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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 SEXUAL
HARASSMENT BY** [REDACTED]

REDACTED REPORT

ID Case No. 0783-05

05 JANUARY 2007

STRICTLY CONFIDENTIAL

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ALLEGATION OF SEXUAL HARASSMENT BY [REDACTED]

I. INTRODUCTION

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received an allegation of sexual harassment by [REDACTED] with the [REDACTED]

II. BACKGROUND

2. On [REDACTED] immediately after the signing [REDACTED] the [REDACTED] pledged international aid including the [REDACTED] As part of this endeavour and in furtherance of the [REDACTED] from various [REDACTED] were [REDACTED]

3. [REDACTED] a [REDACTED] the subject of the investigation, joined [REDACTED] as a [REDACTED] was [REDACTED] to [REDACTED] where the alleged incident occurred.

4. The complainant, [REDACTED] is a [REDACTED] employed as a [REDACTED] On [REDACTED] lodged a written complaint with [REDACTED] alleging that on [REDACTED] had been sexually harassed by [REDACTED] whilst attending a [REDACTED] for [REDACTED] at a [REDACTED] in [REDACTED]. The [REDACTED] is a regular social gathering held each [REDACTED] which is the end of the [REDACTED]

III. APPLICABLE LAW

5. 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.

6. Directive on Sexual Harassment in [REDACTED] and Other [REDACTED]

IV.8 Definition and Examples of Sexual Harassment.

"Sexual Harassment is any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature when:

- It interferes with work;
- It is made a condition of employment; or
- It creates an intimidating, hostile or offensive work environment”

7. Directives for Disciplinary Matters involving [REDACTED]

III.4 Definitions - For the purpose of the present directives, the following definitions shall apply:

“*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 or is likely to result in serious damage or injury to an individual or to the [REDACTED].*”

“*Minor 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, but which does not result in or is not likely to result in major damage or injury to an individual in the [REDACTED].*”

IV. METHODOLOGY

8. ID/OIOS interviewed the complainant, relevant witnesses and the subject. Pertinent documents were also reviewed for evidence particular to the allegations.

V. INVESTIGATIVE DETAILS

The Alleged Offence

9. On [REDACTED] emailed a complaint to [REDACTED] to report an allegation of sexual assault. As noted in the submission, [REDACTED] stated that [REDACTED] was talking with [REDACTED] when [REDACTED] was approached by [REDACTED] “hugged [REDACTED] shoulder” and asked “How much do you cost and why are you not with me?” [REDACTED] indicated in the complaint that [REDACTED] overheard the comments. [REDACTED] further stated that [REDACTED] informed [REDACTED] and [REDACTED] about the incident after they approached [REDACTED] to inquire why [REDACTED] was crying.

10. [REDACTED] further alleged that immediately following the incident, [REDACTED] was observed to talk with [REDACTED], an [REDACTED], and [REDACTED] allegedly told [REDACTED] that it was [REDACTED] who was offering [REDACTED] sex, but that [REDACTED] refused because [REDACTED] is an [REDACTED] and [REDACTED].

11. [REDACTED] added that [REDACTED] asked [REDACTED] to apologize, but when [REDACTED] came over to do so, [REDACTED] indicated [REDACTED] did not let [REDACTED] talk; informing [REDACTED] “You need to respect me and all the [REDACTED].”

12. On [redacted] ID/OIOS interviewed [redacted] who stated that, on [redacted] had attended a party at [redacted]. Between [redacted] was approached by an unknown [redacted], but who [redacted] presumed was another [redacted]. Upon reaching [redacted] the unknown [redacted] put [redacted] arm around [redacted] and asked "How much do you cost?" and "Where can we have sex?" [redacted] indicated [redacted] immediately told the [redacted] to go away - which [redacted] did. [redacted] stated that [redacted] was extremely upset by [redacted] comments and began to cry until comforted by [redacted].

13. [redacted] stated that the [redacted] subject was then approached by [redacted] and asked what had happened and why [redacted] was so upset. It was at this point that [redacted] stated that the subject explained to [redacted] that it was [redacted] who had asked [redacted] for sex but [redacted] refused because [redacted] was [redacted] and a [redacted].

14. Directly following the incident, [redacted] observed [redacted] and others escort the subject out of [redacted] and it was when they returned that [redacted] was apprised of the [redacted] name; that being [redacted]. [redacted] told ID/OIOS that [redacted] and [redacted] had witnessed various portions of the alleged events.

15. Although [redacted] alluded to receiving information that [redacted] was involved in a similar incident with a [redacted] in [redacted], [redacted] acknowledged that [redacted] had no further problems with [redacted]. [redacted] told ID/OIOS that [redacted] and [redacted] had been in contact on [redacted] since the incident where [redacted] was at the [redacted] and had gone to [redacted] and thereupon had seen [redacted]. While [redacted] believes [redacted] had noticed [redacted] but [redacted] made no effort to speak with [redacted] or approach [redacted] in any manner, [redacted] stated that [redacted] never attended any of the [redacted] at the same [redacted] again.

Corroborating Evidence

16. [redacted] is a [redacted] [redacted] told ID/OIOS that [redacted] was in attendance at [redacted] on [redacted] and at the time of the alleged incident [redacted] was in conversation with [redacted]. [redacted] stated that a [redacted], who [redacted] did not know, approached them and roughly grabbed [redacted] by the arm. Although [redacted] could not recall the exact words spoken, [redacted] stated that the [redacted] said words to the effect of "Why you not stay with me-why do you stay with [redacted]".

17. [redacted] stated that as a result of [redacted] behaviour, [redacted] started to cry and made comments to the effect "the [redacted] thinks I am a [redacted]". [redacted] indicated that a fight almost ensued when [redacted] demanded that the [redacted] apologize to [redacted]. However, immediately after the alleged incident, [redacted] escorted the subject [redacted] out of the premises.

18. Upon commencement of the ID/OIOS investigation, [redacted] had since returned to [redacted]. ID/OIOS contacted [redacted] in [redacted] whereupon [redacted] informed investigators that, since [redacted] had already provided a statement to [redacted], [redacted] did not want to provide any contradictory comments. Despite [redacted] assertions at having already made a statement, ID/OIOS was unable to locate any such statement within any [redacted].

section. Further efforts to communicate with [REDACTED] were unsuccessful as [REDACTED] failed to reply to any communication from ID/OIOS.

19. [REDACTED] is the [REDACTED] [REDACTED] told ID/OIOS that [REDACTED] had attended the same [REDACTED] but only witnessed what had transpired after the fact rather than the actual events. [REDACTED] stated that [REDACTED] had heard an exclamation and turned to see [REDACTED] engaged in a conversation with [REDACTED]. [REDACTED] then saw an unknown [REDACTED] approaching them. At this point [REDACTED] turned away and only looked back once [REDACTED] heard some shouting. [REDACTED] recalled [REDACTED] because [REDACTED] intervened in the resulting altercation.

20. [REDACTED] an [REDACTED] [REDACTED] told ID/OIOS that [REDACTED] had attended the subject [REDACTED]. However, [REDACTED] did not witness the alleged incident but was apprised of what had occurred by [REDACTED] after the event. [REDACTED] told ID/OIOS that [REDACTED] had seen the alleged subject being escorted out by [REDACTED].

21. [REDACTED] an [REDACTED] [REDACTED] told ID/OIOS that [REDACTED] did not witness the alleged event. After returning from the [REDACTED] [REDACTED] was advised by [REDACTED] that someone had asked the price to have sex with [REDACTED]. [REDACTED] also advised that [REDACTED] witnessed the subject go to [REDACTED] and apologize by saying [REDACTED] was sorry.

Interview with [REDACTED]

22. ID/OIOS interviewed [REDACTED] who vehemently denied the allegation. [REDACTED] alleged that it was [REDACTED] who appeared to be interested in [REDACTED]. [REDACTED] stated that [REDACTED] rose from where [REDACTED] had been sitting to go and ask [REDACTED] when they would be heading back to [REDACTED]. A [REDACTED] who was walking in the opposite direction, greeted [REDACTED] and proceeded to ask several questions at the end of which [REDACTED] responded, "Are you asking me many questions with interest, what is the matter?"

23. [REDACTED] stated that the [REDACTED] reacted angrily, asking how could [REDACTED] say that [REDACTED] was interested in [REDACTED]. [REDACTED] maintained that no one overheard this conversation as it was just between the [REDACTED] and [REDACTED]. [REDACTED] also stated that [REDACTED] made no physical contact with [REDACTED].

24. [REDACTED] acknowledged that [REDACTED] was approached that night by [REDACTED] and a [REDACTED], both asking [REDACTED] to apologize for what [REDACTED] had said to the [REDACTED], but [REDACTED] refused to do so as [REDACTED] had done nothing wrong.

VI. FINDINGS

25. Based on the independent and corroborating evidence of [REDACTED] [REDACTED] and [REDACTED] there are reasonable grounds to believe that [REDACTED] [REDACTED] approached [REDACTED] [REDACTED] provided an account of inappropriate comments made by [REDACTED] that caused [REDACTED] to cry. These comments were overheard by [REDACTED] who was [REDACTED] observed at the time to be engaged in conversation with [REDACTED] by [REDACTED]. Several witnesses stated how upset [REDACTED] was

following the incident. In addition several witnesses noted that [REDACTED] was subsequently escorted out of [REDACTED] by [REDACTED]. While minor discrepancies exist as to what exactly [REDACTED] said to [REDACTED] this in itself is not uncommon given the passage of time and its effect on the recollection of events.

26. In response to the allegations, [REDACTED] proffered a different but uncorroborated version of events, namely that [REDACTED] had approached [REDACTED] and asked [REDACTED] questions to which [REDACTED] responded by asking, "Are you asking me many questions with interest, what is the matter?" However, such an account fails to explain why [REDACTED] was provoked to tears as was observed by the other witnesses, nor does it concur with observations of [REDACTED] being escorted out of the premises following the alleged encounter.

27. Beyond the denial of [REDACTED] the only contradictory evidence noted in the investigation was that of [REDACTED] who stated [REDACTED] observed the subject apologize. This assertion was, however, contradicted by other witnesses, including [REDACTED]. Notwithstanding, it was noted by [REDACTED] in [REDACTED] original complaint that [REDACTED] did approach [REDACTED] but [REDACTED] refused to let [REDACTED] talk.

28. While the conversation initiated by [REDACTED] does constitute sexual harassment as per Article VI.8 of the [REDACTED] the evidence does not support the likelihood of serious damage or injury to the individual or [REDACTED]. [REDACTED] noted that [REDACTED] had subsequent contact with [REDACTED] without any incident and the inference of a similar such incident involving a [REDACTED] in [REDACTED] lacked sufficient information for ID/OIOS to proceed with follow-up inquiries.

VII. CONCLUSIONS

29. ID/OIOS concludes that [REDACTED] actions constitute the breach of Rule 1 of the Code of Personal Conduct for [REDACTED].

VIII. RECOMMENDATION

30. In light of the Findings of the investigation ID/OIOS makes the following recommendation:

Recommendation 1: It is recommended that [REDACTED] and [REDACTED] take appropriate action against [REDACTED].

Recommendation 2: It is recommended that [REDACTED] provide a copy of this report to the [REDACTED] to inform them of the circumstances of the case and that they take appropriate action against [REDACTED].