



UNITED NATIONS

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STRICTLY CONFIDENTIAL

**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

REPORT OF INVESTIGATION

ID CASE NO. 0433/06

REDACTED

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 confidential and sensitive information. OIOS' transmission of this Report does not constitute its publication. OIOS does not bear any responsibility for any further dissemination of the Report.

5 January 2007

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**INVESTIGATION INTO ALLEGATIONS OF SEXUAL ASSAULT
BY A ██████████ PEACEKEEPER IN THE UNITED NATIONS
IN ██████████ (ID Case No. 0433/06)**

I. INTRODUCTION

1. On ██████████ the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received, from a ██████████ based in ██████████ a case alleging the sexual assault of three women by a ██████████ peacekeeper deployed with the United Nations ██████████

2. ID/OIOS was informed that, on ██████████ a ██████████ woman (hereinafter referred to as V03) alleged that she had been assaulted by a ██████████ peacekeeper in the town of ██████████ 12 kilometers south of ██████████. The woman alleged that a peacekeeper had held her and attempted to force her to the ground in what she interpreted was an attempted rape. ID/OIOS was also told that two other women in the same town (hereinafter referred to as V01 and V02) also claimed to have been assaulted by a ██████████ peacekeeper around the same time as the alleged assault on V03.

II. BACKGROUND INFORMATION

3. ██████████ was established by ██████████ resolution 1509 of ██████████ in order to support the implementation of the ceasefire agreement and the peace process following ██████████ of civil war in ██████████. As of ██████████ the strength of ██████████ was 14,761 ██████████ personnel, including 14,561 ██████████ and 2070 ██████████. 513 ██████████ supported by 537 ██████████ personnel, 754 ██████████ staff and 264 United Nations ██████████

4. ██████████ is situated 12 kilometers south of ██████████ and is surrounded by dense bush. The town consists of 30 residential dwellings, housing approximately 130 persons in total. The dwellings are basic mud brick huts that consist of two or three rooms inhabited by extended family groups. ██████████ is located about 100 meters west of the town and on ██████████ was being used as a departure point for ██████████ troop rotations. The airfield is also used on occasions to facilitate the movement of goods and personnel between ██████████ and other parts of ██████████

III. APPLICABLE LAW

5. ██████████ Penal Code. Act. No. XLV of 1860 (6 October 1860)

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

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

7. Code of Personal Conduct for [REDACTED]

Rule 1: “Dress, think, talk, act and behave in a manner befitting the dignity of disciplined caring, considerate, mature, respected and trusted soldier, displaying the highest integrity and impartiality. . . .”

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 with women and children.”

8. Directives for Disciplinary Matters Involving [REDACTED]

“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. 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)

*“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 forces conducting operations under United Nations command and control 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 and are therefore grounds for disciplinary measures, including summary dismissal;*

(c) *Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitive behaviour, is prohibited."*

IV. METHODOLOGY

10. The ID/OIOS investigation included, but was not limited to examination of the alleged incident scene, the collection and analysis of all available information and documents and the interview of civilian and military witnesses, including the subject - Private [REDACTED] ID/OIOS also conducted two identification parades.

V. INVESTIGATIVE DETAILS

11. On [REDACTED] ID/OIOS received information, from a staff member of an [REDACTED] based in [REDACTED] that a [REDACTED] national and resident of [REDACTED] (hereafter referred to as V03) alleged that she had been sexually assaulted by a United Nations peacekeeper. ID/OIOS was subsequently provided a written account of an interview conducted, on [REDACTED] by the [REDACTED] staffer with V03.

12. The written account recorded that, between [REDACTED] on [REDACTED] V03 was outside the front of her home with [REDACTED] when she became aware of a "boss man" (the subject) standing behind her cleaning his boots. V03 stated that the subject walked towards the rear of her house and adjacent to an outside toilet, whereupon he then motioned for her to follow him and she did so, thinking that there was something that he wanted her to see. As she neared the subject, he grabbed her and attempted to drag her towards him. V03 stated that she believed that he was "fighting to do something to me"; consequently she fought back and yelled for [REDACTED] V03 alleged that the subject then pushed her and as a result she cut her arm on a piece of zincalume.¹ The subject then ran from the scene, entered an [REDACTED] vehicle and drove away.

13. The written account then stated that a number of people came to V03's assistance, including [REDACTED] and they began a search for the subject. They subsequently walked to a nearby [REDACTED] where V03 saw the subject sitting in an [REDACTED] vehicle and she identified him to her [REDACTED] V03 and her [REDACTED] spoke with the "[REDACTED] soldier's boss man" and explained what the subject had done. The "boss man" placed her and [REDACTED] in an [REDACTED] vehicle and drove her to a military hospital where her wound was treated. They were subsequently taken to the [REDACTED] Battalion Headquarters where the subject was told to apologize. Thereafter, they were driven back to their home and told that they would be contacted the following day. The following morning, [REDACTED] personnel delivered a quantity of groceries to the couple.

[REDACTED]

14. The written account also records that, on becoming aware that V03 had been involved in an incident with an [REDACTED] peacekeeper, a second victim (hereinafter referred to as V01) reported to V03 that an [REDACTED] peacekeeper had also tried to rape her.

Interview of victim V03

15. ID/OIOS interviewed V03 in the presence of the social worker or [REDACTED] [REDACTED] V03 recounted the incident, which was consistent with the written account detailed in the preceding paragraphs. V03 added that the outside toilet is situated at the back of her hut a short distance from the edge of the bush. She stated that after she approached the subject, he grabbed her around the waist and arms and attempted to drag her to the ground. She stated that she fought back and managed to pull her arm free, but in doing so she cut her left arm on the corner of the toilet's zincalume roof.

16. V03 told ID/OIOS that she pushed the subject away and he ran through the bush towards [REDACTED] [REDACTED]. She alerted [REDACTED] (hereinafter referred to as W01) and together they searched the town for the subject, during the course of which she spoke to V01 who told her that she had been approached by a [REDACTED] peacekeeper asking her to have sex. V01 allegedly told V03 that she refused, whereupon the subject then approached V02 and propositioned her for sex. This woman also refused him.

17. V03 stated that in the company of W01 and several other villagers they walked through the bush between the town and the [REDACTED] V03 stated that this area had recently been burnt and the area was covered in soot. They followed the path and on arrival at the [REDACTED] she saw the subject sitting in an [REDACTED] jeep at the edge of the bush and several other soldiers standing around the vehicle. V03 stated that she also noticed that he had soot on his trousers.

18. V03 told ID/OIOS that they were then approached by the subject's "boss" whereupon she explained what had occurred. During this conversation the subject offered her an apple and two packets of biscuits however she refused the offer and told him she wanted justice not food. V03 stated that it was this "boss" and the subject who drove her and W01 to the military hospital. V03 stated that she brought the incident to the attention of the [REDACTED] [REDACTED] during a chance encounter with her on [REDACTED]

Interview of victim V01

19. On [REDACTED] ID/OIOS traveled to the town of [REDACTED] and there interviewed V01, a [REDACTED] female resident of [REDACTED] V01 told ID/OIOS that, late in the morning of [REDACTED] she was outside the rear of her hut when she became aware of a male - she described as a [REDACTED] peacekeeper with protruding teeth - approaching several of the children in the town and shaking their hands. V01 stated that she approached the male and asked him what he wanted. She said that he had great difficulty understanding her and he walked to the back door of her home and asked her if she wanted to go inside for sex. She refused and the soldier said he

would give her [REDACTED] (food). V01 stated that she again refused this offer and he grabbed her by the arm and attempted to pull her back towards the door of her hut.

20. V01 stated that at this time another resident of the hut, V02, approached V01 and the subject, whereupon the subject then asked V02 for sex. V02 refused. The subject then grabbed her breasts through her clothing and again asked for sex. She pushed him away saying "no". V01 stated that several men from the town started walking towards their hut, as a result the subject ran along the track behind her home that leads to the [REDACTED]

21. V01 told ID/OIOS that she reported the incident to the town's men but they stated they had not seen the incident. V01 stated that a short time later she was approached by V03 and W01 and told that a [REDACTED] peacekeeper had assaulted V03. V01 stated that after telling her account, V03, W01 and a number of other men from the town walked up the track towards the [REDACTED]. However, she and V02 remained in the town.

Interview of victim V02

22. ID/OIOS interviewed V02, [REDACTED] female who shares a hut with V01 and their respective families. V02 stated that, sometime during the morning of [REDACTED] she walked from the front to the rear of the hut when she saw V01 talking to a male she described as being a [REDACTED] peacekeeper with protruding front teeth. V02 stated that V01 appeared upset but she was unable to hear their conversation. V02 stated that the subject turned his attention to her and asked her whether she wanted to have sex. V02 told the soldier "no" whereupon he, using both hands, grabbed her breasts through her clothing. She then pushed him away. V02 stated that at this time the subject saw several of the local male villagers walking towards their position and so he ran up a track that leads to the [REDACTED]. V02 stated that a short time later V03 and [REDACTED] approached her and V01 related the assault upon her by a [REDACTED] peacekeeper. V02 stated that she and V01 remained in the town whilst V03, [REDACTED] and several of the local male villagers walked up the track towards the [REDACTED]

Interview of witness W01

23. ID/OIOS interviewed W01, [REDACTED] of V03, who stated that on the morning of [REDACTED] he was working on a building situated approximately 50 meters from [REDACTED] home when he heard the distressed calls of [REDACTED]. W01 stated that he went to investigate and saw [REDACTED] standing behind the outside toilet being held by a male he described as a [REDACTED] peacekeeper. W01 stated that the subject was in a military uniform and dressed similarly to other soldiers he had previously seen in the [REDACTED] and [REDACTED] area. He stated that he also knew that [REDACTED] peacekeepers were currently deployed at the [REDACTED]

24. W01 told ID/OIOS that the peacekeeper and [REDACTED] were standing on a slight rise behind the toilet and that [REDACTED] looked distressed and was trying to pull away from the peacekeeper, who had both his arms wrapped around her upper body. W01 stated that he called out to [REDACTED] and this appeared to startle the peacekeeper. [REDACTED] pulled her arms back and appeared to strike her left arm on the zincalume roof of [REDACTED]

the toilet. The peacekeeper then ran towards the [REDACTED] W01 stated that at this time [REDACTED] only briefly saw the peacekeeper and it was not sufficient to be able to identify him.

25. W01 stated that [REDACTED] observed that V03 had a deep cut to her left arm that was bleeding quite profusely. [REDACTED] stated that she was very upset and told him that the peacekeeper had tried to rape her. [REDACTED] took her back to their house and tried to calm her down and stem the bleeding but as it would not stop bleeding, he decided to take [REDACTED] to the [REDACTED] in order to seek medical attention and identify the peacekeeper. V03 stated that as they proceeded through the town they were approached by several of the local residents who asked what had occurred. W01 related details of the alleged incident, and was told that a [REDACTED] peacekeeper had assaulted two other female residents of [REDACTED] earlier that morning.

26. W01 stated that [REDACTED] V03 and several male residents of [REDACTED] armed with machetes, walked along a track that leads to the rear of the old terminal building situated at the [REDACTED] W01 stated that at the end of the track he saw several [REDACTED] vehicles parked a short distance from the terminal building and several [REDACTED] peacekeepers standing near or seated in the vehicles. They approached the soldiers and V03 identified one of the peacekeepers seated in a vehicle as being her attacker. W01 and several of the males confronted the peacekeeper and accused him of assaulting V03. W01 stated that [REDACTED] noticed that the trousers of the identified peacekeeper were covered in soot. W01 stated that the area between their town and the [REDACTED] had recently been burnt away and [REDACTED] was aware that the peacekeeper who had attacked his wife had run through this area towards the [REDACTED] W01 stated that [REDACTED] pointed this out to the peacekeeper, however, [REDACTED] received no response. The peacekeeper attempted to offer several items of food to [REDACTED] but she told him that she wanted justice, not food.

27. W01 stated that a [REDACTED] officer approached the group and asked what was going on. W01 explained what had happened to [REDACTED] and identified the peacekeeper responsible. [REDACTED] also showed the officer the cut to [REDACTED]'s arm. The officer directed the subject peacekeeper to drive himself, V03 and W01 to the [REDACTED] medical clinic in [REDACTED] where V03 received medical treatment. W01 stated that a short time later the officer instructed the peacekeeper to apologize to [REDACTED] [REDACTED] The peacekeeper apologized and they were driven back to [REDACTED] The next day a [REDACTED] peacekeeper delivered a box of food to their hut.

ID/OIOS observations of the alleged incident scene

28. ID/OIOS examined and photographed the scene of the alleged incidents. Several tracks lead through the bush from the town to the [REDACTED] with the main track leading from the rear of V01 and V02's premises to a clearing at the edge of the [REDACTED] On the eastern side of the north-south runway there is a small burnt out terminal building, which is situated approximately 20 meters from the bush line and adjacent to the main walking track linking the town with the [REDACTED]

29. ID/OIOS observed that the grassed area in the clearing between the bush line and the terminal building was heavily compressed and marked by vehicle tracks. The residential dwelling of V01 and V02, situated on the northeast corner of the town,

is situated approximately 100 meters southwest of V03's residential dwelling. At the rear of V03's dwelling is an outside toilet positioned on the edge of the bush. On the eastern side of the toilet the ground rises and then drops onto a secondary walking track. The zincalume roof of the toilet slopes towards the rear of the building. The slope of the roof combined with the rise in the ground makes it possible for someone of medium height to be injured on the corner of the zincalume protruding into the secondary track. ID/OIOS examined the zincalume roof and the surrounding area but found no bloodstains. The secondary track was found to be a distance of 100 meters from the outside toilet to the clearing at the rear of the terminal building. This area had recently been damaged by fire and ID/OIOS found it impossible to walk through this location without being dirtied by soot.

Interviews of military witnesses

30. On [REDACTED] ID/OIOS interviewed [REDACTED] of [REDACTED] peacekeeping forces in [REDACTED] who stated that the [REDACTED] troops of [REDACTED] were currently in the process of being transported to [REDACTED] to complete exit procedures prior to repatriation back to [REDACTED]. [REDACTED] explained that the troops were being airlifted from the [REDACTED] because fixed wing rather than rotary wing aircraft were being used and [REDACTED] was the nearest [REDACTED] suitable for fixed wing aircraft. [REDACTED] stated that on [REDACTED] mechanical problems with the aircraft delayed the departure of some troops. As a result there were a large number of troops at the [REDACTED] both waiting for repatriation and providing physical and perimeter security to the operation.

31. [REDACTED] told ID/OIOS that [REDACTED] had briefed him on an incident at the [REDACTED] that resulted in an injury to a local woman. [REDACTED] stated that he had been told that a group of locals had gathered at the [REDACTED] requesting food from the peacekeepers. One of the peacekeepers, tasked with guarding the military vehicles, had chased the locals into the bush that borders the [REDACTED]. As a result, a local woman had fallen over and cut her arm, so [REDACTED] instructed the peacekeeper concerned to convey the woman and [REDACTED] to the [REDACTED] Battalion medical facility in [REDACTED] for treatment. [REDACTED] told ID/OIOS that [REDACTED] accompanied them to the medical facility and then arranged for the woman and [REDACTED] to be conveyed back to their home in [REDACTED]. The following day [REDACTED] delivered a box of groceries to the woman and her family. [REDACTED] identified the peacekeeper who had chased the woman into the bush as Private [REDACTED].

32. On [REDACTED] ID/OIOS interviewed [REDACTED] of the [REDACTED] Battalion medical section. [REDACTED] stated that early in the afternoon of [REDACTED] [REDACTED] was contacted by [REDACTED] and advised that [REDACTED] was with a [REDACTED] female who had suffered an injury to her left arm that required medical treatment. The woman was brought to the medical facility by [REDACTED] a [REDACTED] peacekeeper and a [REDACTED] male identified to him as the woman's [REDACTED].

33. [REDACTED] stated that [REDACTED] did not take any details of the woman as the injury was of a minor nature. [REDACTED] described the injury as a two-inch cut or scratch to

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