



Human Rights Commission

October 25, 2012

Lt. Col. Brian Gonsalves, Commanding Officer
The Bermuda Regiment
Warwick Camp
1 South Road
Warwick, WK 01

Re: Investigation Closure – Case Dismissed

Dear Commanding Officer:

I write on behalf of the Human Rights Commission (hereinafter referred to as “the Commission”) to formally notify you that our investigation is now closed.

As you are aware, after careful consideration of the many reports that appeared in the Royal Gazette in September and October 2009, the Commission sought to investigate the allegations of sexual misconduct at the Bermuda Regiment. The decision to investigate was made at meetings of the Commission held in October 2009 and the investigation formally started on or about March 24, 2010.

During the investigation, the public was invited to make representation and to provide any information related to the alleged incidents as reported in the press. The plea was made to urge individuals to make complaints to the Commission or to the Regiment in order that any complaints could be properly investigated. The investigation revealed that no person came forward.

Further, upon request, the Regiment produced all documentation, including the policies and procedures relating to the reporting processes and investigations of complaints. Also, the Regiment provided information regarding specific cases of sexual abuse and sexual harassment. We are thankful that the Regiment was cooperative and responded expeditiously to any requests for information and any specific records.

The Commission has decided to discontinue the investigations for three reasons. Firstly, despite the urging given to persons, who may have experienced sexual misconduct at the Bermuda Regiment and others with knowledge of these allegations, to report these incidents to the Commission, no one came forward and no complaint was received by the Commission. Secondly, the investigation highlighted that all of the alleged incidents would have occurred in 2002 or before 2002. The Commission has no authority to investigate complaints that are more than two years old from the date of the alleged contravention. Thirdly, the Regiment was very forthright during the investigation. The Regiment stated that the most recent complaint received was in 2005 which occurred while the Regiment was on an overseas mission.

The Commission is satisfied that this complaint was properly dealt with and that the Regiment has a robust sexual harassment policy. We note that the policy is based on the United Kingdom model.

In addition to agreeing to discontinue the investigation, the Commission unanimously endorsed that the Regiment amend its policy to include that both the Human Rights Commission and the Bermuda Police Service be referenced as these are competent agencies to report allegations of Human Rights violations. Everyone within the Regiment ought to be reminded that the Human Rights Commission is the statutory body where such allegations can be made and investigated. It should also be made clear in the Regiment's policy that all personnel have both the Bermuda Police Service and the Human Rights Commission to report any and all claims of discrimination or violations of human rights.

Accordingly, the Commission is suggesting to the Regiment that it should consider amending its policy to ensure that all personnel are made aware of the duties, functions and mandates of the Human Rights Commission, with an advice that the Commission should be considered the paramount institution to report human rights violations. Further, the Commission offers its services to provide any presentations to explain the Human Rights Act.

In closing, I must apologize for the length of time that the Commission spent on this matter. However, we are satisfied that the length of time was required. On the one hand, it provided persons an opportunity to lay complaints, if they so chose. And on the other hand, it made no sense in rushing a matter, like this, where serious allegations have been made.

Please accept this letter as confirmation that the Commission is satisfied and that the case is now closed.

Yours respectfully,



Lisa M. Lister Reed

Executive Officer