



United Nations

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**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

*This Report is protected by paragraph 18 of
ST/SGB/273 of 7 September 1994*

INVESTIGATION OF AN ALLEGATION OF RAPE AGAINST [REDACTED]
[REDACTED]

REDACTED REPORT

ID Case No. 0231-06

19 MARCH 2007

STRICTLY CONFIDENTIAL

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Table of Contents

I. INTRODUCTION 3

II. BACKGROUND INFORMATION 3

III. APPLICABLE LAW 3

IV. METHODOLOGY 5

V. INVESTIGATIVE DETAIL..... 5

VI. FINDINGS 6

VII. CONCLUSIONS..... 7

VIII. RECOMMENDATIONS..... 7

INVESTIGATION INTO AN ALLEGATION OF RAPE AGAINST

[REDACTED]

I. INTRODUCTION

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received, from [REDACTED] of the [REDACTED], an allegation of the rape of a [REDACTED] by [REDACTED] with [REDACTED] and [REDACTED].

2. It was alleged that in [REDACTED], the [REDACTED] (hereafter referred to as [REDACTED]) was walking [REDACTED] near the town of [REDACTED] with [REDACTED], when [REDACTED] was accosted by [REDACTED], whom [REDACTED] described as [REDACTED], one of whom knocked [REDACTED] to the ground and raped [REDACTED] whilst the other held [REDACTED] down. It was further alleged that [REDACTED]'s baby was also injured during the assault.

II. BACKGROUND INFORMATION

3. [REDACTED] was established by [REDACTED] in order to support the implementation of the [REDACTED] and [REDACTED] following [REDACTED].

4. [REDACTED] is a [REDACTED] situated in the [REDACTED] near the border with [REDACTED]. Security for the region is administered by [REDACTED] whose main [REDACTED] is on the outskirts of [REDACTED]. The [REDACTED] is surrounded by [REDACTED] in which a number of [REDACTED] reside; these [REDACTED]s are connected to [REDACTED] by a series of [REDACTED]. It was alleged by the victim that the rape had occurred on one of these [REDACTED] near the [REDACTED].

III. APPLICABLE LAW

5. [REDACTED] Penal Code Act No. XLV of 1860 ([REDACTED])

Section 354 Assault or criminal force to woman with intent to outrage her modesty. Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

6. Code of Personal Conduct for [REDACTED]

Rule 1

"Dress, think, talk, act and behave in a manner befitting the dignity of discipline, caring, considerate, mature, respected and trusted [REDACTED], displaying the highest integrity and impartiality. Have pride in your position as a [REDACTED] and do not abuse or misuse your authority."

Rule 4

"Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children."

7. Directives for Disciplinary Matters Involving [REDACTED]
[REDACTED] provides:

"Serious Misconduct: Any act, omission or negligence, including criminal acts, that is a violation of mission standard operating procedures, directives, or any other applicable rules, regulations or administrative instructions that results in or is likely to result in serious damage or injury to an individual or to the mission."

8. ST/SGB/2003/13 – Special Measures for Protection from Sexual Exploitation and Abuse

I. *Definitions*

"For the purposes of the present bulletin, the term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."

2. *Scope of Application*

"2.2 United Nations [REDACTED] conducting [REDACTED] under [REDACTED] [REDACTED] are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary General's Bulletin ST/SGB/1999/13..."

Section 3 - Prohibition of sexual exploitation and sexual abuse

3.2 (a) *Sexual exploitation and sexual abuse constitute acts of serious misconduct ...;*

IV. METHODOLOGY

9. The ID/OIOS investigation included, but was not limited to, an examination of the alleged incident scene, the collection and analysis of all available information and documents, and the interview of civilian and military witnesses.

V. INVESTIGATIVE DETAILS

10. On [REDACTED] ID/OIOS interviewed [REDACTED] a staff member of a [REDACTED] based in [REDACTED], who stated that on [REDACTED] received a complaint from [REDACTED] who alleged that [REDACTED] had been assaulted by [REDACTED] described as [REDACTED], whilst walking along [REDACTED] near the [REDACTED]. The incident was alleged to have occurred the previous month - [REDACTED] told [REDACTED] that, at the time of the incident, [REDACTED] was carrying [REDACTED] baby in a [REDACTED] when [REDACTED] grabbed the [REDACTED] which caused the baby to come loose and strike the ground. [REDACTED] was then forced to the ground [REDACTED] before being raped by one of the [REDACTED]. The [REDACTED] held [REDACTED] to the ground.

11. [REDACTED] allegedly then told [REDACTED] that [REDACTED] reported the incident to [REDACTED] (hereafter referred to as [REDACTED]), and that they then attempted to locate [REDACTED]. The [REDACTED] alleged attackers of [REDACTED] were located not far from the scene of the alleged assault. [REDACTED] said that [REDACTED] and [REDACTED] allegedly confronted [REDACTED], who apologized and offered them [REDACTED] as compensation. [REDACTED] told [REDACTED] that [REDACTED] subsequently attended at a local [REDACTED] where [REDACTED] baby was treated for its injuries. [REDACTED] told [REDACTED] that [REDACTED] usually walked [REDACTED] with other people for security reasons, as it was common for rapes to occur in the vicinity, however, on this occasion, [REDACTED] was forced to walk alone.

12. ID/OIOS interviewed the [REDACTED] who [REDACTED] the baby, who stated that [REDACTED] attended at the [REDACTED], and told [REDACTED] that [REDACTED] baby had fallen from [REDACTED] back while [REDACTED] was running away from [REDACTED] the previous day. [REDACTED] examination of the baby revealed a slight bruise to [REDACTED]. Although specifically asked by the [REDACTED] denied being assaulted by the [REDACTED].

13. ID/OIOS interviewed [REDACTED] on [REDACTED]. The account provided to ID/OIOS by [REDACTED] was ostensibly the same as that [REDACTED] had given to [REDACTED] did not know the names of [REDACTED] involved, but described [REDACTED] as being [REDACTED] wearing [REDACTED], adding that [REDACTED] knew [REDACTED] were [REDACTED] because [REDACTED] looked like [REDACTED] and they were in an area that the [REDACTED] frequented. [REDACTED] stated that [REDACTED] believed that [REDACTED] would be able to identify those who attacked [REDACTED] from photographs.

14. ID/OIOS interviewed [REDACTED] (the [REDACTED]), the [REDACTED] in [REDACTED] was provided with a brief overview

of the alleged incident and asked whether [redacted] had received any information or complaints that may have been related to the incident under investigation. [redacted] denied receiving any such information and told ID/OIOS that the location where the incident occurred was not a location frequented by [redacted].

15. ID/OIOS examined the area where the incident was alleged to have occurred and spoke to a number of [redacted], who were observed using the [redacted] allegedly used by [redacted] on the day of the assault. These [redacted] told ID/OIOS that they often used [redacted] and had seen [redacted], both [redacted] and [redacted] on numerous occasions walking [redacted]. The [redacted] connects a number of [redacted]. It can be accessed from near the rear of the [redacted] and based on information developed by ID/OIOS, is often used [redacted] as a place to [redacted].

16. ID/OIOS prepared a photographic array for review by [redacted] and [redacted] comprising almost [redacted] photographs of [redacted] based in the [redacted] at the time of the alleged incident. Attempts to contact [redacted] were undertaken by staff from [redacted] and ID/OIOS on a number of occasions, but [redacted] was unable or unwilling to meet with ID/OIOS. ID/OIOS ascertained that [redacted] derived an income from the [redacted] and as such lived a rather [redacted] lifestyle. Information developed by ID/OIOS suggested that [redacted] may have left [redacted] and traveled to [redacted], or had moved to [redacted] in order to pursue an income. ID/OIOS established that [redacted] had traveled to [redacted] shortly after the alleged incident and it was unknown if and when [redacted] would return.

17. In [redacted] the [redacted] completed their [redacted].

VI. FINDINGS

18. [redacted] alleged that on [redacted], whilst [redacted] was walking [redacted] and in the vicinity of [redacted], [redacted] was allegedly raped by [redacted] and during the course of the assault, [redacted]'s [redacted] baby allegedly sustained an injury to [redacted]. ID/OIOS found that the account given by [redacted] of [redacted] alleged rape lacked credibility for the following reasons:

- a. [redacted] stated that the alleged rape occurred on a commonly used [redacted], yet ID/OIOS was unable to locate any independent witnesses, nor were any proffered by [redacted].
- b. [redacted] stated that, during the assault, [redacted] baby fell from the [redacted] on [redacted] and struck the ground, yet a [redacted] revealed only a slight bruise [redacted].

- c. [REDACTED] was allegedly raped [REDACTED] after childbirth. One would reasonably conclude that, still recovering from child birth, [REDACTED] would have sought [REDACTED] for [REDACTED], yet [REDACTED] did not;
- d. [REDACTED] did not make a complaint of rape to the [REDACTED] examining [REDACTED] baby; the account [REDACTED] gave the [REDACTED] as to how [REDACTED] baby sustained an injury differs markedly from [REDACTED] accounts to [REDACTED] and to ID/OIOS in that [REDACTED] stated that the baby had fallen from the [REDACTED]" while [REDACTED] was being chased by [REDACTED]
- e. [REDACTED] suspected [REDACTED] of being [REDACTED] assailants, yet neither [REDACTED] nor [REDACTED] – to whom [REDACTED] allegedly reported the rape – sought to address the matter with the [REDACTED];
- f. [REDACTED] suspected [REDACTED] as being [REDACTED] assailants solely based on their [REDACTED] though dressed in [REDACTED], and that the [REDACTED] was nearby;
- g. [REDACTED] reported the alleged rape [REDACTED] after it had allegedly occurred and did so to [REDACTED] with no associated report to the local police;
- h. [REDACTED]'s apparent unwillingness to assist investigators in identifying [REDACTED] alleged assailants by reviewing a photograph array despite efforts to contact [REDACTED] for this purpose by the [REDACTED] [REDACTED]
- i. The apparent coincidence of [REDACTED] and [REDACTED]'s unavailability and departure from the area when ID/OIOS sought their further assistance in the conduct of the investigation of [REDACTED]'s allegation.

VII. CONCLUSIONS

19. ID/OIOS found [REDACTED]'s account of [REDACTED] alleged rape lacked credibility; consequently, in the absence of independent witnesses, forensic evidence or identification of the alleged subjects, ID/OIOS cannot establish whether a rape had occurred and, if it did, whether it involved [REDACTED]
20. ID/OIOS concludes that the allegations of rape against [REDACTED] [REDACTED] are unsubstantiated.

VIII. RECOMMENDATIONS

21. In view of the findings, ID/OIOS makes the following recommendation:

Recommendation 1: That the [REDACTED] provides a copy of this report to the [REDACTED] to inform them

that the allegations of rape against [REDACTED] are
unsubstantiated and that the case is considered closed. [REDACTED]