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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 THE ALLEGED SMUGGLING OF [REDACTED]

REDACTED REPORT

ID Case No. 0748-06

08 JANUARY 2007

STRICTLY CONFIDENTIAL

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ALLEGED SMUGGLING OF [REDACTED]

I. INTRODUCTION

1. On [REDACTED] was arrested [REDACTED] whilst allegedly smuggling [REDACTED] from [REDACTED]. A preliminary investigation conducted by [REDACTED] provided *prima facie* evidence that [REDACTED] had been involved in the smuggling [REDACTED] and that possibly other [REDACTED] were also involved in smuggling operations.

2. Concerned that a member of [REDACTED] was allegedly involved in smuggling [REDACTED] and that [REDACTED] was arrested and detained by [REDACTED] despite the applicability of [REDACTED] the [REDACTED], requested the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) to investigate this situation.

II. BACKGROUND INFORMATION

3. In [REDACTED] after [REDACTED] In [REDACTED] created [REDACTED] was to establish and maintain [REDACTED] visit the [REDACTED] and other [REDACTED] in all areas of operation of the [REDACTED] mechanism for verifying the cessation of [REDACTED]; prepare for the establishment of the [REDACTED] provided for in the [REDACTED] and assist in planning for a future [REDACTED]. In [REDACTED] the [REDACTED] extended the mandate of [REDACTED]

4. In [REDACTED] banned all [REDACTED]. This was followed by a [REDACTED] decision to expel [REDACTED] were expelled as [REDACTED]

5. [REDACTED] is a citizen of [REDACTED] was recruited as [REDACTED] accepted the assignment of [REDACTED]

III. APPLICABLE LAW

6. The Transitional Penal Code of [REDACTED]

Article 363 (1)

Whoever intentionally brings into or takes out of [REDACTED] or across its frontiers, goods, property, objects or products or any kind without paying the duty or taxes due on them is punishable with fine not exceeding [REDACTED] or with simple imprisonment, in addition to the forfeiture of the instrument, means, or the subject matter of the offence, subject to the right of third parties in good faith who have taken no part whatsoever in the offence.

7. [REDACTED] Criminal Code of [REDACTED]

Article 352 Contraband

1) Anybody intentionally:-

- a) Imports and exports any kind of commercial good, property, factory products or handicrafts without paying tax;*
- b) Store, sale or buy those illegal goods;*
- c) Distribute domestic products which are not allowed to distribute with out paying tax will be penalized (Not more than [REDACTED])*

8. [REDACTED] Immigration Proclamation No. 24/1992

Chapter 4 – Exit from [REDACTED]

Article 10 (1)

No person shall exit at any point other places whatsoever, except those which are legally designated as exit points by the Secretary of State for Internal Affairs.

Article 10 (2)

Any person who witnesses another while exiting illegally or reasonably believes that such unlawful exit would be conducted shall inform the respective authority without delay.

Article 11

No person shall exit from [REDACTED] without having the following: -

- A) Valid Travel Documents*
- B) Valid Exit Visa*
- C) Valid International Health Certificate*

3. [REDACTED] will [not] engage in any activity that is incompatible with the proper discharge of the [REDACTED] duties.

6. [REDACTED] will, at all times, respect the laws ... prevailing in the host country.

IV. METHODOLOGY

13. ID/OIOS conducted interviews with current and former [REDACTED]. However, many identified in this report could not be located or ID/OIOS was denied access to them.

14. ID/OIOS accessed UN email accounts pursuant to ST/SGB/273 and ST/SGB/2004/15. ID/OIOS also reviewed investigation reports prepared by [REDACTED] [REDACTED] utilized in the alleged smuggling activities, was examined.

V. INVESTIGATIVE DETAIL

Smuggling of [REDACTED]

15. The following summary of [REDACTED] smuggling activities is based on a series of interviews conducted by ID/OIOS and a handwritten statement made by [REDACTED].

16. [REDACTED] was posted in [REDACTED]. As part of [REDACTED] had to make frequent trips to [REDACTED] to obtain [REDACTED] drove [REDACTED] a [REDACTED] with [REDACTED]. Starting in [REDACTED] smuggled [REDACTED] hidden [REDACTED]. Typically, [REDACTED] did not inspect the [REDACTED] smuggled [REDACTED] on [REDACTED] sometimes for [REDACTED] sometimes not, as detailed below. The [REDACTED] involved are provided in the following paragraphs, even if [REDACTED] did not know [REDACTED].

17. In [REDACTED] while in [REDACTED] picking up [REDACTED] was approached by [REDACTED] who begged [REDACTED] to smuggle [REDACTED] where [REDACTED]. After [REDACTED] agreed to do so that [REDACTED]. On the agreed date, [REDACTED] hid [REDACTED] smuggled [REDACTED] stated that [REDACTED] did this for [REDACTED] and did not seek [REDACTED].

18. In [REDACTED] another [REDACTED] persuaded [REDACTED] to smuggle [REDACTED]. Another [REDACTED] also asked to [REDACTED].

transported [redacted]. The [redacted] the [redacted] arrest at [redacted] these [redacted] who had [redacted] then asked [redacted] for assistance. [redacted] in turn contacted [redacted] and [redacted] who spoke to [redacted] then informed [redacted] that it was safe to [redacted] subsequently met with [redacted] who paid [redacted] paid [redacted] for [redacted]. Again, [redacted] received [redacted] for [redacted], claiming it for [redacted].

19. In [redacted], arranged to have [redacted] smuggle [redacted] from [redacted] for which [redacted]. Upon [redacted] paid [redacted] and kept [redacted].

20. In [redacted], [redacted] asked [redacted] to bring [redacted]. In addition [redacted] asked [redacted] to transport [redacted] asked [redacted] to transport another [redacted] left [redacted] had [redacted] and their [redacted] received a total of [redacted] and paid [redacted] to [redacted] and [redacted] to [redacted].

21. In [redacted] and [redacted] arranged to have [redacted] take [redacted] paid [redacted] in [redacted] and [redacted] in turn gave [redacted] for [redacted] also paid [redacted] when [redacted] arrived [redacted].

22. In [redacted] asked [redacted] to take [redacted] one [redacted]. In addition [redacted] a [redacted] to take [redacted] who [redacted] said that [redacted] would disguise as [redacted] a [redacted] also arranged transport with [redacted] for another [redacted] did not charge the [redacted] but charged those arranged by [redacted] and those arranged by [redacted] for a total of [redacted] paid [redacted] for [redacted] arrangements.

23. [redacted] yet another [redacted] asked [redacted] to transport [redacted] negotiated a fee of [redacted] also arranged for the transport of [redacted] while smuggling these [redacted] was arrested by [redacted] who also confiscated the [redacted].

24. [redacted] advised that upon [redacted] requested [redacted] to contact UN Security, but they refused to do so. [redacted] drove [redacted] and the [redacted].

to a [REDACTED], and locked [REDACTED] in a [REDACTED]. A [REDACTED] agreed to open [REDACTED] and the [REDACTED] arrested [REDACTED] and removed everything [REDACTED]. [REDACTED] was held alone in [REDACTED] and the [REDACTED] interrogated. [REDACTED] were then arrested. On the [REDACTED] the [REDACTED] was invited to view a [REDACTED]. At that time [REDACTED] implicated [REDACTED] in [REDACTED] smuggling activities.

25. [REDACTED] stated that [REDACTED] spent [REDACTED] in [REDACTED] without [REDACTED] or [REDACTED] were then transferred to another facility in [REDACTED] where they were interrogated every [REDACTED] by [REDACTED]. [REDACTED] was released by [REDACTED] authorities to [REDACTED] on [REDACTED].

26. In summary, [REDACTED] admitted that:

- o [REDACTED] smuggled [REDACTED] and [REDACTED] into [REDACTED].
 - o An additional [REDACTED] were arrested along with [REDACTED].
- [REDACTED] collected a total of [REDACTED] of which [REDACTED] retained [REDACTED] made payments of [REDACTED] respectively. The remaining [REDACTED] was seized by [REDACTED] upon their [REDACTED].

27. During the investigation, ID/OIOS learned that [REDACTED] had requested a [REDACTED] and a [REDACTED] to take [REDACTED] to [REDACTED]. [REDACTED] admitted this and that [REDACTED] had enclosed [REDACTED] in the [REDACTED]. Both [REDACTED] acknowledged that they had delivered [REDACTED] to [REDACTED].

28. The evidence provided by [REDACTED] has been verified by ID/OIOS to the fullest extent possible. While the information summarized in the proceeding paragraphs is believed to be factual, it was also apparent that [REDACTED] initially withheld certain information from the ID/OIOS investigators. [REDACTED] acknowledged that [REDACTED] had retained specific information from ID/OIOS in order to protect individuals whom [REDACTED] thought might be subject to government persecution in [REDACTED]. Once confronted by ID/OIOS with relevant facts, [REDACTED] did not seem to be reluctant in setting the record straight.

29. During [REDACTED] interviews with ID/OIOS, [REDACTED] stated that [REDACTED] willingly confessed to [REDACTED] crimes to the [REDACTED] authorities. Notwithstanding, [REDACTED] acknowledged that [REDACTED] had withheld certain information from the [REDACTED] authorities in order to protect those [REDACTED] felt might be subject to [REDACTED]. The investigation reports

provided by the [redacted] authorities to ID/OIOS also contained evidence obtained from the [redacted] found hidden in the [redacted] and [redacted]. ID/OIOS was denied access to these subjects so it cannot be confirmed how this information was obtained. The evidence summarized within these reports corresponded, for the most part, with the information [redacted] provided ID/OIOS – save again for the information [redacted] had originally withheld from both ID/OIOS and [redacted] in order to protect individuals who [redacted] thought might be subject to government persecution in [redacted].

Corroborating Evidence

30. The evidence provided by [redacted] has been verified by ID/OIOS to the fullest extent possible. ID/OIOS were able to locate only [redacted] that [redacted] is alleged to have [redacted] confirmed that [redacted] was a former [redacted] [redacted] stated that [redacted] paid [redacted] [redacted] arrange transport [redacted] and [redacted] transported by [redacted] [redacted] had related that this particular trip was made in [redacted], but a review of [redacted] [redacted] s confirms the trip was [redacted].

31. [redacted] told [redacted] that [redacted] was arrested along with [redacted] in [redacted]. However, when interviewed by ID/OIOS [redacted] denied having been arrested and also denied knowing or seeing anything concerning this incident.

32. [redacted] established that [redacted] and [redacted] well suited to the smuggling operations as indicated by [redacted].

33. During [redacted] interviews with ID/OIOS, [redacted] stated that [redacted] willingly confessed to [redacted] crimes to [redacted]. The investigation reports provided by the [redacted] to ID/OIOS corresponded for the most part with the information [redacted] provided ID/OIOS.

34. [redacted] confirmed that [redacted] had arranged transport of [redacted] with [redacted].

Smuggling of [redacted]

35. In the course of its investigation, ID/OIOS learned that [redacted] also smuggled [redacted] between [redacted] on behalf of [redacted]. [redacted] admitted having done this as a favour and stated that [redacted] received no remuneration for doing so. The shipments were relatively [redacted]. [redacted] acknowledged that [redacted] had once had purchased [redacted] for a [redacted] [redacted] acknowledged [redacted] involvement in reciprocal smuggling activities with [redacted] [redacted] which provides [redacted] [redacted] to [redacted] is a [redacted] who, at the time, was [redacted].

working under the direction of [REDACTED] [REDACTED] acknowledged receipt of [REDACTED] for [REDACTED] in [REDACTED] but denied having participated in [REDACTED].

36. [REDACTED] is [REDACTED], which provides [REDACTED] including [REDACTED] acknowledged to ID/OIOS that [REDACTED] had asked [REDACTED] to take [REDACTED] to [REDACTED] [REDACTED] advised [REDACTED] to drop [REDACTED]. [REDACTED] stated that [REDACTED] had a [REDACTED] deliver the [REDACTED] there. A short time later [REDACTED] also arrived at [REDACTED] and observed [REDACTED] in the company of [REDACTED] and [REDACTED].

Alleged Co-Conspirators

37. [REDACTED] denied any knowledge of [REDACTED] smuggling operations and any inference that [REDACTED] had solicited [REDACTED] services in this regard. When questioned [REDACTED] stated that [REDACTED] had borrowed [REDACTED] from [REDACTED] in order to [REDACTED] and returned them [REDACTED] later added that [REDACTED] had allegedly informed [REDACTED] that, [REDACTED] prior, people named [REDACTED] and [REDACTED] had called at [REDACTED] removed [REDACTED] from a [REDACTED] and the [REDACTED] put them on. This was corroborated by [REDACTED] and [REDACTED].

38. Although it is evidence that must be weighed accordingly, [REDACTED] also informed ID/OIOS that [REDACTED] had commented to [REDACTED] that [REDACTED] had been approached [REDACTED] to smuggle [REDACTED].

39. [REDACTED] denied any knowledge of [REDACTED] smuggling operations and any inference that [REDACTED] had solicited [REDACTED] services in this regard. Inquiries by ID/OIOS found no additional evidence against [REDACTED] beyond the information provided by [REDACTED].

40. [REDACTED] denied any knowledge of or involvement in [REDACTED] smuggling operations. In addition, [REDACTED] denied any involvement with [REDACTED] after they had arrested the [REDACTED] in [REDACTED] (see paragraph 18 above). ID/OIOS and [REDACTED] inquiries with the [REDACTED] also failed to substantiate the allegations. Indeed, the [REDACTED] did not acknowledge that they had attended at [REDACTED]. A witness who had informally provided the [REDACTED] with information concerning an alleged bribe told ID/OIOS that [REDACTED] did not know any specifics, but that [REDACTED] had heard that the [REDACTED] had been bribed. [REDACTED]

[REDACTED] who had provided information to [REDACTED] concerning the arrest of [REDACTED] in [REDACTED], recanted [REDACTED] statement when interviewed by ID/OIOS.

[REDACTED]

41. Following the arrest of [REDACTED] [REDACTED] was detained by [REDACTED]. After [REDACTED] released, [REDACTED] informed [REDACTED] that [REDACTED] had no knowledge of [REDACTED] smuggling operations, nor had [REDACTED] solicited [REDACTED] services in this regard. Subsequently, [REDACTED] was again arrested. ID/OIOS requests to interview [REDACTED] were denied by [REDACTED] and [REDACTED] remains in custody.

Other Issues

[REDACTED]

42. Upon receipt of the smuggling allegations, [REDACTED] the [REDACTED] was directed by [REDACTED] to participate in the [REDACTED] investigation at [REDACTED] did not immediately comply and the [REDACTED] had to repeat [REDACTED] instruction. At that point [REDACTED] requested [REDACTED] who had already been identified as one of [REDACTED] accomplices, to accompany [REDACTED] on [REDACTED] investigation. Many at [REDACTED] believe that [REDACTED] are related - therefore, some alleged that [REDACTED] was protecting [REDACTED]

43. Both [REDACTED] confirmed that they are from [REDACTED] but both denied that they were related and ID/OIOS was not able to find any evidence to the contrary. [REDACTED] told ID/OIOS that [REDACTED] had asked [REDACTED] to accompany [REDACTED] to [REDACTED] because, following the arrest of [REDACTED] [REDACTED] required that [REDACTED] crossing the [REDACTED] must have [REDACTED]. In addition, they were [REDACTED]. Both advised that [REDACTED] had work to do in [REDACTED] and that for the most part they were not together during the course of [REDACTED].

44. An analysis [REDACTED] records between [REDACTED] [REDACTED] produced nothing suspicious and further confirmed that they are not [REDACTED]. ID/OIOS found no evidence that [REDACTED] [REDACTED] withheld any information relative to the investigation or that [REDACTED] was in any way involved with [REDACTED] smuggling activities.

[REDACTED]

45. Upon meeting with the ID/OIOS team, [REDACTED] expressed disappointment with [REDACTED] for not taking action against [REDACTED] who violate their laws. They advised that [REDACTED] have been engaged in illegal

activities in [REDACTED] has taken no action when notified of such activities. The [REDACTED] stated that [REDACTED] had lost hope of action by [REDACTED] and therefore [REDACTED] was taking action against offending [REDACTED] [REDACTED] contains a [REDACTED] of allegations of the smuggling of [REDACTED]

46. [REDACTED] advised they would forward [REDACTED] ID/OIOS requests to interview [REDACTED] and the [REDACTED] [REDACTED] arrested. While cooperation with OIOS was inferred, ID investigators were never provided access to any of these people. Copies of investigative reports prepared by the [REDACTED] were, however, provided to ID/OIOS investigators.

47. [REDACTED] has made official requests to [REDACTED] and ID/OIOS to interview [REDACTED] [REDACTED] concerning their involvement with the activities of [REDACTED]

48. At the time of this investigation, [REDACTED] had no [REDACTED] Previous *ad hoc* appointments were short-lived. Several [REDACTED] interviewed by ID/OIOS during this investigation expressed concern regarding the lack of discipline in [REDACTED] The OIOS [REDACTED] noted, in its [REDACTED] report on "Review of the state of discipline in [REDACTED]", that the [REDACTED] did not produce an [REDACTED] on the number of [REDACTED] and there was no centralized database. Therefore, [REDACTED] could not confirm the exact number of [REDACTED] in [REDACTED] recommended that [REDACTED] establish a well-integrated [REDACTED] system, but it has yet to be implemented.

Missing and Arrested [REDACTED]

49. The [REDACTED] informed ID/OIOS that there are [REDACTED] and that in the period [REDACTED] in [REDACTED] abandoned their [REDACTED] and were therefore separated from [REDACTED] of these [REDACTED] subsequently submitted [REDACTED]

50. [REDACTED] provided ID/OIOS with records that showed that [REDACTED] had been arrested by [REDACTED] With the arrest of [REDACTED] are currently [REDACTED] in [REDACTED]

[REDACTED] Situation

51. The [REDACTED] provided information that since the end of hostilities between [REDACTED] approximately [REDACTED] have claimed [REDACTED] claiming [REDACTED]

[redacted] and to avoid [redacted]. Most [redacted] state that if they are returned they will face severe [redacted] at the hands of [redacted].

52. [redacted] also advised that [redacted] are leaving the [redacted] to avoid [redacted] and the [redacted], and have received reports that [redacted] have orders to [redacted]. They reported that [redacted] have been [redacted]. Additionally, many, including [redacted] have been [redacted] without [redacted].

VI. FINDINGS

53. In [redacted] and [redacted] smuggled [redacted] into [redacted], claiming [redacted] did so for [redacted] actions were a violation of [redacted] and a serious detriment to the [redacted] of [redacted].

54. From [redacted] smuggled [redacted] for [redacted]. For these services [redacted] collected [redacted] of which [redacted] retained [redacted].

55. In the period [redacted] and [redacted] were involved in the smuggling of [redacted] and [redacted] and [redacted]. The motive behind these operations was not one of [redacted] but rather the provision of [redacted] to [redacted].

56. [redacted] admitted [redacted] involvement in the smuggling operations and [redacted] confirmed [redacted] involvement.

57. [redacted] claimed that [redacted] smuggling activities were aided and abetted by [redacted]. While [redacted] has denied any involvement, [redacted] gave evidence that [redacted] had requested [redacted] services to smuggle [redacted] into [redacted] provided [redacted] overalls for the [redacted] which [redacted] put on at [redacted]. [redacted] evidence was corroborated by [redacted].

58. [redacted] claimed that [redacted] smuggling activities were aided and abetted by [redacted]. [redacted] denied any knowledge of or involvement in [redacted] illicit operations. Without any corroborating evidence, ID/OIOS is unable to substantiate [redacted] allegations.

59. [redacted] claimed that [redacted] smuggling activities were aided and abetted by [redacted] denied any knowledge of or involvement in [redacted] illicit operations. Without any corroborating evidence, ID/OIOS is unable to substantiate [redacted] allegations.

60. [redacted] claimed that [redacted] smuggling activities were aided and abetted by [redacted] Corroborating evidence was provided by witness accounts obtained by the [redacted] through unknown means during the course of their investigation. ID/OIOS was denied access to [redacted] and has not been afforded the opportunity of responding to the allegations against [redacted]. Therefore, there are no findings against [redacted] at this point.

61. [redacted] concerning the [redacted] arrested in [redacted] Inquiries with [redacted] were inconclusive and [redacted] denied any knowledge of or involvement with [redacted] activities. While [redacted] inferred that a bribe had been paid [redacted] had no direct evidence in this regard and the witness who had inferred such activities to [redacted] recanted testimony when interviewed by ID/OIOS. These allegations against [redacted] were not substantiated.

62. ID/OIOS inquiries regarding [redacted] found no evidence of misconduct. Reports that [redacted] related to one of the alleged conspirators could not be established, nor was evidence found to indicate that [redacted] withheld any information relevant to the [redacted]

63. The arrest and detention of [redacted] was a violation of the [redacted]

64. The arrest and detention of [redacted] and other [redacted] in [redacted] is a violation of the [redacted]

65. Evidence from [redacted] indicates citizens of [redacted] are [redacted] to escape what they consider to be [redacted] [redacted] has alleged that [redacted] directly promotes and facilitates the [redacted] ID/OIOS review of [redacted] investigations of [redacted] indicates that [redacted] have acted on their own accord. The continuance of such occurrences involving [redacted] assets, however, does indicate a significant degree of negligence on the part of [redacted] as does its failure to implement a comprehensive complaint reporting system and/or [redacted]

VII. CONCLUSIONS

66. [REDACTED] motivated by personal and financial [REDACTED] smuggled [REDACTED] and in so doing undermined the independence of the [REDACTED] and their actions were in violation of the [REDACTED]. This is in violation of rules 1, 3 and 6 of the Rules of Conduct for [REDACTED].

67. [REDACTED] member [REDACTED] motivated by personal and financial [REDACTED], conspired to smuggle [REDACTED] and in so doing undermined the independence of the [REDACTED] and [REDACTED] actions were in violation of the laws of [REDACTED]. This is a violation of Staff Regulation 1.2 (b) and Staff Rule 101.2 (c).

68. [REDACTED] smuggled [REDACTED] between [REDACTED] [REDACTED] which contravened the laws of [REDACTED]. This is in violation of rules 1, 3 and 6 of the Rules of Conduct for [REDACTED].

69. [REDACTED] conspired to smuggle [REDACTED] to [REDACTED] which contravened the laws of [REDACTED]. This is in violation of Staff Regulation 1.2 (b) and Staff Rule 101.2 (c).

70. [REDACTED] conspired to smuggle [REDACTED] into [REDACTED], which contravened the laws of [REDACTED].

71. [REDACTED] conspired to smuggle [REDACTED], which contravened the laws of [REDACTED].

72. Allegations that [REDACTED] were associated with [REDACTED] illicit activities were not substantiated.

73. Allegations that [REDACTED] withheld information pertinent to the [REDACTED] investigation were not substantiated.

74. Allegations that [REDACTED] was involved with [REDACTED] illicit activities cannot be verified until [REDACTED] is provided the opportunity to respond to the allegations.

75. Allegations that the [REDACTED] has directly promoted the [REDACTED] are unfounded. However, [REDACTED] was negligent in not preventing the use and exploitation of [REDACTED] to facilitate their [REDACTED] and for [REDACTED]'s failure to implement a comprehensive complaint reporting system and [REDACTED].

76. Arrests of [REDACTED] and [REDACTED] by [REDACTED] are in violation of the [REDACTED] and the [REDACTED]

VIII. RECOMMENDATIONS

77. In light of the preceding Findings, ID/OIOS makes the following recommendations:

Recommendation 1: It is recommended that [REDACTED] take appropriate action in relation to the conduct of [REDACTED]

Recommendation 2: It is recommended that [REDACTED] take appropriate action in relation to the conduct of [REDACTED]

Recommendation 3: It is recommended that [REDACTED] take appropriate action in relation to the conduct of [REDACTED]

Recommendation 4: It is recommended that [REDACTED] advise [REDACTED] that its [REDACTED] violated [REDACTED] law. ([REDACTED])

Recommendation 5: It is recommended that [REDACTED] advise [REDACTED] that its [REDACTED] violated [REDACTED] ([REDACTED])

Recommendation 6: It is recommended that [REDACTED] take appropriate steps to ensure its [REDACTED] are fully cognizant of the requirements for [REDACTED] upon any [REDACTED] and the consequences for facilitating any such [REDACTED] without proper [REDACTED]

Recommendation 7: It is recommended that [REDACTED] take appropriate steps to mediate terms of the request of [REDACTED] to interview [REDACTED]

Recommendation 8: It is recommended that [REDACTED] take appropriate steps to secure the release of all [REDACTED]

Recommendation 9: It is recommended that upon completion of talks relative to the extension and/or amendment to the mandate of [REDACTED] establish a [REDACTED]