kicked out of the country. Communication was purposely hijacked as protection people were shouting about communication between field and HQ so at some point we were having telephone communications each morning with Colombo. But this was only meant to look like we communicated more. This is my impression based on the fact that most of the telecom was spent listing WATSAN (water and sanitation) logistic issues and “calculating” how many more latrines and tanks we would be able to build in one week. We were not discussing nor finding solutions to the *big* questions related to institutional positioning and protection dilemmas. The questions we raised, like access to camps, they reacted like, what do you mean we don’t have access, the govt. doesn’t say we don’t have access so don’t say that.” The unaccompanied children and orphans were eventually let out of the camp and put into a new orphanage the government built. It was run by the president’s wife. UNICEF wanted to advocate for these children to remain in a Tamil-speaking area near Vavuniya but Colombo refused and UNICEF was barred from visiting the children. After the press took the photos of the Tamil children with the president’s wife, the government abandoned support of that orphanage and the kids were let out of the house. Eventually UNICEF was given 48 hours to create safe houses for these children at which time the president’s wife re-emerged and decided to relocate these children to *her* orphanage in a separate house in Vavuniya.

This UNICEF Protection Officer details other protection cluster problems and human rights abuses: “The protection cluster recommendations were to evacuate the elderly and unaccompanied children from Menik Farm. Then we realised they (the SLA) were taking the elderly and dropped them randomly in abandoned houses or fields and basically let them die. A lot of older people died because they couldn’t find food or shelter once the SLA had dropped them. We tried to visit the places where people were dropped but whenever NRC (Norwegian Refugee Council) or UNHCR would visit they would be denied access. They found the places locked up and fenced in with guards monitoring incoming people.”

One of the most troubling incidents which points to institutional abuse of information (or the elision thereof) within UNICEF and its collaborating agencies, was the mishandling of information that had repeatedly been filed by both Profeta and Grove. Specifically, the 1612 reports which both Protection Officers had repeatedly sent to Colombo had been disregarded and shortly after the ICRC released a public statement on the casualties of the conflict, Profeta received a phone call from the ICRC Representative that very same night of the public statement: “He needed to get information for a press release the next day early in the morning. He wanted concrete cases of young children as victims of the conflict and that we needed to go to the

hospital that evening to get information. We said we didn't want to go particularly because we had already sent detailed 1612 reports which he had access to. Also, there were security rules to respect in the evening. However, he insisted. There was a curfew and he said he would take responsibility. So we drove alone without driver or interpreter and we arrived at the hospital after 19h30. People were sleeping, medical staff had left and only the guards were there. So we walked all over the people (people were laying everywhere) and we had the Representative on the phone while we were looking for injured kids. We were describing the scene the whole way to him going through different wards. He asked us to find a kid who is very young. We found one and said 'Here's a kid without a leg.' But he said, 'That's not good enough because he's not young enough.' In the end we found a mother with a little baby in her arms and we saw the bandaged leg of the baby. He told us to ask the mother to remove the bandage to verify the baby had a wound from a projectile and for us to describe the wound. The mother started crying and didn't understand why we were there. We were so embarrassed. The next day our Representative was able to say children as young as 4 months old were victims of fighting and the government cannot say that there are no civilian casualties. But why didn't he just rely on all our reports we sent every day? We didn't need to go to the hospital and remove the bandage of a small baby in the evening. He wanted to accept nothing less than international staff personally witnessing this. We had verified information over time in many places—hundreds of cases; but they didn't read them or used them in their reports.”

On Genocide and War Crimes

A UNICEF staff member does not hold back in evaluating the UN's role in the Sri Lankan government's acts of genocide and the UN's failure to act: "Were these organisations complicit in covering up the governments actions? Well yes, I think so. I think they were in a position to make such stronger statements about what was happening and to apply much more pressure and leverage on the government while the conflict was happening. And the Sri Lankan government did what it wanted to end the war and that is because there was not enough pressure applied to them and they disregarded human rights because of this. They can use the mechanisms from the Human Rights Commission to the Security Council...The Tigers see the UN's presence as an agency to witness. Maybe in Haiti the situation is desperate, there are huge humanitarian needs, so they decide not to confront the government on child trafficking. Particularly if your mandate is to protect the rights of displaced people or children—you don't get to decide what is the institution's mandate. It is your job to follow through on it. Do I think that what went on there amounted to genocide? I am not sure that I would say that. I would say that the Sri Lankan government did not care if the Tamals lived or died and they showed disregard for a civilian population. If the cost was the death of the Tamals, so be it. They simply didn't care. I don't know if their deliberate strategy was to annihilate the population. But there were war crimes and there is evidence for it. I want to believe that good things happens in the end and I think a war crimes case will be brought against the Sri Lankan government."

Of the twelve participants eight questioned if the UN were not complicit with the Sri Lankan government by virtue of its silence the human rights abuses mentioned here and its complicity with the starvation tactics used by the government of those in the Vanni. This is definitely a question which needs to be addressed for there is reason to believe that the UN's failure to act made it an accomplice in the Sri Lankan government's human rights abuses and possibly various acts of genocide.

Harassment and Intimidation of UN Staff

Another former UNICEF worker begins our interview by relating what she has experienced and heard while in Haiti and comparing this to her situation in Sri Lanka: “Since I came to Haiti I have stopped all protection work—not that I don’t want to, because this is my field and my background. I have witnessed abuses and I have spent a lot of time in the camps. I am hearing things here, even without working full-time on these issues. The last mission here from Human Rights Watch was in January and they were the first ones here working on this problem of UN abuses.” And she then goes into detail of her work with the United Nations in Sri Lanka: “I resigned from the UN in Sri Lanka. A lot of us, the Sri Lankan colleagues, were disgusted. We could not resolve the fact that specific, key agencies did their “best.” I was the head of mission for a foreign NGO involved in child protection. Because of my expertise from Nepal, I had to implement the framework for trafficking after the tsunami in Sri Lanka. So I did six months of research for UNICEF, I came back with results. I defined a framework and a project, although there was money and there was the budget, the project never happened. We went through the legislative aspects of training people—how to interview and protect—there was the policy present but also the protection, the treatment of victims, basically an integrated framework. My research was taken and relabelled UNICEF so my former NGOs couldn’t have it. After that, I was so bitter. We actually had an agreement that they would fund the project but it never happened. They lied to us all.”

A former UNICEF staff member discuss how those who worked on Menik Farm were lied to by UNOPS: “Tony [Oliver] worked three times for UNOPS and he was the shelter coordinator there. He designed Menik Farm, but he designed it before he knew there would be barbed wire. When he saw what his creation had become he went into a depression for months. He thinks this entire camp that he built is his responsibility. It is still too hard for him to talk about. He feels as if he has blood on his hands and he feels manipulated like we all were. He feels that his expertise was manipulated.”

Barbara Profeta details for me how she and many of her colleagues felt because of the abuses they witnessed: “A lot of people wanted to quit because they were so disgusted from different UN agencies but in the end they didn’t because they didn’t believe it would change anything. Agencies are nervous now because they know a lot of the critical people have left. After I finished in Sri Lanka I was sure that one of the reasons that UNICEF had never made a public statement on all these problems we were having was because they didn’t have the correct information because of the access to our area by humanitarian relief organizations, media, donors, embassies’ representatives, and so forth was almost never granted in addition to the fact that UN agencies made extremely few statements in the media or even denied their own findings in front of government authorities. So when nothing had come out from UNICEF on the real situation, I took a plane to NY the second week of November 2009 and went to speak to that the

interim head of the protection department.” Profeta was able to voice her concerns to this interim director who at first seemed genuinely concerned and invested in helping out. However after she said that they were not receiving the correct information from Sri Lanka, “UNICEF staff in NY said they didn’t know, but they didn’t show concern after that because they claimed they felt there was not much that could be done given the fact that most information was almost impossible to verify. I told them that just be careful because if there is ever a war crimes investigation into the war in Sri Lanka, this will bite you back and you will be accused of complicity with the Sri Lankan government. They didn’t worry too much, took a few notes and that was it.”

A former UNICEF Child Protection Officer details her witnessing UNICEF senior management in Colombo attempt to get a humanitarian worker PNG’ed (*persona non grata*, a common term in the UN used to indicate someone who is not only unwelcome but who is also “banned”) as a form of harassment when this staff member had done nothing wrong and was the victim of harassment. She herself had also been pressured and denigrated by senior staff: “UNICEF senior staff in Colombo often told me, ‘You shouldn’t have sent this or said that,’ ‘Keep your mouth shut,’ ‘This is dangerous information to talk about’ (ie. numbers of killed and maimed children). They regularly told Natalie and I that we were considered a liability for the organisation, and I was called a “moralist.” In my final evaluation I was considered not to follow often enough the SOPs (standard operating procedures) and the “general mood” of the office, which “was pulling my decisions related to the protection programme away from the main topics of interest.” I replied in writing that what my bosses were considering “inconsistency with the main goals of the office, in my language it was called ‘integrity’. The Head of Child Protection for UNICEF in Sri Lanka told me that I was always negative and I said I can’t help what the reality is. We wrote many reports and sent them to Colombo to the head of child protection but we only received superficial feedback such as our “reports were too long.” I doubt many of them were read by anyone. The head of child protection in the time I was there only came to Vavuniya twice, in April and June.”

The Myth of Expulsion and the Ethics of Accountability of the United Nations

One theme that each and every informant to this investigation revealed was the mechanism that the United Nations would engage when experiencing internal criticism from its workers—that of claiming that it was powerless to act or to speak up without risking expulsion. This pretext is debunked by professionals throughout various agencies within the UN herein.

An unnamed source from UNICEF states plainly, “I think it is an absolute myth of expulsion. Whole agencies have been expelled. But this is Sri Lanka, you cannot convince me that they were going to throw out NGOs...individuals, yes. But it was never going to pick up UNICEF and expel it from Sri Lanka. For instance, Peter MacKay is the only international worker who was stuck under his vehicle and he somehow survived, but every ten minutes he saw parts of bodies.” In July, 2009, Peter MacKay was a senior UN diplomat who was expelled from Sri Lanka for providing detailed rebuttals of government’s “wartime propaganda” during the final battles against Tamil Tiger rebels. MacKay, an Australian citizen, was given two weeks to leave the country because he was a witness to the “bloodbath” in the final weeks of fighting and in an attack he witnessed behind Tamil Tiger lines on a mission to rescue 100 local staff and their family in January, 2009. She continues to detail this invisible threat of expulsion: “The Sri Lankan government was never able to do what UNICEF was doing—UNICEF gave the government credibility.” Sophie contends that while there were threats of expulsion, “UNICEF was less outspoken than they should have been.” Similarly, Susan states, “The Sri Lankan government couldn’t care less. It was the Sri Lankan way of finishing things: they just used the military option, they did what they wanted and they were praised. Even the Human Rights Council in Geneva were praised for how they dealt with things. I will never forget that moment.”

An informant from Internews hints at the subtleties between actual risk and the recycling of this myth as a means to elide action: “There is always that balance in between ‘If you want to remain here we cannot be too harsh’ and taking a moral, even ethical, stand. I understand the politics and everything but there is a limit. They have the casualty figures and they didn’t want to disclose them. It was only when it was leaked to the media that the UN became anxious. For instance, I had to work with Rajiva Sinha—I had an MOU (Memorandum of Understanding) with him. You are basically dependent upon someone in the government in Sri Lanka and it was pretty heavy in that sense...”

Natalie Grove addresses this myth which she has heard directly from supervisors: “It is difficult to gage the right answer, but you do hear this excuse in the field, ‘You know nothing would have changed the Sri Lankan government. What was important is that we remained present in the country. If we spoke out we would have been thrown out and nobody could have done anything to help the 300,000 surviving.’ This is an absolutely disgusting justification for silence! You

can't make those predictions and say that you will say or do nothing because you don't think it will work. For me, at the end of the day sitting in front of someone like Andy Brooks, my issue with that is that you cannot censure yourself because of what you might think will happen in three weeks time in front of the Security Council. But you don't step back and fail your job as a Protection Officer because it is not what you want to hear, because you worry about what China will say. I think this is an absolute myth this notion of expulsion. In the Sudan yes, but not in Sri Lanka. Sri Lanka is a government deeply concerned about its international reputation—you cannot convince me it was going to throw out an entire organisation. Yes it was going to choose individuals like Elder, but it was never going to toss out entire agencies. The Sri Lankan government was unable to deal with all the issues which the UN was dealing with and it was in their interest to have the UN present. This is when James [Elder] or Neil [Buhne] have to decide if their job is to protect the job and institution or to speak out and risk being thrown out. They would say, 'We didn't want to say something because we were providing 300,000 people with water.' This argument does not work in the context of Sri Lanka and they had never expelled a UN agency and they were never going to. Sri Lanka was a strong and powerful middle-income country. To paint this picture any differently is a huge justification for doing nothing."

The Politics of Accountability within United Nations

Tangential to the “myth of expulsion” are the many other problems involved in the ethical dimensions of reporting UN abuses of power and corruption of mandates that have to do with threats to UN staff’s economic interests, their professional standing within a particular UN agency, the duty station (ie. a posh family duty station), and other more subtle forms of nepotism. The stories I collected relay an interior problem for these UN workers to do their job and to feel protected to report violations when they experience or hear about them. Likewise the policies of the UN reveal a lack of maintaining the very same ethics the official doxa espouses when related to the ethical duty to expose illegal actions and other more minor wrongdoings and to act in accordance with the mandates of these agencies and UNHCR in maintaining a work environment that maintains an environment of safety and transparency. These stories reveal the contradictions in the UN mandates to the people which it ostensibly serves and the ethical responsibility the UN has to its own employees.

Natalie Grove explains, “I was running the options through my head—it is not my identity that is in danger. there are only two international staff at the time and three national staff. So neither Barbara nor I speak Singali or Tamali. It is not particularly difficult to join the dots and this is a country where people do disappear. Because of who you are you have to work alongside national staff—and this staff remain very much persons of interest by the state. There are reasons why people who have a story to tell are reluctant to tell the details. People were fired because of journalists’ articles. The repercussions can be grave but you attempt to correct misunderstandings. I think what is valuable in this process is that these people will be externally held accountable. I think they should be worried that the information you are collecting could only have come from someone within the organisation. One reason we need to be careful with our identity, we need people to have access to this information such as those people from the cluster system who work for a large NGO and who see the ethical problems. I know that nothing I am saying is wrong, so why shouldn’t I have my name associated with this problem. And later we discussed this and it was clear that we need to have people in these systems. I made it known with UNICEF that I will not shut up about this. But we need to protect our identity from those who can have access to information. Today, by not working directly for UNICEF, I don’t have any bargaining chips to shut me up.”

Grove continues, “The UN is the keeper of a normative framework and their work should advocate when the framework is not respected. On the other hand, in the case of the IDP camps, these were internment camps, these people were not allowed to move out, they were trapped and the conditions inside those camps were really dire. So does the UN do something? Do you say something about their conditions or not? The shaming works for the UN, but the Sri Lanka government couldn’t care less. Where the international media can have an effect is on changing the behaviour of the donors and the UN. As a result of this I left, I resigned with IOM.” Another

former UNICEF specialist states, “People shut up and don’t do their job because they didn’t want to lose their nice family duty station. A more generous interpretation of Neil [Buhne]’s position is that he calculated the effect of his being removed and the task going to the head of UNHCR. To this day I am undecided.” Grove also resigned her position as a result of the silence of the UN.

Attempting to put this into perspective of the larger situation since the tsunami, the Internews informant claims that the UN has been playing a diplomatic game since 2005 stating, “We just let those people get killed. If you lose the international position, the government of Sri Lanka could ask the UN staff to leave because they couldn’t assure their safety. How do you take that? Do you take your mandate to protect your civilians or do you stay because you know what would happen by leaving?” The Internews informant attempts to put the political games into perspective, “Amin Awad was involved in making political decisions for UNHCR. There was a group of powerful people in the UN, Philippe [Duamelle] and Neil [Buhne] were hanging out together and this goes back to 2005, to the tsunami. You reach the one year anniversary and the shit starts hitting the fan because people are still in camps and we have to blame someone. That is how things escalated: you have a country where there is a very important nationalist movement, where they dislike international intervention because they consider it linked to the thirty years of development and international aid *and* the media is feeding this on a daily basis. Add to this the fact that the UN works on the basis that no news is good news and that there was no dialogue between the Sri Lankan government and the UN. This is how things escalated. The whole thing with Sri Lanka is that the UN didn’t want to push it too far. It reminds me of Haiti. It is one of the best family destinations you want to be—you don’t want to get kicked out if you are coming from the Sudan or Afghanistan. For instance, there was a guy with no emergency experience, UNDP, a Canadian, and he was unable to lead whatsoever—and he was the Humanitarian Coordinator in Sri Lanka, Neil Buhne. We remained silent and people were getting killed on a fucking daily basis and the UN said nothing. Not just the UNHCR and UNICEF, the whole UN Family just remained silent. We were very complicit in letting people get killed. As part of the humanitarian family you feel ashamed, embarrassed.”

The Incompetent at the Top?

One thing I constantly heard from every single informant who contributed to this report and other UN staff with whom I worked in Haiti, was how there seems to be a perverse correlation between the lack of expertise and the ability to be promoted within the UN system. This is not a critique to be taken lightly since approximately half the people who contributed to this report did leave the United Nations permanently to create their own NGOs or to collaborate with organisations they esteemed had higher ethics than that which they found within the United Nations. The other half changed agencies within the United Nations. That most every person who is referenced here was discouraged from speaking out by their superiors within the United Nations also speaks to a certain desire to keep the problems of development, emergency relief and humanitarian aid within a hermetically and institutionally sealed bubble. Needless to say there is a tautology of this order of incompetence being promoted and the more competent being threatened or coerced from speaking out and this is a systemic problem which needs to be addressed by UNHCR and the other UN agencies mentioned throughout this report.

A former UNICEF Child Protection Officer tells me, “It doesn’t surprise me the scale of how wrong this all is. Yet, you can still talk within the UN. There are people who are genuinely invested in changing things for the better. You have UN agencies which are not mandated in human rights issues having to deal with what another UN agency which is mandated in human rights, and these colleagues are not doing this for whatever reason. UNOPS had an emergency unit, but this is not our mandate. In Menik Farm I was first on the ground and I was doing some research for myself. We couldn’t raise anything in Sri Lanka, and I was one of the investigators and I was questioning what happened there, who is alive, who is dead. I was just thinking with the shelter team wondering what happened there. We had to wonder if there was genocide or not. And when you have the operational meetings and policy meetings at a high level, UNOPS raised these issues because we were on the ground and others like UNICEF said nothing. We are all part of the UN family, we are all in this together and we have a responsibility to speak out. I am not going to shut down just because it is not part of my mandate, we have the same charter. So a lot of raising issues you know has a lot to do with personalities.” She then points to ironies of the those who made grave mistakes in Sri Lanka and the repercussions of their actions in the months following the end of the conflict in Sri Lanka: “Awad has been promoted, but he has been promoted to a dead end job at least. Probably the low level people you meet will never become high level—we will all resign.”

Natalie Grove doesn’t mince words on this subject: “The UN wants staff who will tow the line. For instance, it is harder for a Nigerian who is supporting seven families to denounce wrongdoings of the UN. I recognise that. If you are a father of five kids and supporting eight other families, it is hard to denounce. UN Resident and Humanitarian Coordinator for Sri Lanka, Neil Buhne, had to be approved by the Sri Lankan government. Why the Sri Lankan

government would agree to have him there, but he didn't have the skills required for the job and had never worked in a conflict zone before. I to this day the position he took. There are two things that I am told: one that he is genuinely that optimistic, his position was to back away, and he took a softly softly approach. At some point you have to review your strategy. The second complicating issue with Neil was, I think it is true, and this is where I think the myth of being expelled from a country needs to be addressed—if you are doing your job and kicked out of the country, PNG, great! The Sri Lankan government looked even more guilty because they cannot even bear to have a humanitarian coordinator. The problem is that the UN never pushed the issue to put Sri Lanka in a questionable light—it shouldn't have been. Sri Lanka should have been exposed for what it was. So there was this constant debate about how many people were being killed. The debate was should Neil have risked being expelled. Regardless, who cares? That is his job. He is the humanitarian coordinator, and if he gets expelled, the job falls to Awad. One interpretation is that people shut up and didn't do their job, they didn't want to lose their nice family duty station in Colombo; another is that he calculated the risk and that the job would go to Awad. To this day I am undecided, but I allow that to be a possible reading. Just having known Neil and watching his inaction and his being frustrated. In the end, the incompetent people are promoted and moved out to another region.”

Barbara Profeta notes the problematic relationship between the extremely powerful within the UN and their choices for promotion: “The Representative from UNHCR has been promoted to a higher position in Geneva. He was considered a ‘criminal’ by his own staff. He was similar to the UNICEF Representative [Philippe Duamelle] in his approach and they were friends. Since UNHCR had the lead on protection this meant that UNHCR got shelter and UNICEF was included in the pipeline in their joint negotiations with the SLA (Sri Lankan Army). On two occasions we learned that these two representatives had flown into Vavuniya with a military helicopter directly to the SLA base, in order to negotiate which agency would get which piece of the cake in the IDP camps. Heads of field offices were just puppets for these two men. The UNICEF Field Head was there three years and recently has been promoted to a P4 position. He is still in Vavuniya as Head of Office.”

There were many reports lodged by these and other UN workers who do not appear in this report within the UN framework towards those senior officials who many believe to have committed egregious violations of their mandate. The various UN agencies' response to these complaints from staff members was to promote or shift these individuals out of Sri Lanka so that these all criticism would be elided and those accused of violations would not be subject to in country scrutiny. Philippe Duamelle, Amin Awad, Neil Buhne and Andy Brooks were the focus of these UN workers' complaints. Philippe Duamelle remained in Sri Lanka as the Head of UNICEF until 2010 when he was appointed as UNICEF Representative in Egypt. UNICEF deployed Andy Brooks as head Child Protection in Haiti after the January 12, 2010 earthquake. Brooks was later transferred to head UNICEF in Tanzania and his post in Haiti was filled by Caroline Bakker who

according to many of these informants, actively obstructed the UNICEF mission in Haiti. Neil Buhne continued as the United Nations Resident/Humanitarian Coordinator in Sri Lanka until he was promoted to Director of Geneva Liaison Office of the UNDP Bureau for Crisis Prevention and Recovery in 2011. And Amin Awad was given a substantial promotion after his post as the Representative for UNHCR in Sri Lanka when he was appointed in 2009 as Director of UNHCR's Department of Emergency, Security and Support in Geneva.

Conflicts of interest

Throughout this report is are various underlying narrative of conflicts of interests: between the agencies' need for objectivity and the need and desire to raise more donor monies; between the NGOs who collaborate with the UN agencies in the cluster system and the clamouring for media attention that does go on behind the scenes; the interconnectivity between media attention, raising donor funds and sticking to a mandate that is not in the explicit (or implicit) interest of raising donor monies; between the UN agencies' need to focus on their mandate while not creating a diplomatic scene which will result in their being partially or completely ushered out of the country; and between the very subtle ways in which missions are sabotaged or not executed at all in the name of not disturbing the status quo of that agency (ie. that agency's relationship to other UN agencies and NGOs or that agency's relationship to the media image it wishes to maintain) in order for donor dollars to continue to flow in. A few more examples are mentioned in relationship to the UN mission in Sri Lanka which entail conflicts of interest in the fields of international policy and inter-agency policy between the United Nations and other NGOs in the country.

A former UN worker who asked to remain anonymous told me: "The Americans were very confused in their policy. They would send USAID teams to discuss the humanitarian principals and they would be completely contradictory in their statements. I remember the ambassador spent the weekend with us and he was concerned by the disappearances and all the security zones that were set up. But I remember the Americans, the very same week, gave a load of equipment to the Naval base which contradicted their concerns with some sort of military assistance." Such pervasive structural and political conflicts of interest render non-credible the premise of development agencies which claim a desire to help countries in crisis." He also went on to note more obtuse conflicts of interests: "Agencies representing the cluster were cutting their own deals, interacting with military. People were in dreadful conditions and displaced time and time again; people in rags, with no food and medicine were restricted; half rations were implemented. And there was not accountability for the various conflicts of interest evident on the ground."

One UNICEF worker tells me about being called a "liability" by head of UNICEF, Philippe Duamelle and how this was in itself a conflict of interest since Duamelle had no interest in collaborating with the other agencies, or collaborating with those among his own staff: "UNICEF wanted to build a rehabilitation centre for former child soldiers. And as I was leaving I was told that Philippe Duamelle thought I was a liability. And I said to this person, "Why? because I was a liability for the children or to UNICEF?" I would say this says something about how they are acting. We should have been together on these issues, but he was not. In Geneva they know this was happening in Sri Lanka, in Geneva they know this is happening in Haiti."

Natalie Grove and seven other UN staff also reported to me the conflicts of interest which grew

out of UNHCR's and UNICEF's unwelcome attitude towards cluster meetings and collaborations, a formation which had evolved from the umbrella group. This proved to be a great conflict of interest in terms of the 11 convoys sent to the Vanni wherein UNICEF decided to act in complete abandon to any notion of cooperation with other NGOs in the field. Likewise UNHCR acted with complete disregard to the reality on the ground of the Sri Lankan government's human rights violations, the myriad violations of UN Resolution 1612, malnutrition in the Vanni, and the elision of all complaints made by its own staff and other UN agency staff regarding every heretofore mentioned. The conflicts of interest regarding professional ethics are clear and yet somehow dozens of UN staff were silenced or ignored after raising their voices regarding the incidents contained within this report.

Final Impressions

Every UN staff member whom I interviewed sees various options that the UN could have chosen in order to respond to the human rights abuses rather than remain in silence, the posture that dominated the United Nations in the final months of the conflict. While each UN staff member acknowledges the importance of advocacy within the country, they were unanimous in their beliefs that the United Nations did not do enough and enabled a situation of human rights abuses to include, according to many, genocide. This report is replete with options that each of these twelve informants details. Here we see some concluding remarks made by some of these informants which attempt to bring to the fore some of the more structural problems of the United Nations in both Sri Lanka and Haiti. It is no coincidence that several of these UN staff members sought me out, asking me to document their stories—for they witnessed a pattern in UN's which demonstrated its inability to deal with human rights violations in both Sri Lanka and Haiti. Many told me what they saw in Haiti was exactly the same pattern of abuse as in Sri Lanka, where in Sri Lanka there was the recruitment of child soldiers, in Haiti there was the trafficking of children. These observations below reveal some of this sentiment.

Susan elaborates how she sees the problem of bringing the human rights atrocities to light: “There were many ways of addressing this problem after we were told to leave—there are many ways of addressing this matter now. The Secretary General could have made the call, someone could have gone to the press. I think media pressure can work. If you don't have agencies that have an incentive to get involved, they have to play a delicate game of maintaining a presence in the country and advocating.”

Nathalie Grove's assessment of the situation echoes those of her colleagues. Grove notes: “My impressions are about the people who had been there those final six to nine months, and who had seen the way the UN camps had become detention centres, manned by the Sri Lankan army. We built those, IOM built those, UNICEF organised them—people stayed on and tried to deal with the human emergency. When you go that far you do need to service these camps, like we did for the Sri Lankan government. After three months, there was this feeling that you could not keep faith in this situation. Many in the OCHA office left, people were discouraged. What we need to know is what is the failing of the humanitarian response there and it is important to know who did what and why? There were some dreadful decisions made about these IDP camps. And there are so many things frustratingly written up as lessons learned. But you really can't call them lessons learned if you keep repeating the same mistakes. There is a different story to tell. Were people actually doing a bad job? If I am a water engineer and I make a latrine that doesn't work, I am a shitty engineer. But if I deliberately design a faulty latrine, then this is where the incompetence from the moral bankruptcy needs to be decided. It is not just bad decisions or incompetency. My problem is not with Caroline [Bakker] or with Philippe [Duamelle]—it is something else within the failing of the humanitarian response.”

Another UNICEF officer goes on to detail the organisation's failures: "Andrew Brooks is an example of a good person who didn't do his job. He wants to do the right thing, but for whatever reason at an institutional level, he chose to do nothing, to say nothing, not to support the people he should have supported. And I told him this to his face—I said he didn't collectively do enough. I see the results every day of what he didn't do. Again I think the story is less a prediction of if the UN behaved better this many children would not have been trafficked, recruited or died. It's simply this: why were they not allowed to do their job? Perhaps the Sri Lankan government was so corrupt and stubborn, so powerful, so wilful that nothing would have changed. No matter what Neil Buhne said in the media, nothing might not have changed no matter what position UNHCR or UNICEF took. But we don't know this. And that can't be the debate—the debate cannot be about an unknown which is would it have made any difference if we would have done it differently. What is very clear is that it should have been done differently. If it failed to have an impact the UN has done its job, it's reported, it's adhered to its principles. If the Sri Lankan government continues to behave in this way or the outcome is the same—ok we lost out, but we did all we could. Can UNICEF say that they did everything they could to protect the rights of children? Has UNICEF done everything in its power to prevent the trafficking of children. If the system of international trafficking is better than our powers at UNICEF, than we have to get better at our jobs. You cannot know what the other will do, you can only act within your mandate."

These conclusions of the problems within the humanitarian efforts made by UN agencies in Sri Lanka resonated with each and every interview I conducted. Simply put, the repetition of the above-mentioned paradigms indicates a systemic problem in the United Nations' approach to development and humanitarian aid beginning with the ethos of what "humanitarian work" means on a human scale and how any such work ought to be recognised, theorised, organised and executed, if at all. This latter thought is something that several interlocutors mentioned during the interview process, not as an exasperated plea to stop all humanitarian work, but as a need for current forms of human intervention in economically and politically delicate situations to be rethought completely, from the top down. Also what is clear from these 12 interlocutors is that there is a desperate demand to rethink the human mechanisms—regardless of agency—in the field related to transparency, the execution of each agency's mission, and an astute scrutiny of the links between donors and projects. For instance, there needs to be an unmitigated process for any UN staff member to raise complaints or calls for investigations without suffering repercussions against their person or employment. These workers need to have bilateral access to the very mission that on the one hand is supposed to authorise their work whilst concomitant to their projects they are being silenced by senior staff or having their reports tossed aside and obfuscated in the processes that occur post-mission. Moreover, the way in which occurrences in the field of one UN agency or NGO paying off those seeking shelter to put up their tents and take down those of a competing NGO need to be treated as serious ethical violations. Similarly, UNICEF's refusal to dialogue with other NGOs to ship humanitarian items—not cricket bats and

chalkboards—needs to be addressed on an official level as severely as it has been addressed by those workers on the ground who left their posts in protest to such abuses.

Also notable within the testimonies of the subjects of this report are the observations which many view as a mechanism used by UN agencies for covering up the acts of negligence which they have each cited in their End of Mission reports, namely the promotion of senior level UN officials who were widely considered to be incompetent. According to all twelve informants here, the key players within UN agencies have not suffered any repercussions for the delinquency of their professional duties towards the mission of their respective agencies. The top senior level players to whom they refer in Sri Lanka are namely Philippe Duamelle, Amin Awad, Neil Buhne and Andy Brooks. Each of these men has either been shifted in duty station or given a significant promotion with absolutely no inquiry into the repeated End of Mission reports which do clearly put these men's actions and ethics into question.

This report is a collective statement of individual experiences by twelve UN workers who lived and witnessed incredible abuses of the mission that they were supposed to fulfil in Sri Lanka. Ultimately this study reveals repeated and corroborating testimony of those humanitarian workers and one press agent who witnessed and experienced an array of abuses which brought them within months of their missions in Sri Lanka to speak out. Each and every interlocutor has compared the abuses in Sri Lanka to various abuses they witnessed in Haiti. There seems to be no doubt that changes need to be made within these agencies not to mention within the hierarchy of the United Nations which has demonstrated itself in Sri Lanka as an organisation which makes decisions that are often more political than in the interest of the people it ostensibly serves.

¹ Human Rights Watch, World Report 2010, p. 347, <http://www.hrw.org/world-report-2010>, (19 May) US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010,