



HOUSE OF LORDS

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The Select Committee on Sexual Violence in Conflict

Inquiry on

SEXUAL VIOLENCE IN CONFLICT

Evidence Session No 8

Heard in Public

Questions 48 - 52

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5 pm

Witness: Lieutenant-General (retired) David Leakey

USE OF THE TRANSCRIPT

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Members present

Baroness Nicholson of Winterbourne (Chairman)
 Bishop of Derby
 Baroness Goudie
 Lord Hannay of Chiswick
 Baroness Hilton of Eggardon
 Baroness Hodgson of Abinger
 Baroness Hussein-Ece
 Baroness Kinnock of Holyhead
 Lord Sterling of Plaistow
 Lord Williams of Elvel
 Baroness Young of Hornsey

Examination of Witness

Lieutenant-General (retired) David Leakey, Gentleman Usher of the Black Rod

Q48 The Chairman: Good afternoon. Thank you very much for joining us. We are very grateful to you for coming. As you know, you have the list of interests that Committee members have declared. This is a formal evidence-taking session, and a full note is going to be taken. It will be on the public record in printed form and on the parliamentary website. Our clerks will send you a copy of the transcript in case we have made any errors that you might wish to correct. It is on the record and is being webcast, and it will subsequently be accessible on the parliamentary website. We would very much welcome any supplementary written evidence; we have a short time to ask for a lot of information, and subsequent written evidence to back that up would be very helpful. Would you like to make any opening introductory remarks to the Committee?

Lieutenant-General David Leakey: Thank you very much. I feel passionately about this, but I think there is quite a lot of rhetoric and misunderstanding about sexual violence in conflict because of the nature of conflict these days, where I think people are rather inclined to see the rather old-fashioned concept of binary or even three-sided conflict with regular combatants, but most conflict these days is not of that nature; it is made up of, or conducted by, irregular soldiers, if indeed they are soldiers at all—militia, armed men, gangsters, criminals—not in an organised or trained structure. That would be my opening point. The only other thing I would say is that it is probably right to celebrate today the 15th anniversary of UN Security Council Resolution 1325, which was a breakthrough resolution in this whole subject area. It was the first time that the Security Council had reached agreement on, if I can put it in shorthand, the world community's revulsion in this area.

Q49 The Chairman: Thank you very much for reminding us of that; you are absolutely right. When in your military career did the whole issue of sexual violence come up at all? Why was this, and in what context?

Lieutenant-General David Leakey: I cannot remember when it first came up, but I can say that from the very first day the treatment of civilians or non-combatants, and the

recognition of the Geneva Conventions and all the other civilising customs and traditions of conventional warfare, were part of our training. Sexual violence was part of that, but then any sort of violence that was not lawful was very much part of our training, not just the formalised training—in other words, we had to understand and read and be tested on the Geneva Convention and the other relevant associated regulations, along with our own UK military regulations about conduct in conflict—also during the practical training related to the specific theatres, when I joined and as I progressed through my career, for wherever the British military were deployed. That meant Northern Ireland in particular, where the British military did not have an unblemished reputation but where any misconduct—I am not talking only about sexual misconduct—or misuse of force or of military powers was subject to very severe disciplinary sanction. That then applied through all the other theatres of conflict, whether that was the Falklands, the Gulf, the Balkans and so on. In the British military, training, both generic and specific to theatre, has always focused not only on the values and standards of the British Army but on those related particularly to the Geneva Convention and human rights generally.

The Chairman: Thank you. We might have a comment from Baroness Goudie.

Baroness Goudie: My supplementary question was going to be about Ireland and the other bases that you have served in, but I think that you have answered it in your statement just then, so thank you.

Q50 Lord Williams of Elvel: In your experience as an officer in various theatres, did you ever come across an incidence of sexual violence as far as UK forces, anywhere near you or under your command, were concerned?

Lieutenant-General David Leakey: Not in any theatre of operation. I cannot recall ever coming across a situation where there had been such a violation by the British military. I would add that the British military is no more than a reflection of our own society, and British soldiers—I am talking mostly about soldiers (as opposed to servicemen from our sister services), from my experience—have committed crimes. I have experience of soldiers committing crimes of a sexual nature, not in a theatre of conflict but in the barracks and the local towns. Soldiers are human beings: they get out of control, get drunk and lose their moral compass, and they act and react badly. The reason why that sometimes has happened, in my military experience, is because when they are out of the military structures—in other words, they have gone on leave or on holiday abroad—they are not under the military regime, whereas when you take British soldiers to conflict areas they are under the strictures of the chain of command and the regulations 24/7. In a way it is therefore perhaps not surprising, given the opportunities for the inappropriate use of violence or force, that it happens occasionally, but not to the scale that you might expect. I am speculating here, but if you take the whole of the British Army over the last 25 years, I suspect that there has been more violent crime and sexual crime in peace-time locations than in all the British military engagements in conflict in the Balkans, the Falklands, Iraq and Afghanistan put together. Hundreds of thousands of soldiers have been in these situations. A few have been prosecuted or investigated for abuse of the use of force, perhaps in a prison situation such as Abu Ghraib. Many other cases have been brought against British military soldiers but not that many have been proved, and the British military record is therefore not bad. To answer your question, I repeat that I cannot remember encountering a case of

sexual violence by the British military in any of the theatres where I have been directly involved.

Q51 Baroness Hussein-Ece: Why do you think that during the Bosnian conflict sexual violence was used so extensively by paramilitary groups? As a supplementary, in retrospect, it is surprising that at Dayton there were no representatives of women's organisations or indeed civil society during the peace negotiations. Could you give your personal view on that?

Lieutenant-General David Leakey: Those are very relevant questions. On the first part of the question, what led to the quite extensive sexual violence during the Bosnian business, in no order of priority as these occur to me they were drunkenness and drugs, ill-discipline, the lack of effective chain of command and recognised military structures, the lack of any sort of formal military training among many of the cadres of people—you called them paramilitaries; I would call them irregulars—and a historical culture of violence in that part of the world. One has only to read the relatively recent history of the area of the former Yugoslavia—I was going to say the Balkans, but that would be too much of a generalisation; certainly let us say Bosnia and that area—to see those sorts of atrocities, and an attitude to violence and indeed to women that was probably 30 to 40 years behind those in areas further north in Europe.

Lord Hannay of Chiswick: Can I just ask a supplementary?

The Chairman: First there is a supplementary from Baroness Kinnock and then I will come back to you.

Baroness Hussein-Ece: I still have a second part to my question.

Lieutenant-General David Leakey: I was just going to finish answering the first part of your question. The other reason for the prevalence of sexual violence in Bosnia was the overall climate of what was going on there. It was not just sexual violence; there were atrocities of all sorts there, breaches of every imaginable human right. You only have to recall what was going on in the orphanages, and the arson attacks on farmsteads and villages. The nature of some of the conflict, if you want to call it that, was medieval. There was therefore in many parts of that conflict a total loss of a moral compass, of a sense of common decency and standards, and no recognition in some cases of even the basis of what I might describe as the Geneva Convention. It was on our media screens—the photographs of the concentration camps, for example, the nature of which was completely outlawed. That was going on as well. It is therefore not surprising that this seeped down into sexual violence. There were no sanctions and the rule of law did not apply. The whole of Bosnia was run under a regime of black marketing and criminality. In fact the people who were the political, police and to a certain extent military leaders before the conflict were the same kleptocrats, if I may call them that, under the previous political and civic society system in the former Yugoslavia. They were prosecuting the war and running the rackets, and indeed the same people continued to do so after the war, partly because there were no other people to be leaders. So the absence of the rule of law, training, standards, sanctions or the ability of anyone to investigate added to the blackness, not the fog, of the climate of that war. The atrocities, the culture, the drunkenness and drugs—that whole cocktail meant that sexual violence was, I guess, going to be inevitable; people were simply out of control.

On the second part of your question, the purpose of Dayton was to get a quick fix during the interval of a ceasefire. Too many peace processes have come unstuck because they have gone on too long and become too complicated. The Americans who led the Dayton peace agreement process therefore pretty much set a deadline; in fact, in the end it was linked to Thanksgiving Day—November the twenty-whenever-it-is.

Lord Hannay of Chiswick: Fifth.

Lieutenant-General David Leakey: The 25th. They set a very tight timetable, which meant that the scope of what could be agreed, discussed or included in the peace agreement had to be the things that were going to set the conditions for better civic society and better human rights. Those things were, first, a military ceasefire, a division of the territory and the setting up of the political and other critical civil service institutions, such as banking and tax, and political institutions—in other words, to set up the framework. So there were really no other elements of civil society present or included in the Dayton agreement. There was nothing about children, women's rights – only references to “human rights” – but the specific human rights of orphans, children, women and animals were not included in Dayton. Having got the Dayton framework and political structures in place, it was for the locals to sort out for themselves, including the setting up of the courts, the judiciary and the police forces to investigate and deal with such things as sexual violence in conflict. The top priority was then not only the other atrocities such as the Srebrenica massacre but all those who were indicted by the war crimes tribunal, The International Criminal Tribunal for the former Yugoslavia or ICTY.

Baroness Kinnock of Holyhead: I have been to Bosnia a few times, mainly to talk with women. They always tell me that no one ever believes them. They tell me it was easier to talk during the war, but now they find that they cannot move on at all. The misery and the suffering has been carried through their entire lives after the end of the war. You would agree, would you not, that this was on official orders as it was Bosnian Serb strategy? It was ethnic cleansing—that was their objective. I know you have said that general blanket characteristics existed across the board, but I think that these were official orders. That has happened not only in Bosnia; it has happened in other conflicts. Only seven people faced trial. Women have never felt that there has been any end to their suffering. Only one suspect ever pleaded guilty. This is in the context of 20,000 or 50,000 women, and that is a hell of a lot of women, subjected to sexual violence. It is an outstanding example of the way in which these men used women's bodies as a way of telling everyone that they were the superior beings, and they were the ones who were going to be making the decisions.

Lieutenant-General David Leakey: Are you implying that it was only one side that was doing it?

Baroness Kinnock of Holyhead: Not necessarily.

Lieutenant-General David Leakey: I do not have evidence of it being part of the strategic plan of any of the participants in the war. There may well be evidence, but I am simply unaware of it.

Baroness Kinnock of Holyhead: There is evidence.

Lieutenant-General David Leakey: Then I would not dispute that. I was there for about one week a month from 1993 to 1995. I visited some of the refugee camps, for want of a better phrase, particularly those that were quite distressing places to visit where there were mostly

women and children. I, too, spoke to the women who had undergone these experiences, and I had no reason to disbelieve them. The problem with all these sorts of cases, as with every other atrocity that happened in Bosnia, whether it was sexual violence, arson on villages or any of the other things that happened, was that if you were going to bring someone to justice—the standards of justice that we respect—you had to have good evidence for it. There were simply insufficient resources at that stage, either indigenous or international, to get the quality of forensic evidence required ever to bring a case.

Baroness Kinnock of Holyhead: They will not give that evidence, understandably, because then they would draw attention to the suffering that they have been through.

Lieutenant-General David Leakey: I think that in many of the cases, certainly of the women I spoke to—I remember one harrowing afternoon I spent in one of these places—the women had not the slightest clue who the men were. Frankly, some of the men were so drugged and drunk that they would not have remembered what they had done anyway. The destitute state of some of the soldiers and the conditions in which they lived meant that they did not even know whether it was Christmas. They would shoot at anyone, including the blue helmets who were very often keeping their supply routes open.

The Chairman: It would appear that we are about to have a vote. Is it possible for you to return to give more evidence? Your timetable is probably very tight.

Lieutenant-General David Leakey: I note that I am due to chair another meeting shortly. Would you like to reschedule?

Lord Hannay of Chiswick: Could we have one last question?

The Chairman: I think we might take you up on your kind offer of written evidence. Lord Hannay, could you be very brief? Then there might be time for Baroness Goudie.

Q52 Lord Hannay of Chiswick: You have—rightly, I am sure—identified the kind of breakdown in normal moral codes and so on in Bosnia, but surely there is quite a lot of evidence now that sexual violence was used as a tool of policy to achieve ethnic cleansing, and that particularly Bosnian Serb but also to some extent Bosnian Croat attempts to cleanse various parts of Bosnia were backed up by a policy of permitting and indeed encouraging sexual violence, to break the morale and drive out the Bosniak population from various places. I have seen plenty of evidence from Anne Warburton's report on that. Surely this is rather an important element, because then you are talking about something that is a matter not of individual responsibility but of command responsibility.

Lieutenant-General David Leakey: Absolutely. There are well-recognised international conventions that capture this area; I am struggling for the name of the convention that is named after the trial of a Japanese general. Of course if there is proof that this has systematically been used as a weapon of war, then the commanders are responsible. I think I have probably said all that I can.

The Chairman: Thank you very much.