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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*

**REPORT OF THE INVESTIGATION OF AN ALLEGATION OF
SEXUAL ASSAULT BY [REDACTED]**

REDACTED REPORT

ID Case No. 0553-06

11 OCTOBER 2007

STRICTLY CONFIDENTIAL

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I. INTRODUCTION

1. On [REDACTED], the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received an allegation that [REDACTED] ([REDACTED]), [REDACTED] with the [REDACTED] had attempted to rape a [REDACTED] (hereinafter referred to as [REDACTED]) of the [REDACTED], who was attending a [REDACTED] near the [REDACTED] in [REDACTED].

II. APPLICABLE LAW

2. [REDACTED] Act 1991- Section 151 [1]

"There shall be deemed to commit the offence of gross indecency, whoever commits any act contrary to another person's modesty, or does any sexual act with another person not amounting to adultery, or sodomy and he shall be punished with whipping, not exceeding forty lashes, and he may also be punished with imprisonment for a term not exceeding one year or with a fine."

3. [REDACTED] Criminal Act 1991 – Section 164

'Whoever confines any person, by intentionally obstructing him so as to prevent his movement, or unlawfully changes his direction, shall be punished, with imprisonments, for a term not exceeding three months or with fine or with both.'

4. Code of Personal Conduct for [REDACTED]:

Rule 1: "Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined, 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 2: 'Respect the law of the land of the host country, their local culture, tradition, customs and practices.'

Rule 3: '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.'

5. [REDACTED]

[REDACTED] – Directives for Disciplinary Matters Involving [REDACTED]

III. Definitions:

Paragraph 4 – *"Serious misconduct – any act, omission or negligence, including criminal acts, that is a violation of [REDACTED] 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 [REDACTED]. Serious misconduct includes, but is not limited to:

- Sexual abuse and exploitation of any individual, particularly children;
- Harassment, including sexual harassment;
- Conduct prejudicial to good order and discipline

IV. Standard of Conduct:

Paragraph 5 – “[REDACTED] shall refrain from any action or activity incompatible with the impartial and independent nature of their duties and inconsistent with the letter or spirit of the authorized mandate of the operation, the status of [REDACTED] agreement, and other applicable legal norms and standards. [REDACTED] shall respect all local laws and regulations.”

Paragraph 6 – “[REDACTED] are required to abide by the highest standards of integrity while in service for the United Nations. They shall refrain from any conduct that would adversely reflect on the United Nations and shall not engage in any activity that is incompatible with the aims and objectives of the United Nations. They are also required to abide by mission standard operating procedures, directives, or any other applicable rules, regulations or administrative issuances.”

VI. Notification

Paragraph 9 – “In cases where [REDACTED] are believed to have been involved in an act of serious misconduct or an act that has the potential to damage the image, credibility or integrity of the United Nations, the [REDACTED] shall be notified immediately. Any member of the [REDACTED] who becomes aware of such acts shall report them to the [REDACTED].”

Paragraph 10 – “Notification may also be made to the [REDACTED], who shall bring it to the attention of the [REDACTED].”

6. ST/SGB/2003/13

Section 3 – Prohibition of sexual exploitation and sexual abuse

3.2 [a] Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

the [REDACTED] fell from [REDACTED] and [REDACTED] then touched [REDACTED]. [REDACTED] struggled with [REDACTED] - trying to stop [REDACTED] from touching [REDACTED] until [REDACTED] could struggle no more and stopped. [REDACTED] then asked [REDACTED] if they could [REDACTED] "like mature people". [REDACTED]

14. [REDACTED] then told [REDACTED] that [REDACTED] was not a [REDACTED] that [REDACTED] could not just enter [REDACTED] sleep with [REDACTED] and then just leave when they did not have an existing relationship. [REDACTED] stated that [REDACTED] allegedly responded that [REDACTED] did know [REDACTED] and [REDACTED] and added that [REDACTED] and [REDACTED] had been talking about them. [REDACTED] assumed that [REDACTED] knew [REDACTED] and [REDACTED] as the result of having watched them the [REDACTED] during which the [REDACTED] were [REDACTED] each other's names. [REDACTED] did not ask what [REDACTED] and [REDACTED] had discussed about [REDACTED].

15. [REDACTED] told ID/OIOS that [REDACTED] tried again to convince [REDACTED] to leave [REDACTED] by telling [REDACTED] that [REDACTED] would be arriving shortly to discuss some of their [REDACTED]. However, [REDACTED] did not believe [REDACTED] tried to approach [REDACTED] again, at which point [REDACTED] threatened to scream if [REDACTED] did not leave. [REDACTED] then left the [REDACTED] stated that [REDACTED] had not screamed to that point fearing a scandal would ensue, and possibly jeopardizing [REDACTED] with [REDACTED].

16. [REDACTED] stated that during [REDACTED] struggle with [REDACTED] smelt intoxicating liquor on [REDACTED].

17. [REDACTED] told ID/OIOS that on the [REDACTED] [REDACTED] was not at [REDACTED] for the [REDACTED]. Consequently, in the [REDACTED] went to [REDACTED], which was a [REDACTED] from [REDACTED] and reported the incident to [REDACTED] (hereinafter referred to as [REDACTED]). [REDACTED] stated that at about [REDACTED] whilst the [REDACTED] was preparing to leave the [REDACTED] [REDACTED] approached [REDACTED] apologized by saying that [REDACTED] did not know what [REDACTED] had been doing because [REDACTED] stated that during this discussion [REDACTED] attempted to kneel before [REDACTED] however, [REDACTED] did not allow this to occur. [REDACTED] stated that after this [REDACTED] [REDACTED] also apologized to [REDACTED] [REDACTED] believed that they did so because word of what had occurred had spread.

18. [REDACTED] told ID/OIOS that [REDACTED] sustained no visible injuries as a result of the assault, though [REDACTED] experienced pain in [REDACTED] requiring the taking of [REDACTED] obtained from [REDACTED].

19. [REDACTED] advised ID/OIOS that after [REDACTED] reported the incident [REDACTED] accompanied [REDACTED] to the [REDACTED] and supervised the relocation of [REDACTED] with the help of some of [REDACTED].

b. Interview with [REDACTED]

20. ID/OIOS interviewed [REDACTED] and [REDACTED] of [REDACTED], who stated that [REDACTED] told [REDACTED] about the alleged incident at about [REDACTED] [REDACTED] stated that [REDACTED] said that [REDACTED] came to [REDACTED] the [REDACTED] and had offered to [REDACTED], a [REDACTED] and that the said [REDACTED] had asked for [REDACTED].

by [REDACTED]. [REDACTED] stated [REDACTED] did not discuss the details of the encounter with the [REDACTED] but [REDACTED] later suspected that there was more to the encounter when [REDACTED] reported the matter to [REDACTED] and later [REDACTED] and [REDACTED] speaking to the [REDACTED].

21. [REDACTED] old ID/OIOS that [REDACTED] might have known [REDACTED] name from a [REDACTED] [REDACTED] that took place at the [REDACTED] between the [REDACTED], which the [REDACTED] had watched.

c. Interview with [REDACTED]

22. ID/OIOS interviewee [REDACTED], who stated that in [REDACTED] conducted a [REDACTED] in [REDACTED] and [REDACTED] was a [REDACTED] on that [REDACTED] stated that on [REDACTED], even though there was a [REDACTED] on that day, [REDACTED] did not attend but instead stayed at the [REDACTED]. At about [REDACTED] that [REDACTED] arrived at [REDACTED] and asked [REDACTED]. [REDACTED] said that [REDACTED] apparently walked [REDACTED] from the [REDACTED] to meet [REDACTED]. When [REDACTED] inquired about the need for a [REDACTED] [REDACTED] gave a vague response – stating that something had happened [REDACTED] and that [REDACTED] felt unsafe and wanted to be able to [REDACTED]. [REDACTED] stated that [REDACTED] did not initially think it was a serious matter, so [REDACTED] simply provided the [REDACTED] to [REDACTED] who then left. However, upon further reflection on the request, [REDACTED] then drove after [REDACTED] and [REDACTED] on the route to the [REDACTED].

23. [REDACTED] stated that upon arrival at [REDACTED] [REDACTED] helped [REDACTED] relocate [REDACTED] so that [REDACTED] would be surrounded by the [REDACTED] of other [REDACTED]. It was during this relocation activity that [REDACTED] detailed the events of the [REDACTED]. According to [REDACTED] stated that a [REDACTED] had come to [REDACTED] asking [REDACTED] to join [REDACTED] for a [REDACTED] and that [REDACTED] declined as [REDACTED] did not [REDACTED]. That [REDACTED] then went for a [REDACTED] and upon [REDACTED] return the [REDACTED] entered [REDACTED] and that there was struggle between [REDACTED] and the [REDACTED]. [REDACTED] stated that [REDACTED] saw no injuries or [REDACTED]; however, it was apparent that [REDACTED] was distraught. [REDACTED]

24. On [REDACTED] [REDACTED] identified [REDACTED] attacker to [REDACTED], noting that [REDACTED] was wearing the same [REDACTED] that [REDACTED] had been wearing on the [REDACTED]. [REDACTED] later spoke to [REDACTED] (the [REDACTED]), the [REDACTED] and reported the alleged incident to [REDACTED]. On receiving the report, [REDACTED] wanted to immediately organize a [REDACTED] between [REDACTED]. [REDACTED] declined the attendance of [REDACTED] stating that [REDACTED] was fearful of [REDACTED]. Eventually a [REDACTED] was held without [REDACTED]. [REDACTED] recounted the alleged assault at this [REDACTED]. [REDACTED] stated that [REDACTED] listened to [REDACTED] account of the incident and responded that such an allegation would be a problem for [REDACTED]. [REDACTED] stated that this remark concerned [REDACTED] who then suggested to [REDACTED] that they should drop the matter. [REDACTED] stated that [REDACTED] reassured [REDACTED] by pointing out that [REDACTED] was working under the [REDACTED] and need not be scared.

25. On [REDACTED] [REDACTED] was surprised to receive [REDACTED] from [REDACTED] who stated that [REDACTED] was not good and that [REDACTED] thought that [REDACTED] knew the

reason why. [REDACTED] then allegedly asked how [REDACTED] could say things about [REDACTED] when [REDACTED] was not present at the event and that [REDACTED] had hurt [REDACTED] honor and reputation. [REDACTED] stated that [REDACTED] told [REDACTED] that they should not be talking and that [REDACTED] guilt or innocence would be revealed after an investigation.

d. Interview with [REDACTED]

26. ID/OIOS interviewed [REDACTED], who initially refused to narrate the incident to investigators, claiming that [REDACTED] did not want to incriminate [REDACTED]; further added that everything was detailed in [REDACTED] to [REDACTED], the [REDACTED] of [REDACTED]. However, on being reminded of [REDACTED] obligations pursuant to relevant UN Regulations and Rules, [REDACTED] stated that on the [REDACTED] and [REDACTED] were [REDACTED] in the [REDACTED] [REDACTED] then decided to [REDACTED] and went to place [REDACTED] in [REDACTED] stated that on [REDACTED] way back to the [REDACTED] took a different route and accidentally kicked a [REDACTED] and [REDACTED] immediately said "I am sorry" and a [REDACTED] responded from inside the [REDACTED]: "No problem I am arise [sic] because I have a [REDACTED]" [REDACTED] stated that [REDACTED] then told [REDACTED] that [REDACTED] had [REDACTED] to which the [REDACTED] replied [REDACTED] already had some. [REDACTED] added that it is in [REDACTED] nature to help [REDACTED] with [REDACTED]

27. [REDACTED] told ID/OIOS that [REDACTED] then went to the [REDACTED], collected a [REDACTED] and then went to [REDACTED] to fetch the [REDACTED]; stated that [REDACTED] then returned to the [REDACTED], whereupon the [REDACTED] inside [REDACTED] and took the [REDACTED]; stated that [REDACTED] then left and returned to the [REDACTED] where [REDACTED] remained until the [REDACTED] was turned off at about [REDACTED] thereupon [REDACTED] then went to [REDACTED]; stated that [REDACTED] left the [REDACTED] with [REDACTED] and [REDACTED]; however, [REDACTED] took a different path to [REDACTED] as [REDACTED] was situated in a different location. [REDACTED] stated that [REDACTED] and [REDACTED] walked together to [REDACTED], which were in the same locale. [REDACTED]

28. [REDACTED] stated that [REDACTED] as [REDACTED] and [REDACTED] prepared to depart the [REDACTED] - [REDACTED] - approached [REDACTED] and stated that [REDACTED] had received a complaint from one of the [REDACTED]; stated that this was the [REDACTED] had heard about the allegation against [REDACTED] and queried [REDACTED] as to why [REDACTED] did not tell [REDACTED] about the allegation before.

29. [REDACTED] stated that [REDACTED] once the [REDACTED] returned to [REDACTED] on [REDACTED] and asked [REDACTED] why [REDACTED] did not tell [REDACTED] about the problem. [REDACTED] allegedly replied that [REDACTED] wanted to but the [REDACTED] felt that it was not necessary. [REDACTED] told ID/OIOS that [REDACTED] kept saying that the situation would not be a problem. [REDACTED] made no admission to having apologized to [REDACTED] about the alleged incident. [REDACTED] also denied having consumed any [REDACTED] during the [REDACTED] of the alleged incident.

30. The statements [REDACTED] to ID/OIOS are ostensibly identical to that detailed in [REDACTED] account of [REDACTED] and addressed to [REDACTED].

e. Interview with [REDACTED]

31. ID/OIOS interviewed [REDACTED], who stated that on the [REDACTED] of the alleged incident [REDACTED] was [REDACTED] with [REDACTED] at the [REDACTED]. [REDACTED] stated that after [REDACTED] retired to [REDACTED] at about [REDACTED] and, in contrast to the evidence of [REDACTED] [REDACTED] could not recall leaving the [REDACTED] with [REDACTED] and did not know when [REDACTED] for [REDACTED]. [REDACTED] admitted that [REDACTED] and [REDACTED] had consumed [REDACTED] that [REDACTED].

f. Interview with [REDACTED]

32. ID/OIOS interviewed [REDACTED], who stated that [REDACTED] received an allegation from [REDACTED] on the [REDACTED], namely that when [REDACTED] returned to [REDACTED] from [REDACTED] found a [REDACTED] inside [REDACTED] that [REDACTED] pulled [REDACTED] inside [REDACTED] and held [REDACTED]; that [REDACTED] threatened [REDACTED] would scream at which point the [REDACTED] left [REDACTED]. [REDACTED] told ID/OIOS that [REDACTED] was shocked at the allegation and asked to speak to [REDACTED] which was subsequently arranged by [REDACTED] for [REDACTED]. During the meeting, [REDACTED] gave details of the incident, including [REDACTED] subsequent visit to [REDACTED] to obtain a [REDACTED] to secure [REDACTED]. [REDACTED] told ID/OIOS that during the [REDACTED] [REDACTED] took [REDACTED] aside, and [REDACTED] heard [REDACTED] telling [REDACTED] "forget about this problem", to which [REDACTED] reassured [REDACTED] and told [REDACTED] "not to be afraid".

33. [REDACTED] then told [REDACTED] that [REDACTED] would not submit [REDACTED] claiming it was not [REDACTED] problem because, according to [REDACTED], it is [REDACTED]'s problem. [REDACTED] then asked for the full name of the [REDACTED] in question. [REDACTED] stated that [REDACTED] did not know the full name of the [REDACTED], but promised to supply it later, which [REDACTED] subsequently did. [REDACTED] told ID/OIOS that [REDACTED] told [REDACTED] that [REDACTED] wanted to forget about the whole matter and that [REDACTED] advised [REDACTED] that it was [REDACTED] choice and that [REDACTED] should not be forced to do anything that [REDACTED] did not want to do.

34. [REDACTED] told ID/OIOS that on the [REDACTED] [REDACTED] asked [REDACTED] if [REDACTED] had talked to [REDACTED] on the [REDACTED] of the alleged incident - [REDACTED] stated that [REDACTED] had and confirmed that [REDACTED] had done so at [REDACTED]. [REDACTED] stated that [REDACTED] then informed [REDACTED] that [REDACTED] had taken it wrongly and reported the matter to the [REDACTED] and that [REDACTED] advised [REDACTED] to apologize to [REDACTED]. [REDACTED] stated that [REDACTED] saw [REDACTED] speaking to [REDACTED] but could not hear what transpired. [REDACTED] came to [REDACTED] and said [REDACTED] and that the issue was not a problem.

35. ID/OIOS inquired as to what [REDACTED] would advise [REDACTED] to apologize if the latter had done nothing wrong. [REDACTED] stated that [REDACTED] knew it was a problem, but it was [REDACTED]'s problem and therefore [REDACTED] needed to apologize accordingly.

36. [REDACTED] stated that on the [REDACTED] of the alleged incident, [REDACTED] was [REDACTED] in the [REDACTED] with a [REDACTED]; but could not recall seeing [REDACTED]; also could not recall leaving the [REDACTED] in the company of [REDACTED]; however, [REDACTED] did not think that [REDACTED] was present when [REDACTED] left the [REDACTED]

37. [REDACTED] told ID/OIOS that [REDACTED] had received induction training upon entering on [REDACTED]; however, [REDACTED] had not received instruction on the standard operating procedures related to the reporting of alleged sexual harassment or sexual exploitation and abuse cases. ID/OIOS confirmed with the [REDACTED] that [REDACTED] underwent induction training upon [REDACTED]

VI. FINDINGS

38. ID/OIOS found that on the [REDACTED] whilst at the [REDACTED] [REDACTED] unlawfully restrained [REDACTED] taking advantage of [REDACTED] fear of scandal amongst [REDACTED], and indecently assaulted [REDACTED] as described in paragraph 13 above. Moreover, that the assault was of such character and circumstances that a reasonable inference can be drawn that [REDACTED] assaulted [REDACTED] with intent to have sexual relations with [REDACTED], with or without [REDACTED]

39. Though the evidence [REDACTED] of the actual assault is uncorroborated by other witness testimony, ID/OIOS found [REDACTED] evidence credible and the reporting of the alleged incident, or aspects of it, to [REDACTED] and [REDACTED] demonstrates consistency in [REDACTED] evidence. In contrast, ID/OIOS found [REDACTED] to be unreliable and [REDACTED] testimony to lack credibility – a view supported by the following findings:

a. [REDACTED] stated that [REDACTED] decided to [REDACTED] for the [REDACTED] after having [REDACTED] and took a different route to [REDACTED] from the [REDACTED], during which [REDACTED] tripped over a [REDACTED] attached to [REDACTED]. Pursuant to ID/OIOS' examination of [REDACTED] route and the locale [REDACTED], ID/OIOS found that [REDACTED] would have had to take a circuitous route – and well out of [REDACTED] way - to have kicked the [REDACTED] as [REDACTED] claims. Moreover, the [REDACTED] was nowhere near the path that [REDACTED] claims [REDACTED] took en-route to [REDACTED] from the [REDACTED];

b. [REDACTED] stated that [REDACTED] consumed [REDACTED] during the [REDACTED] of the alleged incident, which is contradicted by the evidence of [REDACTED], who had spent time with [REDACTED] and stated that they had [REDACTED]. It is further contradicted by the evidence [REDACTED], who stated that [REDACTED] smelt [REDACTED] on [REDACTED] breath during the alleged incident, and by [REDACTED] alleged admission to [REDACTED] on the [REDACTED] that [REDACTED] was [REDACTED] at the time of the alleged incident;

c. ID/OIOS finds the sequence of events narrated by [REDACTED] illogical. [REDACTED] stated that [REDACTED] initially left the [REDACTED] to [REDACTED] for the [REDACTED] yet after [REDACTED] encounter with [REDACTED] then returned to the [REDACTED] where [REDACTED] remained until the [REDACTED] was turned off when the [REDACTED] was turned off. Moreover, [REDACTED] witnesses

who [REDACTED] stated could verify [REDACTED] presence in the [REDACTED] and of [REDACTED] after [REDACTED] did not corroborate [REDACTED] version of events;

d. ID/OIOS found [REDACTED] on being told by [REDACTED] of the allegation peculiar in view of [REDACTED] proclaimed innocence. One would reasonably expect that an innocent person accused of such behaviour would have instead vehemently denied the accusation rather than volunteering to apologize to the alleged victim, such behavior was elaborated in [REDACTED] statement as well as other witnesses' statements.

e. ID/OIOS also established that [REDACTED]'s claim of not having apologized to [REDACTED] false.

40. ID/OIOS also found [REDACTED] actions upon receiving [REDACTED]'s serious complaint to be unsatisfactory. ID/OIOS found that [REDACTED] failed in [REDACTED] responsibility by failing to report [REDACTED]'s allegation to the [REDACTED] as required. [REDACTED]'s failure to take appropriate action came despite the induction training [REDACTED] admitted having received upon entering on [REDACTED].

VII. CONCLUSIONS

41. ID/OIOS concludes that on the [REDACTED] [REDACTED] unlawfully restrained and indecently assaulted [REDACTED] with intention to have sexual relations with [REDACTED] with or without [REDACTED] consent, and was only prevented from this course of action by [REDACTED] threats to scream. Accordingly, ID/OIOS concludes that [REDACTED]'s conduct is in violation of Sections 151[1] and 164 of the [REDACTED] Criminal Act 1991. Moreover, that such conduct constitutes "serious misconduct" and violations of Rules 1, 2 and 3 of the Code of Personal Conduct for [REDACTED].

42. ID/OIOS concludes that, upon receiving [REDACTED]'s complaint, [REDACTED] failed to take appropriate action in accordance with paragraph 9 of the [REDACTED] Directives for Disciplinary Matters Involving [REDACTED].

VIII. RECOMMENDATIONS

43. In light of the above findings and conclusions, ID/OIOS recommends the following:

Recommendation 1: It is recommended that a copy of this report be provided to the [REDACTED] for appropriate action against [REDACTED] and that information as to any action taken or considered against [REDACTED] be transmitted through the [REDACTED] to ID/OIOS. [REDACTED].

Recommendation 2: It is recommended that [REDACTED] inform the [REDACTED] [REDACTED] will not be accepted for [REDACTED] at any current or future [REDACTED].

Recommendation 3: It is recommended that [REDACTED] ensures that [REDACTED] at all levels of [REDACTED], including [REDACTED] and [REDACTED], are aware of their responsibility to immediately report to the [REDACTED] in any cases where [REDACTED] or [REDACTED], as appropriate, "are believed to have been involved in an act of serious misconduct or an act that has the potential to damage the image, credibility or integrity of the United Nations".