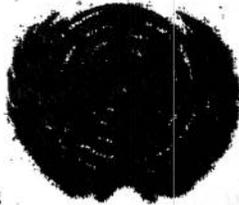


United Nations



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**OFFICE OF INTERNAL OVERSIGHT SERVICES  
INVESTIGATIONS DIVISION**

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

**ALLEGATION OF THE ATTEMPTED RAPE OF A** [REDACTED]

**REDACTED REPORT**

**ID Case No. 0479-06**

**4 JANUARY 2007**

**STRICTLY CONFIDENTIAL**

This Investigation Report of the Investigations Division of the United Nations Office of Internal Oversight Services is provided upon your request pursuant to paragraph 1(c) of General Assembly resolution A/RES/59/272. The report has been redacted in part pursuant to paragraph 2 of this resolution to protect confidentiality and sensitive information. OIOS's transmission of this Report does not constitute its publication. OIOS does not bear any responsibility for any further dissemination of the Report.

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**INVESTIGATION INTO AN ALLEGATION OF SEXUAL  
EXPLOITATION AND ABUSE BY A [REDACTED]**

**I. INTRODUCTION**

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received an allegation of attempted rape against a [REDACTED] of the [REDACTED]. ID/OIOS was informed that the allegation was also the subject of inquiry by the [REDACTED].
2. ID/OIOS established that, on [REDACTED], [REDACTED]-year-old [REDACTED] national and a resident of [REDACTED] was assaulted by a member of [REDACTED] who grabbed [REDACTED] from behind and dragged [REDACTED] into an area [REDACTED]. However, in response to the victim's cries for help, a [REDACTED] intervened causing the [REDACTED] to flee the scene. Other [REDACTED] assisted who subsequently chased and caught the [REDACTED] who was then taken into custody by the [REDACTED].

**II. BACKGROUND INFORMATION**

3. At about [REDACTED] the [REDACTED] was alerted to a disturbance near [REDACTED]. A group of people had gathered around a [REDACTED] who they accused of attempting to rape [REDACTED]. [REDACTED] took [REDACTED] custody and initiated an investigation. A member of [REDACTED] and the [REDACTED] were informed and they subsequently attended at [REDACTED] and secured the release of [REDACTED]. The matter was subsequently reported to the [REDACTED].
4. [REDACTED] has been a member of [REDACTED] since [REDACTED] and has [REDACTED] in [REDACTED] - [REDACTED] in [REDACTED] and [REDACTED] between [REDACTED] as part of the [REDACTED] commenced [REDACTED] current [REDACTED] of [REDACTED] with [REDACTED] in [REDACTED] and [REDACTED] out of the [REDACTED] and returned to [REDACTED]. On arrival in [REDACTED] was [REDACTED] and remained there until [REDACTED] when, as a result of this incident, [REDACTED] was [REDACTED] to [REDACTED] was known by the [REDACTED] population as [REDACTED].

**III. APPLICABLE LAW**

5. Article 320 [REDACTED] (Rape)

*"Tout act de penetration sexuelle de quelque nature qu'il soit, commis sur la personne d'autrui par violence, contrainte, menace or surprise est un viol."*

Article 320 el 5 (Aggravating circumstances)

*"Si le viol a été commis sur un enfant au dessous de 13 ans accompli ou une personne particulièrement vulnérable en raison de son état de grossesse, de son âge avancé ou de son état de santé ayant entraîné une déficience physique ou psychique il sera puni par maximum de la peine, 10 ans."*

6. Section VI, Paragraph 51 of the Agreement between [REDACTED] and the [REDACTED] Concerning the Status of the [REDACTED]

*"(b) [REDACTED] of the [REDACTED] shall be subject to the exclusive jurisdiction of their participating States in respect of any criminal offences which may be committed by them in [REDACTED]."*

7. Rule 4 of the Code of Personal Conduct for [REDACTED] in [REDACTED] provides:

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

8. Directives for Disciplinary Matters Involving [REDACTED] of [REDACTED] provides:

*"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 [REDACTED]. Serious misconduct includes, but is not limited to:*

*Sexual abuse and exploitation of any individual, particularly children"*

9. Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) provides:

"Section 1

Definitions

*For the purposes of the present bulletin (...) the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.*

Section 2

Scope of application

*"2.2 United Nations [REDACTED] [REDACTED] [REDACTED] and [REDACTED] are prohibited from committing acts of a 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 and are therefore grounds for disciplinary measures, including summary dismissal".

## IV. METHODOLOGY

10. The ID/OIOS investigation included, but was not limited to, the collection and analysis of all available information and documents, including the [redacted] investigation file. ID/OIOS conducted interviews with civilian witnesses and [redacted] including the subject [redacted]

## V. INVESTIGATIVE DETAIL

[redacted]

11. On [redacted] at approximately [redacted] (hereinafter referred to as [redacted]) and a [redacted] (hereinafter referred to as [redacted]) were interviewed at the [redacted] office in [redacted]. In an [redacted] [redacted] it was noted that [redacted] presented in a traumatized state but with no sign of physical injury. The complainant was listed as [redacted] who reported that a [redacted] had attempted to rape [redacted]. [redacted] said that the [redacted] put [redacted] hand over mouth and tried to force [redacted] into a [redacted] and that [redacted] was rescued after [redacted] was able to bite the [redacted]'s hand and scream for help. The [redacted] also included a brief statement from [redacted] resident of [redacted]. [redacted] told police that [redacted] saw [redacted] in the [redacted] with [redacted] and that [redacted] was shouting that 'this [redacted] wants to rape me'. There is no indication in the [redacted] file how [redacted] came to know this [redacted] as [redacted]

12. On [redacted] [redacted] obtained a signed statement from [redacted] in which [redacted] stated that [redacted] was outside [redacted] with [redacted] when they became separated. [redacted] told police that a [redacted] known to [redacted] as [redacted] ran up behind [redacted] put [redacted] hand over [redacted] mouth and started 'hauling' [redacted] to an area referred to as 'our [redacted]'. [redacted] said that [redacted] shouts were muffled by [redacted] hand and [redacted] believed that [redacted] was going to be raped because as [redacted] was being hauled away the [redacted] was trying to loosen the belt on [redacted] trousers. [redacted] told police that [redacted] was able to bite the [redacted] hand and scream for help. [redacted] said that [redacted] came to [redacted] assistance and [redacted] ran from scene before being caught [redacted]. There is no indication in the [redacted] file how [redacted] was able to name [redacted] assailant as [redacted]

13. On [redacted] [redacted] obtained a signed statement from [redacted] in which [redacted] stated that the previous night a [redacted] attended at [redacted] house and [redacted] said that [redacted] sent [redacted] outside to [redacted]

call [redacted] and a short time later heard shouting. [redacted] said [redacted] ran to where the calls were coming from, however, the [redacted] had left the area before being caught by [redacted]. [redacted] said [redacted] told [redacted] that the [redacted] had put [redacted] hand over [redacted] mouth and tried to force [redacted] into a nearby [redacted]. [redacted] said that [redacted] told [redacted] that the [redacted] wanted to rape [redacted] and [redacted] had bitten the [redacted] hand and screamed for help. [redacted] said that [redacted] also told [redacted] that [redacted] screams had resulted in [redacted] coming to [redacted] 'rescue'.

14. In a signed statement to the [redacted] stated that earlier that evening [redacted] had been walking through [redacted] towards an area known as [redacted] and that, as [redacted] walked past the [redacted] [redacted] could faintly hear someone crying and calling for 'rescue'. [redacted] said [redacted] followed the calls along a side path to an area [redacted] referred to as a [redacted] where [redacted] said [redacted] could hear a [redacted] shouting 'my people you come this [redacted] want to rape me'. [redacted] said that when [redacted] got to the [redacted] saw [redacted] with a [redacted] [redacted] stated that the [redacted] ran from the [redacted] and the [redacted] ran in the direction of [redacted] but shortly thereafter, a [redacted] apprehended the [redacted] before [redacted] was rescued by a [redacted].

#### ID/OIOS Investigation

##### Interview of victim, complainant and civilian witnesses

15. On [redacted] ID/OIOS examined the scene of the alleged incident – an area described, by [redacted], as [redacted] used by [redacted] ID/OIOS noted that the area is situated off [redacted] and is separated from public view by a [redacted] which covers the entrance.

16. ID/OIOS interviewed [redacted] on [redacted] in the presence of a counsellor from a [redacted] [redacted] s account to ID/OIOS was ostensibly the same as that given to the [redacted] [redacted] stated that [redacted] resides in [redacted] with [redacted] and [redacted] said [redacted] operates a [redacted] that [redacted] amongst other things, [redacted].

17. [redacted] stated that [redacted] had sent [redacted] and [redacted] to collect [redacted] from a [redacted] [redacted] said that [redacted] refused to return home with [redacted] after the [redacted] they were carrying was stolen. [redacted] said [redacted] went home and told [redacted] who instructed [redacted] to tell the [redacted] to come home. [redacted] said that [redacted] went back to where [redacted] were with [redacted] and that [redacted] was on [redacted] way home with [redacted] when they ran ahead and left [redacted] behind. [redacted] said that, as [redacted] tried to catch up with them, someone grabbed [redacted] from behind, placed a hand over [redacted] mouth and held one of [redacted] hands and then dragged [redacted] to a nearby [redacted] where [redacted] let go of [redacted] hand and proceeded to unfasten [redacted] belt. [redacted] stated that [redacted] bit [redacted] on the hand causing [redacted] to remove [redacted] hand from [redacted] mouth. [redacted] told ID/OIOS that [redacted] said [redacted] had heard about rape [redacted] and so [redacted] yelled, 'the [redacted] wan[t] rape me.' [redacted] said that [redacted] came to the [redacted] and saw [redacted] with the [redacted] who had grabbed [redacted] [redacted] said that [redacted] and the [redacted] ran from the [redacted] and [redacted] chased the [redacted] and [redacted] ran

home and told [redacted] what had occurred. [redacted] stated [redacted] and [redacted] followed [redacted] to the [redacted] where [redacted] spoke to them before taking them to a [redacted] where [redacted]

18. [redacted] told ID/OIOS that the [redacted] who grabbed [redacted] was called [redacted] and that [redacted] was doing the same work as the [redacted] described [redacted] as very [redacted] and that [redacted] usually wears the [redacted] but on this day was wearing [redacted]

19. On [redacted] ID/OIOS interviewed [redacted] who stated that [redacted] was born in [redacted] [redacted] is the [redacted] of [redacted] and [redacted] and operates a [redacted] that [redacted] stated that, at about [redacted] whilst working in [redacted] instructed [redacted], including [redacted] to fetch [redacted] from the [redacted] and that [redacted] subsequently returned saying that [redacted] brother would not come home because the [redacted] had taken to the [redacted] had been stolen. [redacted] stated that [redacted] told [redacted] to return to [redacted] and bring [redacted] back home. However, soon after, [redacted] heard [redacted] cry out [redacted] *come or I will die*. [redacted] stated that [redacted] initially thought that [redacted] was beating [redacted] because the latter had told [redacted] about the stolen [redacted]

20. [redacted] stated that [redacted] called out to [redacted] and told [redacted] that someone had brought [redacted] into the [redacted]. [redacted] said [redacted] hurried towards the [redacted] and saw a [redacted] run from the area being pursued by [redacted]. [redacted] said that it was dark and [redacted] did not get a good look at the [redacted] to recognize or describe [redacted]. [redacted] told ID/OIOS that [redacted] joined in the pursuit and caught the [redacted]. [redacted] also said that [redacted] came to [redacted] assistance and removed an identification card [redacted]. [redacted] said that [redacted] didn't know the identity of these [redacted]. [redacted] said that [redacted] also noticed that one of the [redacted] on the [redacted] was torn.

21. [redacted] said [redacted] spoke to [redacted] who told [redacted] that a [redacted] had been sitting on a table near the [redacted] and as [redacted] went past [redacted] grabbed [redacted] from behind, covered [redacted] mouth with [redacted] hand and dragged [redacted] towards the [redacted]. [redacted] told [redacted] that whilst in the [redacted] had started to unfasten the belt holding up [redacted] trousers. [redacted] said that [redacted] was able to bite [redacted] on the palm of [redacted] hand, scream for help and escape from the [redacted]

22. [redacted] said that [redacted] was subsequently interviewed by [redacted] before [redacted] and [redacted] were taken to a [redacted] for [redacted] and that [redacted] was [redacted] the [redacted] and was found to have no physical injuries. [redacted] said that [redacted] was 'sick' for [redacted] following the incident and suffered from frequent 'shocks'. [redacted] told ID/OIOS that sometime later [redacted] ascertained that the alleged perpetrator was a [redacted] referred to as [redacted]. [redacted] said that [redacted] frequented [redacted] to buy [redacted] and that [redacted] knows [redacted] is a [redacted] because [redacted] wears [redacted] and that on the day [redacted] was assaulted [redacted] saw [redacted] at [redacted] wearing [redacted]

23. In a series of interviews to clarify [redacted] original statement to ID/OIOS, [redacted] stated that [redacted] the incident [redacted] had been visited by [redacted] or more [redacted] who asked [redacted] what had happened and also asked to be shown to the location where the attempted rape was alleged to have occurred, [redacted] subsequently showed them the area, during which time they apologized for what had occurred to [redacted] [redacted] told ID/OIOS that [redacted] interviewed [redacted] about the incident and the following day, [redacted] the [redacted] returned to [redacted] and asked to re-interview [redacted]. However, [redacted] told them that [redacted] was at [redacted] [redacted] clarified that [redacted] had met the subject a number of times before the incident and that [redacted] had seen [redacted] at about [redacted] on the day of the incident when [redacted] had come into [redacted] and ordered a [redacted]

24. On [redacted] ID/OIOS interviewed [redacted] who operates a business in close proximity to the [redacted] [redacted] told ID/OIOS that [redacted] has known [redacted] and [redacted] for about [redacted] [redacted] told ID/OIOS that, at about [redacted] on [redacted] was walking past [redacted] when [redacted] heard the faint sounds of someone crying and that it seemed to be coming from [redacted] which is situated next to [redacted] at the end of a [redacted] adjacent to [redacted]. The [redacted] is shielded from the [redacted] by [redacted] suspended from a wooden frame. [redacted] said [redacted] walked up the [redacted] towards the [redacted] and heard the voice of a [redacted] [redacted] told ID/OIOS that [redacted] lifted one of the [redacted] and asked who was there. [redacted] said there was no light and it was quite dark but, on entering the [redacted], [redacted] could see a [redacted], who [redacted] had never seen before, bending forwards as if [redacted] was looking for something on the ground. [redacted] said that [redacted] could also see [redacted] standing against a nearby wall. [redacted] told ID/OIOS that [redacted] said, 'you come, this [redacted] wants to rape me'. [redacted] said that [redacted] and the [redacted] immediately ran out of the [redacted] [redacted] said that the [redacted] told [redacted] is lying.'

25. [redacted] said that [redacted] the [redacted] towards [redacted] and called out to other [redacted] to help catch the [redacted] [redacted] said that after [redacted] saw that the [redacted] had been caught by [redacted] who just happened to be in the [redacted] at that time. [redacted] stated that [redacted] detailed to [redacted] what had occurred. [redacted] told ID/OIOS that the following day [redacted] spoke to [redacted] who related details of the incident to [redacted] - this account was ostensibly the same as that given by [redacted] to [redacted]

26. On [redacted] ID/OIOS interviewed [redacted] of the [redacted] [redacted] who stated that [redacted] examined [redacted] and on presentation [redacted] told [redacted] that a [redacted] who normally [redacted] at [redacted] had tried to pull [redacted] into the [redacted] and that [redacted] had ran away. [redacted] examined [redacted] and found no evidence that [redacted] had been raped.

27. [redacted] said that sometime later [redacted] was approached by a member of [redacted] who wanted a copy of the [redacted] relating to [redacted]. [redacted] said that due to confidentiality provisions [redacted] was unable to supply [redacted] with a copy of the [redacted] and advised the [redacted] to submit a formal written request for a copy of the report but no request has been received to date. [redacted] told ID/OIOS that [redacted] had never discussed the findings of [redacted] with any [redacted]

Photograph Array

28. During the interview of [REDACTED] on [REDACTED], [REDACTED] reviewed a photograph array of [REDACTED] including [REDACTED] identified the photograph of [REDACTED] as being the person [REDACTED] referred to as [REDACTED] and the [REDACTED] who had assaulted [REDACTED]

29. On [REDACTED] [REDACTED] reviewed a photograph array of [REDACTED] including [REDACTED] [REDACTED] identified the photograph of [REDACTED] as looking very much like the [REDACTED] had caught with [REDACTED] in the [REDACTED]

Interview of [REDACTED]

30. On [REDACTED], ID/OIOS interviewed [REDACTED], a [REDACTED]-based [REDACTED] [REDACTED] stated that, at about [REDACTED] [REDACTED] received information that [REDACTED] had been arrested and detained by [REDACTED]. As a result, [REDACTED] and the [REDACTED] attended at the [REDACTED] and upon arrival was told that the detainee was [REDACTED] and that [REDACTED] had been rescued, by the [REDACTED] from [REDACTED] who alleged that [REDACTED] had attempted to rape [REDACTED]. [REDACTED] told ID/OIOS that the [REDACTED] looked very frightened. [REDACTED] stated that [REDACTED] then had a conversation with the [REDACTED] regarding the [REDACTED] proposed investigation and jurisdictional issues.

31. [REDACTED] told ID/OIOS that [REDACTED] conversed with [REDACTED] through the [REDACTED] stating that [REDACTED] knew [REDACTED] and [REDACTED] as [REDACTED] often visited [REDACTED] store to [REDACTED] said that [REDACTED] was returning to [REDACTED] after consuming alcohol [REDACTED] when [REDACTED] noticed that [REDACTED] was being chased by [REDACTED] but did not know why [REDACTED] was being chased.

32. [REDACTED] told ID/OIOS that [REDACTED] advised [REDACTED] that the [REDACTED] would be conducting an inquiry. [REDACTED] said [REDACTED] told the [REDACTED] that [REDACTED] would be referring the matter to [REDACTED] supervisor, [REDACTED] [REDACTED] said that [REDACTED] saw [REDACTED] at the [REDACTED] and observed that [REDACTED] looked very frightened. [REDACTED] advised the [REDACTED] to take [REDACTED] to [REDACTED] for a [REDACTED]

Interview of [REDACTED]

33. On [REDACTED], ID/OIOS interviewed [REDACTED], [REDACTED] who stated that, sometime between [REDACTED] [REDACTED] became aware that a [REDACTED] had a 'problem' and was being held at the [REDACTED]. As a result, [REDACTED] attended at the [REDACTED] and met a number of people, including [REDACTED] the [REDACTED] and the [REDACTED] [REDACTED] also saw [REDACTED], a [REDACTED] and a [REDACTED] [REDACTED] told ID/OIOS that [REDACTED] received a briefing from the [REDACTED] during which [REDACTED] was told that [REDACTED] had admitted that [REDACTED] had met the [REDACTED] on [REDACTED]

██████████ and had maintained a cordial relationship with them up until this incident. ██████████ said ██████████ told ██████████ that:

- a. ██████████ frequents the ██████████ to ██████████
- b. ██████████ had attended at ██████████ that night for ██████████, leaving at about ██████████. to return to ██████████
- c. after a while ██████████ noticed that there was a ██████████ behind ██████████ asking for money;
- d. ██████████ tried to convince the ██████████ to go home, however, a ██████████ raised the alarm and accused ██████████ of trying to ██████████
- e. ██████████ escaped the gathering crowd and ██████████ took ██████████ to the ██████████

The ██████████ said that ██████████ had denied the allegations.

34. ██████████ told ID/OIOS that, whilst at the ██████████ ██████████ noticed that ██████████ smelt of intoxicating liquor and that ██████████ appeared visibly worried. ██████████ added that ██████████ was wearing ██████████ although ██████████ couldn't recall the ██████████ told ID/OIOS that ██████████ also observed the victim and ██████████ looked 'normal'. ██████████ told ID/OIOS that, after leaving ██████████, ██████████ telephoned ██████████ ██████████ informed ██████████ of the incident, and was instructed to visit the alleged ██████████ to ascertain the true nature of the incident.

35. ██████████ stated that, on ██████████ and ██████████ - ██████████ immediate supervisor, went to ██████████ house and spoke to ██████████, who told ██████████ that ██████████ was a regular customer and ██████████ had known ██████████ for some time although ██████████ did not specify how long. ██████████ stated that ██████████ told ██████████ that ██████████ went to the ██████████ because ██████████ was concerned that ██████████ had been raped but felt relieved when the ██████████ revealed that ██████████ was unhurt. ██████████ opined that other local people may have been pressuring ██████████ and ██████████ to make a false statement against ██████████ so that they could extort money from ██████████. In support of this opinion, ██████████ stated that ██████████ manner and speech suggested that ██████████ did not think that ██████████ had attempted to rape ██████████. Moreover, that ██████████ had seen ██████████ during ██████████ visit to ██████████ house and had observed that ██████████ appeared normal and was ██████████ with other ██████████ ██████████ said that neither ██████████ nor ██████████ spoke to ██████████ during their visit to ██████████ home. ██████████ subsequently reported ██████████ findings to ██████████

36. When asked by ID/OIOS, ██████████ stated that there were no specific rules about the ██████████ whilst ██████████. However, ██████████ must obtain verbal or written permission from their ██████████ before leaving ██████████

37. ID/OIOS interviewed [redacted] Whilst corroborating [redacted] and [redacted] attendance at [redacted] s home, [redacted] could not corroborate the ensuing conversation as [redacted] does not speak [redacted]. However, [redacted] confirmed that [redacted] was [redacted] the house during the visit and that neither [redacted] nor [redacted] engaged [redacted] in conversation.

38. On [redacted] ID/OIOS interviewed [redacted] who stated that, on the evening of [redacted] [redacted] was informed that there had been an incident in [redacted] involving a [redacted] - [redacted] consequently [redacted] immediately dispatched [redacted] to the [redacted] in [redacted] to ascertain what had occurred. [redacted] stated that [redacted] was subsequently briefed, by the [redacted], that [redacted] had been arrested and detained pursuant to an allegation that [redacted] had attempted to rape a [redacted]. [redacted] said [redacted] was also advised that [redacted] was intoxicated when placed under arrest. [redacted] told ID/OIOS that [redacted] later spoke with [redacted] who informed [redacted] that:

- a. there had been a misunderstanding;
- b. [redacted] regularly went to the [redacted] of [redacted] so [redacted] could [redacted] and have a [redacted];
- c. [redacted] got to know [redacted] when [redacted] was [redacted] with [redacted] and that when [redacted] returned with [redacted] continued to visit [redacted] in the evenings to [redacted];
- d. [redacted] had visited [redacted] and had seen [redacted] walking on the street;
- e. [redacted] had gone after [redacted] and told [redacted] to go home, as it was already quite late and that people in the street who saw [redacted] talking to [redacted] must have misinterpreted the situation and thought that [redacted] wanted to rape the [redacted].

39. [redacted] stated that the following day [redacted] had ordered one of [redacted] to visit [redacted] and that [redacted] subsequently [redacted] back that [redacted] had said that [redacted] had not been raped nor had [redacted] attempted to rape [redacted] and that [redacted] was generally happy with the presence of [redacted] and [redacted] had apologized to [redacted] on behalf of [redacted]. [redacted] stated that [redacted] had not supported [redacted] in any form and had not supplied them with any [redacted], as had been done by [redacted] to the majority of [redacted].

40. [redacted] stated that [redacted] had spoken to the [redacted] who [redacted] and had been told that the [redacted] had found no evidence to suggest that [redacted] had been raped. [redacted] stated that [redacted] had asked the [redacted] for a copy of the [redacted] relating to the [redacted] but had been told that, in cases where the [redacted] found no evidence to support the allegation, a [redacted] was not prepared.

41. [redacted] told ID/OIOS that [redacted] had disciplined [redacted] for leaving the [redacted] without permission and for being intoxicated. As a result, [redacted] had been [redacted] where [redacted] was prohibited from leaving [redacted] and that [redacted] expected that [redacted] would be dismissed from the [redacted] upon [redacted] return to [redacted]. [redacted] told ID/OIOS that, on [redacted] had filed a report regarding the incident to [redacted] and confirmed that a copy of [redacted] report had been forwarded to [redacted]. [redacted] stated that [redacted] was satisfied that [redacted] had fulfilled [redacted] in regards to the reporting of [redacted] including having prevented [redacted] from investigating the matter.

42. [redacted] advised that all [redacted] receive SEA awareness training prior to their [redacted] and receive further training from the [redacted] upon their arrival [redacted] and relevant literature is posted about the [redacted]. Moreover, that [redacted] require permission from a [redacted] if they wanted to leave [redacted] and that [redacted] was aware that [redacted] had left the [redacted] without permission on the evening of the alleged incident involving [redacted] and on a number of other occasions.

Interview of the subject - [redacted]

43. On [redacted] ID/OIOS interviewed [redacted] in the presence of a [redacted]. [redacted] stated that [redacted] had first met [redacted] and [redacted] during [redacted] [redacted] said that on [redacted] return to [redacted] with [redacted] visited [redacted] usually between [redacted] in order to [redacted] [redacted] said that [redacted] was in the same location as it had been [redacted] and described the relationship with [redacted] who ran the [redacted] as cordial, though [redacted] didn't know the names of any of [redacted] but believed there were [redacted] including [redacted] - who [redacted] estimated to be [redacted] and a [redacted]. [redacted] stated that in the past [redacted] had given the [redacted] small amounts of money and food but was not able to converse with [redacted] as [redacted] did not speak English and would communicate with them using gestures.

44. [redacted] stated that, at about [redacted] [redacted] left the [redacted] and went into [redacted] to [redacted]. At this time, [redacted] was wearing [redacted] and a [redacted] with [redacted]. [redacted] said that, after purchasing the [redacted] went to the [redacted] where [redacted] purchased and consumed a [redacted]. [redacted] told ID/OIOS that [redacted] only spoke to [redacted] in order to [redacted] saw [redacted] nearby. [redacted] did not speak with [redacted]. [redacted] stated that [redacted] consumed approximately a [redacted] but did not consider [redacted] to be intoxicated. [redacted] stated that [redacted] arrived at the [redacted] at about [redacted] and left sometime between [redacted]. Whilst walking back to the [redacted] [redacted] heard [redacted] calling out to [redacted] and that [redacted] was behind [redacted] and indicated that [redacted] wanted [redacted] to which [redacted] gestured that [redacted] did not have any money and that [redacted] should return home. [redacted] stated that [redacted] was persistent so [redacted] pushed [redacted] slightly on the back indicating that [redacted] should go home. This took place on the [redacted] and there were several [redacted] in close proximity. [redacted] said some of [redacted] accosted [redacted] and

made accusations that [REDACTED] had attempted to rape [REDACTED]. [REDACTED] tried to explain to [REDACTED] that this was not the case, however, the size of the [REDACTED] grew and they became increasingly hostile towards [REDACTED]. [REDACTED] said the crowd turned violent, beating [REDACTED] and causing an injury to [REDACTED] right elbow. As a result of the actions of [REDACTED], [REDACTED] ran from the group and met an [REDACTED] a short distance away who took [REDACTED] to the [REDACTED]. [REDACTED] told ID/OIOS that [REDACTED] was released from [REDACTED] by one of the [REDACTED] and later, on [REDACTED], [REDACTED] related [REDACTED] account of the events to the [REDACTED]. [REDACTED] said [REDACTED] was later [REDACTED] to the town of [REDACTED]. [REDACTED] said that on the night of the incident it was dark and the [REDACTED] may have misinterpreted [REDACTED] interaction with [REDACTED]. [REDACTED] denied ever going to the area described as the [REDACTED] or of assaulting [REDACTED].

45. When asked, by ID/OIOS, [REDACTED] stated that [REDACTED] was required to obtain verbal permission from [REDACTED] before leaving the [REDACTED] when [REDACTED]. Moreover, that there was also a [REDACTED] [REDACTED] admitted that [REDACTED] had not sought permission to leave the [REDACTED] or on a number of earlier occasions.

#### Media Reporting

46. On [REDACTED] an article appeared [REDACTED] national [REDACTED] which described the incident as reported to the [REDACTED]. [REDACTED] It quoted [REDACTED] as saying that 'the [REDACTED] grabbed [REDACTED] and hustled [REDACTED] into [REDACTED] hideout and decided to rape [REDACTED]. The account of [REDACTED] as reported in the [REDACTED] is consistent with the accounts [REDACTED] provided to the [REDACTED] and ID/OIOS.

### VI. FINDINGS

47. ID/OIOS found that, on [REDACTED] [REDACTED] attended at a [REDACTED] managed by [REDACTED] where [REDACTED] purchased and consumed [REDACTED]. ID/OIOS found that [REDACTED] was a frequent visitor to [REDACTED] and was known to [REDACTED] and a number of [REDACTED] as [REDACTED].

48. ID/OIOS found that, at about [REDACTED] [REDACTED] left the premises managed by [REDACTED] and was in the vicinity of a [REDACTED] adjacent to [REDACTED]. [REDACTED] when [REDACTED] observed [REDACTED] came up behind [REDACTED] and placed one hand over [REDACTED] mouth and carried [REDACTED] to the [REDACTED]. ID/OIOS considers that the actions of [REDACTED] and the location to which [REDACTED] carried the victim strongly suggests that [REDACTED] intention was to sexually assault [REDACTED].

49. ID/OIOS found that [REDACTED] was drawn to the [REDACTED] by noises made by [REDACTED] and, on investigation; [REDACTED] found [REDACTED] and [REDACTED] in [REDACTED]. As a result of being disturbed [REDACTED] ran from the scene and was eventually taken into custody by [REDACTED].

50. ID/OIOS found the testimony of [REDACTED] and [REDACTED] to be consistent throughout the numerous interviews that were conducted with them between [REDACTED] including the interviews with the [REDACTED] on [REDACTED]; the interview of [REDACTED] with [REDACTED] on [REDACTED] and the interviews with ID/OIOS in [REDACTED].

who stated that in [redacted] interview with [redacted] [redacted] had allegedly told [redacted] that there been no rape or attempted rape of [redacted]

51. ID/OIOS found that, in the absence of forensic or medical evidence, the most persuasive material corroborating [redacted] allegation is the evidence of [redacted] who reported observing [redacted] with a [redacted] - identified as [redacted] in the [redacted] in [redacted] denies assaulting [redacted] or being in the [redacted] with [redacted]. However, ID/OIOS found that [redacted] account of events lacked credibility.

## VII. CONCLUSIONS

52. ID/OIOS concludes that the evidence of [redacted] [redacted] establishes a *prima facie* case that [redacted] attempted to rape [redacted] on [redacted]

53. ID/OIOS concludes that [redacted] committed an act of serious misconduct pursuant to the Directives for Disciplinary Matters involving [redacted] of [redacted] also acted contrary to the Code of Personal Conduct for [redacted] by attempting to commit acts of sexual abuse against [redacted]

## VIII. RECOMMENDATIONS

54. In view of the preceding findings, ID/OIOS makes the following recommendations:

Recommendation 1: [redacted] should provide a copy of this report to the [redacted] for appropriate action to be taken against [redacted] and that the results of such action be reported back to [redacted] for passage to ID/OIOS.

Recommendation 2: [redacted] should advise the [redacted] [redacted] that, based on the findings of the investigation, [redacted] will not be accepted for assignment to any current or future [redacted]